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

DR. NAGEN SAIKIA: Yes, Sir.

THE 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 that 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.

THE VICE-CHAIRMAN (SHRI 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.

DR. NAGEN SAIKIA: I want to register my protest. It should be registered through the process of voting.

THE VICE-CHAIRMAN (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.

THE CONSTITUTION (AMEND-MENT) BILL, 1991 (INSERTION OF NEW ARTICLE 117A)

SHRI RAJNI RANJAN SAHU (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 Sables in certain cases.

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

Mr. Vice-Chairman. Articles 112 and 117 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 required 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 Gov-

如果了她们还要不是那么可怜的话,我不是一个的话,我看到那么一个的话,"你们这一样的我就看起来,我看到了,我也没有一个的话,我也是不会不是一个人,他们就是这么一

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

The Rajya Sabha is a continuous body and not subject to dissolution Just as under Articles 352 and 356 Rajya Sabha can extend the life of proclamations issued under these Articles when the dissolution of the Lok Sapha takes place, it is felt that 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 Spr ha 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 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.
- (3) The following expenditure shall be expenditure charged 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 Deput; Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the Peeple:
- (c) debt charges for which the Government of India is liable including interest, sinking 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 respect 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;

(Amdt.) Bill, 1991

[Shri Rajni Ranjan Sahu]

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

We have adopted the broader principles of financial legislation from England. The financial procedure in England as summed up by Sir Erskine 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 Rajya 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 that it or by reason rendered. 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 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 completed 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 apply with such variations and modifications as the Chairman of the Council of States may direct."

The 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 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 most cause a delay of one month in the passing of a Money Bill. This superiority in the matter of financial legislation has given to the House of Commons a position of absolute supremacy in the English political system. Although our political system has to some extent conformed to the English 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

the England the estimates and annual financial statements, i.e. the to the Budget, are presented only House of Commons. They are not submitted to the House of Lords and the Elders have no concern with them. Constitution ın our Article 112(1) as also under the 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 legislation. The House of Commons does proposal not consider a financial until it has been considered in one of the two committees of the whole Committee of House—the and the Committee of Ways and Means. As soon as the debate on the Budget Speech is concluded, the House of Commons in the United Kingdom sets up two committeesthe Committee of Supply which considers the grant of money that will be required and the Committee of Ways and Means which authorises issue of all the sums required to meet the grants voted by the Commitee 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

(Insertion of New Article 117A,

debate. The situation in our country is different. But we had adopted the Brtish 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.

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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 दूंश दत्त यादव (बिहार) माननीय उपसभाध्यक्ष महोदय, श्री रजनी रंजन साह जी ने जिस विधेयक को

प्रस्तुत किया है मैं इसका समधन करता हूं। मान्यवर, मैं धन्यवाद भी देना चाहा। 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 भीर राज्य सभा दोनों से है तो फिर दोनों में विभिन्नता नहीं रहनी चाहिये। लोक सभा में जो प्रतिनिधि द्याते हैं वे जनता के द्वारा निर्वाचित किये जाते हैं लेकिन राज्य सभा में भी जो प्रतिनिधि हम सब लोग चुनकर धाते हैं, हम भी चुनाव के जिस्मि भ्राते हैं । हमको कौन चुनता है जो रिप्रेजेंटेटिव होता हैं?, एक लाख, 'डेंड ल**ंख या दो ल**ंख मतदातःम्रों का वह हमको चुनता है। एक प्रकार से हमारा क्षेत्र पूरे प्रदेश का होता है, पूरा विस्तृत क्षत्र हमारा होता है। हम भी जनता की समस्याों से भ्रवगत होते हैं श्रीर जनता के बीच में काम करते हैं जो जन प्रक्षितिधि यहांचनकर ग्राते हैं राज्य सभा में । फिर दोहरा मापदंड नहीं होना चाहिये कि जो वित्तीय विधेयक है या धन सबंधी मामल है जाको केवल लोक सभा से ही परित कराया जाय। डिमांडल जो होती हैं गांटस की उनको दोनों सदनों में पतित होना चाहिये। लोक सभा में तो विचार होता ही है वहां उसका पारण किया ही जाता है। यह सही है कि राज्य सभा में वे वित्तीय ग्रधिकार नहीं है जो लोक सभा को दिये गये हैं। ये प्रधिकार राज्य सभा को भी मिलने च।हिए क्योंकि ये वित्तीय मामले होते हैं जिनका सबंध देश की ग्रर्थव्यवस्था से है जिनका संबंध राजस्व प्राप्तियों हैं जिनका संबंध देश के खर्च व्यय से हैं। इसलिये जो ग्रांटस पेश की जाती हैं लोक सभा के भन्दर उनको यहां भी उसी तरह से पारित होना चःहिये जैसे दूसरे विधेयक्त या दूसरे बिल लोक सभा धौर राज्य सभा दोनों से पारित किये जाते हैं। मान्यवर, यह जरूर है कि हमारे देश का संविधान बहुत कुछ प्रशों में ग्रेट ब्रिटेन के संविधान के अनुकरण पर बनाया गया है लेकिन हुमारे देश की परिस्थितियों भीर उन

परिस्थितियों में प्रन्तर हमारे संविधान निर्माताओं ने जो देश के बहुत बड़े राजनीतिज्ञ थे, जो कर्णधार थे इस देश के, जिन्होंने धाजादी की लड़ाई में बहुत बड़ा योगदान दिया था प्रौर जिन्होंने संसद के सेंट्रेल में बैठ कर के इस देश के संविधान का निर्माण किया था, वह इस देश के शुभ-चितक लोग थे, वह इस देश का भला चाहते थे। वह इस देश के जनतंत्र को मजबूत देखना चाहते थे, देश की एकता ग्रौर ग्रखंडता को चाहते थे।

लेकिन मान्यवर, उन दिवंगत स्रात्मात्रों के प्रति श्रौर उन महान विधिवताश्रों के प्रति श्रौर उन महान विधिवताश्रों के प्रति हार्दिक सम्मान रखते हुए मैं यह कहना चाहता हूं कि देश की परिस्थितियां श्रव बदली है। ग्राज से चालीस साल पहले संविधान बन था श्रौर जब बना, तो इन चालीस सालों में देश की परिस्थितियों में अन्तर श्राया है, देश की समस्याश्रों में फर्क पड़ा है श्रौर जनता की श्रावश्यकताश्रों में भी श्रन्तर श्राया है।

इसलिए, मान्यवर, मैं इस विषय पर कोई लम्बा भाषण न देकर, श्री रजनी रंजन साहू जी के इस विधेयक का जोरदार स्वागत कर रहा हूं और ग्राप के माध्यम से मांग कर रहा हूं—माननीय गृह मंत्री जी यहां बैठे हुये है— कि सरकार इस पर गंभीरता से विचार करे। यह प्राइवेट मेंबर्ज बिल है और वह भी सत्ता पक्ष के माननीय सदस्य की ग्रोर से ग्राया है। यह तो इसे वापिस ले ही लेंगे, लेकिन उन्होंने...(ध्यवधान)

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

श्री ईश दत्त यादव : लेकिन साहू जी ने एक बहस का बहुत श्रच्छा मुद्दा संसद में उठा दिया है । मैं इसका समर्थन करता हूं और श्रापके माध्यम से मांग करता हूं कि सरकार इस पर गंभीरता से विचार करे । जैसे और संशोधन होते चले जा रहे हैं, श्रभी कल ही हमने 74वां संविधान संशोधन पारित किया है।

मैं श्रापके माध्यम से माननीय गृह मंत्री जी से श्रीर भारत सरकार से चाहूंगा कि यह बहुत महत्वपूर्ण संशोधन श्रपने 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 मैं भ्रापका गृदय से भ्राकार प्रकट करता हूं। घन्यवाद।

श्री सरेड जीत सिंह ग्रहलुबालिया (बिहार) : उपसभाष्यक्ष जी, संविधान संशोधन विधेयक, जो इन्होंने राज्य सभा को फाइनेंस बिल को भी पास करने के लिये और डिसकस करने के ग्रधिकार की मांग की है, मैं इसके स**मर्थन में** खड़ा हुम्रा है भीर यह शायद हमारे पूर्व पुरुष, जिन्होंने हमारा संविधान बनाया था, उनके दिल में ऐसी बात नहीं **भाई** थी कि ऐसी भी जरूरत पड़ेगी, क्योंकि हमारा संविधान, करीब-करीब लोक सभा ग्रौर राज्य सभा के काम जो है, वह ब्रिटिश हाउस ग्राफ कामंस **भौर हाउस** ग्राफ लाईज के बराबर ही है ग्रीर उसी हिसाब से रखा गया था। पर पिछले कूछ वर्षों में भारत वर्ष में जो **राज**-नैतिक उथल-पुथल हुई ग्रौर उस उथल-पुथल में कुछ ऐसी राजनैतिक परिस्थितियां बनी भौर ऐसी राजनीतिक पार्टियां इस देश में राज करने के लिये सामने ग्राई, जिनके राजनैतिक कार्यकलापों के कारण बीच में ही सरकार टूट गई ग्रौर ऐसा देखने में स्राया कि एक संवैधानिक संकट के देश को एक ग्रायिक 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 एहते हुये भी उनके पास कोई ग्राधार नहीं है। इसलिये उस ग्रायिक संकट ग्रीर उस राजनैतिक संवैधानिक संकट का सामना करने का तरीका सिर्फ एक ही रहता**है**∽ चनाव ।

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्र [श्री सुरेन्द्र सिंह अहलुवालिया]

हम लोगों के पास दो बार ऐसे माहौल प्राये कि चुनाव कराने का माहौल नहीं था, चुनाव नहीं किया जा सकता था,

बड़ा ही तनावपूर्ण वातावरण था, 5.00 Р.м. देश में कर्प्यू लगा हुआ था देश में कर्फ्यू लगे हुयें थे, देश में कौमी देंगे

हो रहे, थे किन्तु साथ-साथ ग्राधिक संकट भी खड़ा था। हमारे पास मजबूरी थी ग्रौर मजबरन हम लोगों को ।

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

ंश्रीलाग्डीराम **ग्र**ावाल (मध्य प्रदेश): उपसभायक्ष महोदय, सर्वरे 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 श्रौर...(व्यवधान)

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

श्री सुरेद्रजोत तिह ऋहतुवालिया मध्य प्रदेश के एस०एल०ए० . (व्यवधान)

VICE-CHAIRMAN NAGEN SAIKIA). Don't create noise in the House.

श्रो सुरेन्द्रजीत विह अहलुवालियाः महोदय, इस बात को सुबह 11 00 बजे उठाया गया था ग्रीर भव हमें इनका स्पष्टीकरण नहीं चाहिये । (ग्यवधान))

THE VICE-CHAIRMAN NAGEN SAIKIA). Kindly sit down. बैंड जाउंथे Let me hear what he is saying. (Interruptions) Mr. Ahluwalia, Mr. Narayanasamy, kindly sit माथ २ जी, बैठिये ।

श्रीलक्खीराम अप्रवाल : महोदय, सच्ची बात सुनने का साहस नहीं है। ... (ब्यवधान)

Article 117A)

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

श्री सुरे दर्जी: बिह ग्रहलुवालिया : हमें स्पष्टीकरण नहीं चाहिये । . . (व्यवधान)

श्री ल खोराम श्रग्रवाल : उपसभाध्यक्ष महोदय, सवेरे बहुत गंभीर बात कही गई है । मध्य प्रदेश सरकार, · (व्यवधान)

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

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

श्रीलक्बीरामध्रावाल : मैं अःपका समर्थन चाहता हु.. (ब्यवधान)

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

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

THE VICE-CHAIRMAN (DR. NA-GEN 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

श्री सुरे द्रजी शिंसह अहल वालिया : सुन्दर लाल पटवा ने जवाब दिया है यो नहीं दिया है ?

श्री लक्खी**राम श्रग्रवा**ल : उनसे बात हइ है. . . (ब्यवधान)

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Kindly sit down. Ahluwalia. Mr. Naravanasamy, 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 (Interruptions) Mrs. Satya Bahin. no personal argument is going on record.

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श्रीमती सत्या बहिन (उत्तर प्रदेश) आपके मुख्य मंती .... (व्यवधान)

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

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Mathurii, 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 be given. No other Member can possibly... (Interruptions) Just a minu-Wait for some time. If it is a personal allegation, certainly have every right to give a personal explanation, if any allegation is made But if every Party would have take upon itself that if any allegation is made against the Party, every Party Member can stand up and speak as if they are part and parcel of the Government, that will not be correct procedure. I have promised in the mouning that I will get the Madhya report from Government, And on that basis, 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.

श्रीजगदीश प्रसाद माथुर (उत्तर प्रदेश): मंत्री महोदय, यह . . . (व्यवधान) ...नहीं... (व्यवधान)

(Insertion of New ...

Article 117A).

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

थी जगदीश प्रसाद माथुर : यह गृह मंत्री की एक राजनीतिक चील है। ... (व्यवधान).... वह हमारा स्टेटभेंट नहीं सुनाना 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 माथर : आप हमारा मह बंद मत करिए :... (व्यवधान)

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

श्री अगदीश प्रसाद माथर : \*\*

श्री सुररेन्द्रजीत सिंह ग्रहतवालिया ः

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

श्री जगदीश प्रशाद माथुर : \*\*

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

> प्रसाद मधिर : \*\* श्री लगदीश

श्री लक्खीराम मग्रवाल : \*\*

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भी सुरेन्द्रजीतितह ग्रहनुवालिया : \*

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श्री तगदीश प्रसाद माथुर :

श्रील≀बीरामध्रववाल : '

श्री ग्रनन्तराय देवशंकर दबे: \*

सिकन्दर बख्तत (मध्य प्रदेश) : माथुर साहब एक मिनिट रुकिए... चलते हैं। मैं खाली यह कहने जा रहा हं, सदर साहब मैं यह कहना चाहता हूं, मैं सिफ यह ग्रर्ज करना चाहता हूं, मैं होम मिनिस्टर साहब के नोटिस में यह ले ग्राया हुं कि चीफ मिनिस्टर साहब मध्यप्रदेश से बातचीत हो चुकी है श्रीर श्राज जो इतने कथामत के शोर के साथ ये इत्जाम लगाया गया मध्य प्रदेश की गवनमेंट पर, यह बिल्क्ल . . . (व्यवधान) • •

श्री जगवीश प्रताद माथ्र : \*

भ्रो विठ्ठलराव माधवराव जाधव : \*

श्री सिकन्दर बज्त: मुझे ग्रर्ज करना है कि वह बिल्कुल बेबूँनियाद है। मस्जिद सौ फीसदी महफूज है। मैं यह चाहता हूं कि मस्जिद सौ फींसदीं मह्मूज है मस्जिद की एक ईट को भी नकसान नहीं हुआ है।

श्री लरे ः सिंह ठाकुर (मध्य प्रदेश): गलत कहरहे है।

श्री सिकादर बख्ता : ग्रब ये शब्द का मैं इस्तेमाल नहीं कर सकता हूं, लेकिन मैं कहना चाहता है कि जितना शोर ग्राज सुबह बताया गया था, वह सौ फीसदी गलत-बयानी पर म**बन**ि है और इस किस्म का उधम मचाकर पालिटिकल मायलेज निकालने की कीशिश करना गलत है। ग्रगर होम मिनिस्टर साहब ने यह करों है कि हमें यह बोजने का हक नही है तो हमारे साथ सक्तरीन नाइंसाफी

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 बख्त : भ्रापका फरमाना क्याहै?

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

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

SHRIMATI JAYANTHI NATARA-JAN (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, listen to me. (Interruptions) Mr. Mathur said something, all of you stood up and started ... (Inter-Kumari Sayeeda ruptions) Khatun, please sit down. Nothing is going on record. (Interruptions) P1ease listen to me. (Interruptions) Mrs. Jayanthi Natarajan, kindly listen 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 is going on record.

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

<sup>\*</sup>Not recorded.

THE VICE-CHAIRMAN (DR. NA-GEN SAIKIA): Mrs. Jayanthi Natarajan, kindly listen to me. I will permit you. I will give you (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 through the record. If I find that there is something wrong, it will be punged from the record. (Interruptions)

SHRIMATI JAYANTHI NATARA-JAN: 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 SAIKLA): Mrs. Jayanthi Natarajan, I have followed.

SHRIMATI JAYANTHI NATARA-JAN: He must apologise.

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

SHRI V. NARAYANASAMY: Hρ must repent for this.

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

SHRIMATI JAYANTHI NATARA-JAN: Sir, I have not completed my point of order. I say with all 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

expunging it from the record. It is not enough.

AN HON. MEMBER: What did he

SHRIMATI JAYANTHI NATARA-JAN: 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) Home Minister is the Leader of the House. (Interruptions)

SINGH THA-SHRI SURENDRA KUR: 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 NATARA-JAN: Sir, give your ruling on point of order.

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

श्री सुरेश पचौरी (मध्य प्रदेश) : महोदय, इस विषय में श्राप रूलिंग (व्यवद्यान)

मीलाना प्रीबंदल्ला खान प्राजमी (उत्तर प्रदेश) : सर, हाऊस के लीडर के खिलाफ जी बात भी कही गई उसको रिकार्ड से भी निकाला जाय धीर उसकी गरिमा बनाई जाय । साथ ही साथ में यह अर्ज करना चाहता हं कि हाउने की तमाम पार्टी से एक-एक मेम्बर लेकर [श्री मौलाना आवेंदुल्ला खान आज्मी] इस मसले की छानवीन के लिए उस मूकाम पर भेज दिया जाए तांक सही रिगोर्ट यहां ग्रा जाय कि मामला क्या है।...(व्यवधान)...

The Constitution

(Amat.) Bill, 1991

## †[مولانا عبيداللة خان اعظىي

(اتر پردیش): سر هاؤس کے خلاف جو بات کہی گئی ہے اسکو ریکارڈ سے بھی نکاۂ جائے اور اسکی گریما بدائی جائے - ساتھ ھی سانہ میں یہ عرض کرتا چاھتا ھوں کہ هاؤس کی تمام پارٹی سے ایک ایک سمبو لے کر اس مسئلہ کی چھاں بین کیائے اس مقام پر بھجدیا جائے تاکه صحیح رپورٹ یہاں آ جائے کہ معاملہ دیا ہے ... (مداخات) ..]

SHRIMATI JAYANTHI NATARA-JAN: Instead of apologising. he ran away. (Interruptions)

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

SHRI VITHALRAO MADHAVRAO 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)

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 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 this.

SHRI DIPEN GHOSH (West Bengal): Mrs. Jayanthi 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

<sup>†[]</sup> 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.

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

उपसभाध्यक्ष जी. जैसा कि ग्रभी श्रीमती जयन्ती नटराजन ने, प्रोफंसर ठाकुर ने फ्रीर दीपेन घोष जी ने कहा है, हम लोग भी इस बात को बहुत स्नावण्यक समझते हैं कि सदन की मर्योदः के लिए श्रीर सदन नेता की गरिभा के लिए यह ग्रावण्यक है कि इस तरह की बत प्रगर कोई भी सदस्य और किसी भी दल का सदस्य अगर इस तरह की बात कहता हो तो इसे हम सदन की . ग्रवम**ानना धौर जनतंत्र पर धब्ब**ं मानते हैं। इसलिए क्रापके माध्यम से हम जो कुछ भी कहा गया हो, उसके लिए यह ब्रा**व**ण्यक समझते हैं कि एक तो उसे सदत की कार्रवाई से निकास जाए... (व्यवधान) \cdots

श्री सुरेद्रजीत तिह ग्रहलुबालिया : नहीं । (ब्यवधान)

श्री शंकर दथाल सिंह : मेरी बात तो मुन लीजिए । (व्यवधान) श्रीर जिन्होंने इस बात को कहा है, मैं यह जरूरी समझता हूं कि जनको इस बात के लिए माफी मागनी चाहिए तभी सदन की गरिमा बचेगी । हम लोग जितने यहां पर उपस्थित हैं, हम इसके साथ हैं । केवल सदन के नेता का ही सवाल नहीं है बल्कि वेसे भी चव्हाण सहब की हम प्रतिष्ठा करते हैं श्रीर हम जानते हैं कि चव्हाण सहब जो भी बातें कहते हैं, बड़ी गंभीरता के साथ धौर बड़े उत्तरदायिस्व के साथ कहते हैं।

श्री मोहम्मद ध्रफजल उर्फ मीम श्रफजल : सर, एक बात...

†[شری محمد افضل عرف م- افضل: سر -آیک بات - . . . . ]

THE VICE CHAIRMAN (DR. NAGEN SAIKIA): What new points are you going to make?

श्री मोहम्मद ग्रफजल उर्फ मीम **ग्रफजल** : सर, एक ब<sup>्</sup>त में **कहना** चाहताहं कि हमारे लीडर ने कहा कि इसको एक्सपंज किया जाए, मैं **इससे** इत्तेफाक नहीं करता श्रौर इसकी मिसाल देता हुं कि पहले भी भारतीय जनता पार्टी के मैम्बर्स की तरफ से इस तरह के रिमार्क्स हए हैं धीर उन्हें एक्सपंज करने के लिए कहा गया। मैं यह कहता हं कि जो वे लोग यहां कहते हैं उसको रिकार्ड में जानः चाहिए और श्रादाम को पता लगना चाहिए कि स्राप हजरात का एटीट्युड इस घानरेबल हाऊस के भ्रंदर लीडर ग्राफ दि हाऊ**स के तई** जब यह हो सकता है तो मुल्की ग्रावाम के हाई क्या रहता होगा ? इसलिए मैं श्रापसे कहंगा धौर शकर दयाल सिंह जी से माजरत के साथ कहंगा <mark>कि इसको</mark> व कई रिकार्ड से एक्सपंज नहीं किया जाता चाहिए धौर उनको यहां बुलवाकर मःकी मगवःनी चःहिए ग्रौर ग्रगर वे माफी नहीं मांगते तो ग्राप पर हम छोडते हैं कि ऐसे किसी मैंम्बर **को**, लीडर की नहीं एक मैम्बर की हैंसियत से भी उनको यह हक नहीं पहुंचता कि वें किसी के खिलाफ ऐसी बात कहें.। . (व्यवघान)

<sup>†[]</sup> Transliteration in Arabic Script.

ىشرى محدافصل عرويم ياقصل : مسراكي بات میں کونا جا ہتا ہوں کر ہما سے لیٹررنے کہاکہ اس کو اکیس پنج کہا جائے میں اس سے رتفاق تنبس كرتا اوراس كي مثال ديتا ببوب كريسيطي معارته يرحنتا بارقى كي مبرس كيطرف سے اس طرح کے رکمارکس ہوتے ہی اور انہیں اكيس بيح كرنے كے لفركها كما ير ايركهتا ميون كهجروه توكس يميال كيتي بمي الس كوريكارك میں جانا چاہتے اور عوام کو میتر نگنا چاہتے کہ المصطرات كالتي تتوفراس أنسيل الوس کے اندرلیگرد آن دی باؤس کے تین سے یہ ہوسکتا ہے توسکی عوام کے تنین کیا رستا مؤكاراس ليئرمين آب سي كبونكا ورشنك دبال سنگوش سے معذرت کے ساتھ کہوں گا کہ اس كو واقعى ديكار كديسي الكس ينج تنهي كسا جانا جاسيئيے اوران كو بيبال بلواكم معافى منگوانى حایثے اور اگر*دہ* معافی نہیں مائ<u>گتہ</u> تو آ<u>ب</u> ہے بم تصور سے بر کرا لیسکسی ممبرکو لیڈر کی ىنىس ائىمىم كى تىتىت سىيەلىمى ان كورىرى بنهر بهیمنا می و وکسی کے خلاف السی بات كيس ..." مداخلت"

श्री मोहम्मक खलीलूर रहमान (मान्ध्र प्रदेश : बाइस चेबरमैन साहब, मैं एक मिनट स्गा।

سري محد خلسيل التيمن : **وانسب خميمريين صاح** میں *ایک منٹ بوں گار* 

Article 117A)

(Insertion of New

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

श्री मोहम्मद खलीलुर रहमान : मैं एक ही मिनट में खत्म करता ह, महोदय। लीडर श्राफ दी हाऊस के ताल्खेक मि० जगदीश प्रसाद माथुर का जो रिमार्क रहा है वह इंतहाई बदबख्ताना रिमार्क है भ्रीर मैं समझता हं कि जहां तक हमारे इस ग्रॉगस्ट हाऊस के प्रेस्टेज का जो सवाल है, यानी मि० माथुर को उनके रिमाकं पर पूरी-पूरी सजा मिलनी चाहिए । अब सवाल यह पैदा होता है, या तो उनको बुलाकर चाहे माफी मगवाये, अगर वह माफी चाहने के लिये तैयार नहीं हैं तो उनको कोई पनिशमेंट देनी चाहिये।

تشري تحليل الرحمن : من أيك بي منظم من خر البول مهوديير يسترراف دي الوس تريعلن يقيم سمر حكدش بريساد ماتفركا حوركارك رام سے کہ انتہائی بد بختار رہمارک سے اور میں سمجیتا ہوں کرجیال کے سمالیہ اس اكسط الوس كے رئيے في كاجوسوال ساتني مسطر مانقر كوان كيسوال بيد بورى لورى سرا ملنى حابيت اسسوال ببرسيدا موياب يايو ان كو بلاكرجا بدمعاني منكواش أكروهماني جلسنے کے لئے تیادنہی توان کو کوئی میشمنط دمني حياسيتيس

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एक सम्मानित सदस्य : पनिश्रमेंट जरूर देनी चाहिए।

THE VICE-CHAIRMAN NAGEN SAIKIA): Honourable Members, I have already stated that I shall immediately check up the record and find out the words he has used.

SHRIMATI JAYANTHI NATARA-JAN: 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, 1991 —Contd.

श्री मोहम्मद ग्रफजल उर्फ मीम सफजल (उत्तर प्रदेश): मोहतरम, वाईस चेयरमैन साहब, दिल्ली ग्रसेंबली लाने के सिलसिले में जो बिल यहां पेश किया गया है, मैं उसे खुनामदीद कहता हूं। दो नायरों ने इस सिलसिले में दो मिसरे कहे हैं, जो कि बव्हाण साहब की नजर करना बाहुता है:

"कहत देर की मेहरबां श्राते<del>-का</del>ले, . . . (व्यवदान) . . .

شيئ محدافه ناعرف مانسل بحترم وانس حيترين صاحب ول اسمبلي لانے كيے سليط مرحوب بيال ميش كماكميا سع مين استخرش الديدكهتا بيول دونشاعون بيطس سيبيرس دمه عري كي بس حوكر حوال لحد كى ندر كرنا چا ښتا بېون ؛ سبت دمری میران کست است." مداخلت!"...

सम्मानिस सबस्य : ग्रा गये-ग्रा गये, बी. जे. पी. के सदस्य । . . (व्यवधान)

श्री लम्बीराम संस्वाल (मध्य प्रदेश) हाउस आफ्की जागीर है क्यों, जो नहीं ग्रायेंगे ? ... (व्यवधान)

श्रीमती सुवमा स्वराज (हरियाणा) श्राप लोग भी व्यक्षकाउट करते हो, वन आप बाते हो या नहीं माते हो; ती फिर कोई नमी बात है क्या ? . . . (व्यवधान)

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

थी मोहम्मद अफ्जल उर्फ मीम अफेजल : सर, एक्सचेंजेज बंद हो जाबे तो मैं शह कहा ।

ا تهي محدّ افعنل مُروب م -افعنل بموكين بينج سندس مايم آوم راشه ع ممول -

THE VICE-CHAIRMAN NAGEN SAIKIA): Yes please go on.

भी महिम्मद प्रकाल उर्फ मीम प्रकाल : सर, में वह कहना चाहंगा कि दिल्ली के बारे में एक कहावस है कि वह सात बार उजड़ी भौर सात बास बसी। श्रफ़सोस की बात यह

"[] Transliteration in Arabic Script.