

श्री राम अवधेश सिंह : इतनी सीरियस बात सदन में आ गयी ।

श्री सभापति : आप जो कर रहे हैं इसका मतलब यह है कि आप सीरियस नहीं हैं । आप समझते हैं आप ने बोल लिया आपकी बात छप गयी और काम हो गया ? जी नहीं ऐसा नहीं है । इसका असर क्या है, क्या नहीं है, यह भी देखना है । सही बात यह है कि इस देश में इस तरह की बात कहीं नहीं होगी और इसके लिए हमें रास्ता निकालना है । यह इस पार्टी या उस पार्टी के एडवोकेट की बात नहीं है । इस व्यक्ति के एडवोकेट या उस व्यक्ति के एडवोकेट की बात नहीं है । अगर हमारे देश में एक महिला के साथ ऐसा व्यवहार होता है तो मैं आपको बता दूँ कि यह हाउस आपके साथ है । अभी आपने देखा है कि हाउस के साथ साथ कोर्ट भी आपके साथ है । यह आपको मालूम है वर्मा जी । हमें चाहिए कि हम सही तरीके अपनाएँ तो सही सजा मिलेगी और आगे के लिए सबक होगा । हमारे बोलने से उनको सबक नहीं मिलता । हमको जो सबक देना है, उसके लिए रास्ता दिखाइए ।

श्री राम अवधेश सिंह : अगर औरतों की बात आपने सुनी होती तो आपके मन में भी गुस्सा आता ।

श्री सभापति : आप जो कर रहे हैं इसका मतलब यह है कि आप अपने बोलने को महत्व देते हैं । मैं महत्व का नहीं हूँ, मेरे देश की माताओं और बहनों का महत्व है । आप आज हैं, कल नहीं है । हाउस में हैं, दुनिया में हैं । लेकिन मेरे देश की नैतिकता पर असर होता है, मेरी माताओं-बहनों पर असर होता है तो उसको हम सीरियसली देखेंगे, मजाक में नहीं टालेंगे ।

Let us take it seriously. I want that you should be serious about it. Don't take it flippantly

SPECIAL MENTIONS

Reported violation of prescribed ceiling on Expenditure by the Governor of Andhra Pradesh

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Mr. Chairman, Sir,

I thank you for permitting me to raise an important matter which concerns this House also as the Council of the States; that is the activities of some of the Governors of the States.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): Mr. Chairman, Sir, I have a point of order. (Interruptions).

SHRI RAOOF VALIULLAH (Gujarat): Mr. Chairman, Sir, I am on a point of order. (Interruptions).

SHRI A. G. KULKARNI (Maharashtra): Sir, permission to mention the conduct of Governors is totally illegal.

SHRI M. M. JACOB: Sir, I would like to draw your attention to rule No. 238 under Rules of Procedure and Conduct of Business in the Council of States. It says: "A Member while speaking shall not... reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms." Therefore, there is no proper motion.

MR. CHAIRMAN: I know that. Now, you hear me. What I have permitted him is the question of expenditure permitted under the budget has been exceeded in one State. I cannot permit him to cast aspersions against the Governors or general conduct as such. (Interruptions).

SHRI RAOOF VALIULLAH: He is casting aspersions. First, he mentioned about... (Interruptions)... Sir, his first sentence is casting aspersion. (Interruptions).

SHRI A. G. KULKARNI: Sir, even the expenditure of the Governor cannot be discussed at all. How are you permitting a frivolous matter to be discussed on the floor of this House? Sir, I really object to permitting him even to discuss the expenditure exceeded by X, Y, Z. I do not take names of the Governors. Sir, it is totally illegal. (Interruptions). He is not entitled to raise such matters in the House. (Interruptions).

THE LEADER OF THE HOUSE (SHRI NARAYAN DATT TIWARI): May I point out a Constitutional provision. Under the Constitution, whatever expenditure is incurred on the Governor is a charged expenditure, charged on the Consolidated Fund of Andhra Pradesh and it is passed by the Legislature of Andhra Pradesh. Any subject matter which is within the purview of the Legislature of Andhra Pradesh which has already been sanctioned by the Legislature of Andhra Pradesh cannot be a subject matter of special notice here.

SHRI PARVATHANENI UPENDRA: I will answer him. Sir, ceilings on the expenditure by the Governors are fixed by the Union Government. Ceilings are conveyed by the Union Government. Therefore, it is relevant here. You have sent ceilings to all the Governors of the States and they are being violated. Therefore, it is within the power of the Parliament to question that. You cannot say that. (*Interruptions*)

SHRI RAOOF VALIULLAH: Sir, we want a specific ruling in this matter.

SHRI MIRZA IRSHAD BAIG (Gujarat): Before he starts speaking we want your ruling.

SHRI PARVATHANENI UPENDRA: Sir the ceilings have been conveyed by the Union Government but the Governor of Andhra Pradesh has been constantly violating these guidelines sent by the Union Government. Sir, I will refer to one year's actual expenditure. (*Interruptions*).

MR. CHAIRMAN: Now I want to tell you please, I have permitted.

SHRI PAWAN KUMAR BANSAL (Punjab): He is violating the Constitution on that we want a ruling.

MR. CHAIRMAN: That is the ruling. You know by shouting all this... (*Interruption*)... and I know why you are shouting also. Please sit down. The question is very simple. I have tried to study the Constitution all my life. (*Interruption*).

SHRI PAWAN KUMAR BANSAL: What I want to submit is that he is transgressing the permission accorded to him by you.

MR. CHAIRMAN: My dear young friend I have tried to study the Constitution for as long a time as your age. I do not know whether I have understood, but I have tried to study it. Now the question is I have permitted only a limited statement. The limited statement is....

SHRI A. G. KULKARNI: What is the scope of that limited statement?

श्री सभापति: आप बोलने दोगे या नहीं? लगता है छुट्टियों की जो पेंड-अप ऐनर्जी ई सब उसको ऐक्जिट कर रहे हैं, इस साइड में भी और उस साइड में भी। मैंने कहा कि अगर ये उससे बाहर जाते हैं तो मैं उनको रोक दूंगा। बात साफ है कि कुछ मुद्दों पर ऐक्सपेडीचर ज्यादा हुआ। यह ज्यादा की परमिशन यानी इस समय क्या यह प्रोपर है... (*व्यवधान*)

SHRI V. NARAYANASAMY (Pondicherry). It would amount to ... (*Interruption*).

SHRI THANGABALLU (Tamil Nadu): By allowing him you are creating a new precedent in the House. (*Interruptions*).

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): May I make a submission? (*Interruptions*).

MR. CHAIRMAN: I have permitted your Ministry... (*Interruptions*)

SHRI P. CHIDAMBARAM: May I make a submission?

MR. CHAIRMAN: Yes.

SHRI P. CHIDAMBARAM: We respect your ruling. We have no doubt that you have looked into the provisions of the Constitution. But I most humbly request that you will permit me to refer to some of the provisions of the Constitution.

MR. CHAIRMAN: Yes

SHRI P. CHIDAMBARAM: We are not questioning your ruling. But we want to place the matter before you. You will permit me to invite your attention to just two provisions of the Constitution. Sub-article (5) of Article 202 says,

"The following expenditure shall be expenditure charged on the Consolidated Fund of each State—

(a) the emoluments and allowances of the Governor and other expenditure relating to his office;"

Then, Sir, would you kindly consider Article 203? I make this submission with utmost respect to your ruling. Article 203(1) states.

"So much of the estimates as relates to expenditure charged upon the Consolidated Fund of a State shall not be submitted to the vote of the Legislative Assembly, ..."

But there is a safeguard. The safeguard is,

"...but nothing in this clause shall be construed as preventing the discussion in the Legislature of any of those estimates." Constitutionally, this is a charged expenditure. There is a safeguard. With respect, there is a safeguard. The makers of the Constitution were conscious of the provisions. They made it a charged account. They provided a safeguard too. The safeguard is the State Legislature. We would most humbly request you, in the light of this Constitutional provision. You know the well-known principle that where a law makes a provision for a particular matter and provides how it shall be done, it shall be done in that manner alone and every other manner of compliance is excluded. This is a well-known proposition laid down several hundreds of years ago and followed in our courts. The Constitution is there; the safeguard is there. You may discuss it

in the Legislature. I would most humbly submit. Kindly reconsider this.

Secondly, Sir, I would like to make another submission. I do not know where Mr. Upendra has shown you a copy of the statement he proposes to make. He cannot use this opportunity in the light of Rule 238 clause (5), which says that one cannot cast aspersions on persons in high authority. We do not know what statement he is going to make. Has he shown you a copy of the statement? Have you satisfied yourself that it falls within the ambit of the permission you have granted? Would you kindly reconsider it in the light of the most humble submission I am making that Article 203 is a bar to discussing this here in any form whatsoever (*Interruptions*)

SHRI N.K.P. SALVE: I want to ... (*Interruptions*)

SHRI PARVATHANENI UPENDER: I want to answer his objection. (*Interruptions*) I am the man involved. Let me reply to his point. He raised a point. I would reply. (*Interruptions*)

MR. CHAIRMAN: Will you please sit down?

SHRI N. K. P. SALVE: We respectfully abide by what you have to say in this matter.

MR. CHAIRMAN: It is the interpretation of Article 203. He has put it. He wants to answer.

SHRI N. K. P. SALVE: My submission is on that itself. Apart from anything else, we abide by what you decide. Ultimately, if you should hold that he is entitled to this, we will have nothing to say. We will quietly listen to it. I would, very respectfully, submit the various delicacies involved in this, for your consideration. There is very delicate, very federal polity in the Constitution itself. You are more aware of it than I am myself. You have taught us the Constitutional law. I want you to consider, where an

[Shri N. K. P. Salve]

express authority is vested in terms of the Constitution, in the Legislature, and in the Legislature alone, to discuss this matter, whether it is fair for this House to impinge and infringe the jurisdiction of the Legislature. This would be, I submit very respectfully, minimising, or hopelessly disregarding the basic safeguards which are implicit and inherent in the federal polity. Times out of number, States have been saying that there has been onslaught on the authority of the State Legislature and that the Centre is trying to expand its activities and its approach more than that is permissible by the Constitution. I beg of you to consider this aspect of the matter, whether or not, by debating something which the legislature alone is entitled to discuss, we are infringing, going beyond the limits set in the Constitution to maintain a delicate balance in the federal polity. Secondly, in terms of Rule 238(5) what is prohibited as a reflection upon the conduct of persons. They have raised this issue without reflecting on the conduct of the person who will have nothing to say. Implicit in the very question that he is raising, he will have to bring in the conduct of the person...

SHRI PARVATHANENI UPENDRA: How do you know what I am going to say?

SHRI N. K. P. SALVE: After all we are all men of the world. We are not superhumans. We are not demi-gods. We are men of this world. We have practised law. We know how questions are raised. Without casting any aspersion on the conduct of the person concerned a question of this nature, I would submit very respectfully, can never, never be raised. This is an important issue. Once you allow it, if you are going to allow this sort of a question ever being raised, there will be a plethora of questions raised. Please don't forget, there are Governors, Governors of all types, and questions of this nature will keep coming into this House and we will be inviting all to raise discussions which will not be commensurate with the high traditions of this House. That is my respectful submission.

SHRI P. CHIDAMBARAM: There is a corresponding Article relating to the President. Kindly see Article 112. It relates to Chairman and Deputy Chairman. Article 112(3) is the corresponding provision.

It reads like this:

"The following expenditure 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 People.

Then, corresponding to Article 203 there is Article 113. Kindly see Article 113.

"So much of the estimates as relates to expenditure charged upon the Consolidated Fund of India shall not be submitted to the vote of Parliament..."

—here is the safeguard—

"...but nothing in this clause shall be construed as preventing the discussion in either House of Parliament of any of those estimates."

Today we will have to interpret Article 113 and 203 in the same manner. If you interpret the Article that Parliament would have the right to discuss expenditure relating to the Governor charged on the Consolidated Fund of India notwithstanding the injunction under 203, then by the same argument, notwithstanding the injunction under 113 tomorrow the State legislatures will claim a right to discuss charged expenditure incurred on the President.

SHRI PARVATHANENI UPENDRA: I have a point to make. The salaries and allowances of Governors are governed by the Governors (Employment, Allowances

and Privileges) Act passed by this Parliament and last revised in 1983. According to that Act the Union Home Ministry fixes ceilings of expenditure on the Governors and communicates them to the States and that is called the Compendium of Orders relating to Salaries, Allowances and Privileges of Governors, communicated by the Ministry of Home Affairs, Government of India, in November 1970 and this was last revised in 1987. Therefore, we are perfectly within our right to raise it in this House. The State legislatures are entitled to pass the budgets of the Raj Bhavans but only within the ceilings given by the Government of India, not beyond this Act. The Central Act prevails there. The Constitution clearly says, when there is a Central Act, the Central Act prevails. Therefore, we are perfectly within our right to question if any Governor is going on a spending spree for any purpose.

SHRI P. CHIDMBARAM: But, Sir...

MR. CHAIRMAN: Now you have got the reply.

SHRI P. CHIDAMBARAM: He only pointed out that there is the...

MR. CHAIRMAN: Mr. Chidambaram, I thought after this reply you did not need a ruling.

SHRI P. CHIDAMBARAM: Nobody has questioned that the Act of Parliament will not prevail. What we are saying here is that a discussion on that subject has to be there... (Interruptions)...

SHRI PARVATHANENI UPENDRA: I am only bringing to the notice of Parliament and to the notice of the Government of India how the Governor is exceeding the limits. That is all... (Interruptions)....

MR. CHAIRMAN: That is the right of the House because this House has voted that particular Act. That is why I thought you would have it in mind. But I understand that at your age there is over enthusiasm, But I have gone through

this and I have gone through his harangues also... (Interruptions)... I have gone through his harangues also against me... (Interruptions)...

SHRI N.K.P. SALVE: What about the mandate of Rule 238(5)? I want your ruling on that... (Interruptions)... What about its mandate?

श्री बिंबी (श्री भजन लाल) : सभापति महोदय, ... (व्यवधान) ...

SHRI PARVATHANENI UPENDRA: You know only Mr. Tapase. I do not know why you are getting up... (Interruptions)...

SHRI N. K. P. SALVE: Sir, I seek your ruling.

श्री भजन लाल : सभापति महोदय, मेरा हम्बल सवमिशन आप से यह ई...

SHRI PARVATHANENI UPENDRA: Sir, he does not know... (Interruptions) ... Sir, he only knows Mr. Tapase and he does not know Miss Kumudben Joshi ... (Interruptions)...

श्री भजन लाल : सभापति महोदय, मेरा सवमिशन आपसे यह है कि यदि आप इसकी इजाजत देंगे तो इससे एक नई प्रथा शुरू हो जाएगी । ... (व्यवधान) ... इसलिये आप इस पर दोबारा विचार करें । अगर ऐसा होगा तो फिर क्या होगा, आज गवर्नर के बारे में डिस्कस कर रहे हैं तो कल इधर से कहेंगे कि एन०टी०आर पर डिस्कशन करो... (व्यवधान) ... ये अपनी भारी बात कह देंगे और बाद में आप रुलिंग देंगे तो इसका कोई मतलब नहीं होगा ! इसलिये माननीय उपेन्द्र जी अपनी बात उन्हें उससे पहले इस पर दोबारा विचार करके निर्णय लें ।

श्री बी० तनूनाबाई रेडडी (आंध्र प्रदेश) : भजनलाल जी यह असेंबली नहीं है यह पालियामेंट है ।

श्री सभापति : यह तय हो गया है कि व्यक्तिगत एक्सपेंडीचर के बारे में वे कुछ नहीं कहेंगे, उस पर वे नहीं आयेंगे । रही बात यह कि यदि ज्यादा खर्चा होता है या हुआ है तो यह इस हाउस का बराबर अधिकार है क्योंकि हमने ... (व्यवधान) ...

You cannot curb where the Constitution has provided these rights to this House. As a custodian of the right of this House, I will not permit any curtailment. . . (Interruptions) . . .

श्री भजन लाल : यह इस हाउस का काम नहीं है . . . (व्यवधान) . . . यह स्टेट सवजेक्ट है, स्टेट असेम्बली इसको करती है . . . (व्यवधान) . . .

श्री परवतनेनि उपेन्द्र : बोल दिया है क्यों परेशान कर रहे हैं। इसका जवाब दे दिया है मैंने।

श्री भजन लाल : स्टेट असेम्बली करती है इसको।

श्री एन० के० पी० तालवे : मान्यवर, आपने यह व्यवस्था दी है, आपने कहा कि इस विधेयक के अन्तर्गत इसको स्वी ति दी। मेरा दूसरा मुद्दा है। यहां पर व्यवस्था का प्रश्न उठा रहे थे और क्योंकि यह विधेयक के अन्तर्गत है इसलिये आपने इसकी इजाजत दी है, यह ठीक है। लेकिन दूसरा जो प्सेडेट है रूल 238(5), का है उनके बारे में . . .

श्री सभापति :

None of you heard me. You prejudice and then you go on. The question here is very limited. He is not free to discuss the Governor; that is prohibited. The only thing is that this ceiling on expenditure has been fixed by this House. . . . (Interruptions) . . .

सुनिये, बड़ी मुश्किल है। इसमें यह देखना है कि अगर वह एक्सीड हुआ है तो क्या उसको बदलने की जरूरत है, सीलिंग बढ़ाने की जरूरत है यह भी हाउस को तय करना पड़ेगा। यह हमारा ऐक्ट है दिन इज अवर ऐक्ट।

This is our Act.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): Are you creating a precedent that all the expenditures that the Governor incurs should be discussed here? . . . (Interruptions) . . .

SHRI PARVATHANENI UPENDRA: Then withdraw that Act. Let them spend

as they like. Why prescribe a ceiling? Don't put any ceiling. Why do you put a ceiling?

MR. CHAIRMAN: I will not permit any discussion on the Governor. The question at the present moment is very limited and there can be two views. This has become necessary because of the escalation of prices. . . (Interruptions) . . .

SHRI CHINTAMANI PANIGRAHI: They have passed a resolution. . . (Interruptions) . . . They are discussing it there in the Assembly. . . (Interruptions) . . . It is a new precedent. . . (Interruptions) . . .

MR. CHAIRMAN: This precedent has been there and will be there. I am not creating any new precedent. . . . (Interruptions) . . . I am not creating any new precedent. You want to create a new precedent. . . (Interruptions) . . .

SHRI PAWAN KUMAR BANSAL: Sir, he is not wanting the Act to be emended. He is only talking about the expenditure which has been incurred. This cannot be discussed here. He is not talking about any amendment to the Act. . . (Interruptions) . . .

SHRI PARVATHANENI UPENDRA: It is for you to decide.

MR. CHAIRMAN: आप बैठिये। सुनिये। व्यवधान आप यहां खड़े होते अगर यह कहते हैं कि इनकम टैक्स ऐक्ट को बदल दो तो क्या आप मुझे इजाजत दोगे (व्यवधान)

श्री पवन कुमार बंसल : यह नहीं कहा, इनका पहला सेंटेंस देखिए . . . (व्यवधान)

SHRI M. M. JACOB: We can only discuss on motion. There is no motion. (Interruptions) . . .

MR. CHAIRMAN: Please hear me. I say that he has every right. All of you should also draw attention to the fact that more money is spent than what has been provided. And that, too, when the countion). Will you hear me? I am not going to permit any aspersions on the person concerned, Mrs. Kumudben Joshi. I am not permitting him anything to say against

the person concerned. I am only permitting. (Interruptions). He can bring to the notice of the House that an expenditure under a certain head has been exceeded. (Interruptions). Kindly hear me, the whole country knows it. Nobody can deny it. Facts are facts. Now, if he wants to draw the attention of this House why not? He can draw the attention of the House. (Interruptions)

आप बात को सुनते ही नहीं हैं। सवाल यह है कि... (व्यवधान) उनके ऊपर तो सवाल ही नहीं है। (व्यवधान)

It is not a question about the behaviour or anything of Kumudben Joshi. (Interruptions).

इसके मायने यह है कि आप कुछ छिपाना चाहते हैं। मैं यह कहता हूँ कि छिपाने की कोई जरूरत नहीं है।

(Interruptions)

SHRI DIPEN GHOSH (West Bengal): The Prime Minister is instigating his Members. (Interruptions). The Prime Minister himself is instigating his Members. It is really unfortunate. It is very serious. The Prime Minister is instigating his Members. It is a serious matter.

SHRI V. GOPALSAMY (Tamil Nadu): The Prime Minister is instigating his Members. He is behaving like a... (Interruptions)

MR. CHAIRMAN: Please sit down. (Interruptions)

आप लोगों को कुश्ती वगैरह लड़नी हो तो एकाध अखाड़े का इंतजाम बाहर करवाया जा सकता है। मैं स्पीकर से प्रार्थना करूँगा... (व्यवधान) आप बहुत बड़े पहलवान हैं मुझे मालूम है। आप बैठ जाइये... (व्यवधान) मैं यह पूछना चाहूँगा... (व्यवधान) मुझे लग रहा था, जिस तरह से आप लोग चिल्ला रहे थे... (व्यवधान) मुन लीजिये... (व्यवधान) आप इस तरह से इट्ट कर रहे हैं तो मैं आप को बता दूँ, मेरे को कोई अधिकार नहीं रहता कि मैं उन्हें रोक दूँ किसी समय जब मैं बोल रहा हूँ... (व्यवधान) मैं एक बात और

कहना चाहता हूँ, गौर कीजियेगा, ऐसे आप नहीं मानेंगे। मैं जब पांचवे दर्जे में था तो एक किताब में मैंने एक सबक पढ़ा था, मुझे मेरे दोस्तों से बचाओ। मैं अगर कुमुद बहन की तरफ से खड़ा होता तो मैं यही कहता कि... (व्यवधान) देखिए आप मेरी बात सुनिये... (व्यवधान)...

बात यह है कि जो कुछ ये कहेंगे वह तो एक दायरे में होगा... (Interruptions)

The Minister should behave. He should know that when the Chairman is on his legs, he should not interrupt. (Interruptions). He has not spoken and you have said

नहीं हो रहा है... (व्यवधान) क्या मजाक है।

You cannot prejudge the issue. You cannot say anything against him. If I am penalised, I will say the same thing. Do you mean to say that a Member is not entitled to say that there is certain expenditure? (Interruptions) Yes, he is entitled. So long as I am in the Chair, this right of the Members of Rajya Sabha I will try to protect to the last drop of my blood. (Interruptions) The House cannot be bamboozled by any Minister from Home or Law or any other Ministry. This House is supreme. (Interruptions) Please hear me now. We are responsible and answerable so the people of India. Mr. Chidambaram, mind it that the basis question is that it is the people of India who have sent you here. You cannot stop them. I want to tell you to be practical. I am coming to practical things. If you have done enough harm to Kunmudben Ji, kindly keep quiet. Now, have you been able to stop all that the newspapers have said? All that you have done today is to give importance to this thing. Even if I stop, there will be an impression in the public mind that there was something to be hidden for which the whole Government... (Interruptions)

SHRI RAOOF VALIULLAH: Do you want to malign her?

MR. CHAIRMAN: I hope not. (*Interruptions*) Here the question is a very limited one. You have increased its scope. The question is a very limited one. (*Interruptions*) So far as this question is concerned, my clear ruling, without any iota of doubt, is that reference to that is completely constitutional, legal, democratic and fundamental. But at the same time—mind it—I expect the Opposition to remember which I tell that any aspersion on the person of the Governor will not be permitted, cannot be permitted under the Constitution. And both things are vital because, please remember, the Governor is an integral part of the legislative process.

SHRI M. S. GURUPADASWAMY (Karnataka): We agree with your ruling, Sir.

MR. CHAIRMAN: Now what I am telling is, without your interruptions, you should have waited for me to see that I am permitting him to speak...

SHRI PAWAN KUMAR BANSAL: Sir, you see the very first sentence... (*Interruptions*).

श्री सभापति : जितनी देर तक आप लोगों ने गड़बड़ करके इस मामले को रोका है, उतनी देर उससे आपने मेरी शक्ति उनको रोकने की कम कर दी है, क्योंकि मेरी शक्ति सन्तिये मेरी शक्ति डडा नहीं है, मेरी शक्ति है नैतिक प्रभाव । आपने मेरा वह नैतिक प्रभाव खत्म कर दिया है । जितना आप लोग चिल्लाए, यह सब हुआ तो आपने अनेक-नेसेरिली वह चीजें कह दीं, उनके मुंह में डाल दीं जो उन्होंने नहीं कहीं ।... (व्यवधान)

एक माननीय सदस्य : उन्होंने कही है, आपने सुना नहीं ।... (व्यवधान)

श्री सभापति : आप अच्छे ज्योतिषी होंगे । हमारे हरियाणा के लोग बड़े अच्छे ज्योतिषी होते हैं, मैं जानता हूँ ।... (व्यवधान)

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): Mr. Chairman,

Sir, please see what he has given here. He said, reported violation'. (*Interruptions*) He says reported violation. Violation by whom? Reported by whom?

SHRI PARVATHANENI UPENDRA: My notice does not say that word. That has been added by the Secretariat.

SHRI RAJESH PILOT: This is the paper given to the House.

श्री सभापति : इसमें अंग्रेजी बड़ी साफ है ।

SHRI PARVATHANENI UPENDRA: Please see my notice, Sir.

MR. CHAIRMAN: Reported violation. Mind the words.

SHRI PARVATHANENI UPENDRA: No, Sir. Please see my notice.

MR. CHAIRMAN: I will read from here. (*Interruptions*) All of you are wasting time and the precious money of this country. (*Interruptions*)

SHRI RAJESH PILOT: Give us a chance to explain, Sir. (*Interruptions*).

श्री सभापति : वलीउल्लाह साहब, यह सब इजाजत नहीं है कि आप हर चीज पर बोल ।

आप वलीउल्लाह होंगे, लेकिन इस हाऊस में हमको कुछ दायरे में चलना होगा ।

श्री लाल कृष्ण आडवाणी (मध्य प्रदेश): यहां माबोक्सेसी है ।... (व्यवधान)

MR. CHAIRMAN: Will you hear me? It is simple English: Violation of prescribed ceiling on expenditure by the Governor of Andhra Pradesh. (*Interruptions*)

SHRI RAJESH PILOT: It is wrong, Sir. It is 'reported violation'.

MR. CHAIRMAN: Kindly hear me. By gagging him here, you are harming—I am telling it after great consideration—the Governor and the Prime Minister, both. (*Interruptions*) My not permitting will not

result in any good to her because you cannot gag the press. The press is free. All this is coming. If it comes within the prescribed rules of the ... (Interruptions) Now, Mr. Pilot, I think I have given my ruling and after due consideration, I hope you know that the ruling of the Chair is not questioned, please. (Interruptions) It is not permitted. Anything you say now will not go on record. Now, my ruling is not questioned.

SHRI N. K. P. SALVE: I am not questioning your ruling. I accept your ruling.

MR. CHAIRMAN: Then you sit down.

SHRI N. K. P. SALVE: Sir, your ruling is two-fold. One is that there is no bar in the Constitution to discuss this question here and the second is that he will not cast aspersions on the Governor concerned. This is your ruling. I do not even for a moment challenge your ruling. But I would really like to ask you very humbly and respectfully whether or not by making a reference to the Governor of Andhra Pradesh in reality an aspersion is being cast or not, not on your ruling. I accept both the rulings. Sir, there is a mention of the Governor in the Act itself. There is no ruling.

MR. CHAIRMAN: My ruling is very clear. I have permitted him to refer to 'exceeding the limits' but I have not permitted him to talk anything other than that. And I have told them that in the very beginning. (Interruptions). After my ruling Mr. Chidambaram, nothing else. I have not permitted.

SHRI N. K. P. SALVE: He will talk without any reference to any particular Governor. I take it that he will talk without reference to any particular Governor, that he will be raising the issue without reference to any particular Governor. (Interruptions).

श्री समापति : सुनिये, उनको सिर्फ यह अधिकार है और इसे रोका नहीं जा सकता कि किस राज्य के गवर्नर ने सीलिंग को एक्सीड किया। (व्यवधान) वह मेरा फैसला है, अब मैं इसके अलावा कुछ नहीं कहूंगा।... (व्यवधान) आपको मैंने इनना ही परमिट किया है जो कि मैंने इनमें लिखा है।

SHRI PARVATHANENI UPENDRA: I will abide by it. I am a very disciplined Member. (Interruptions).

MR. CHAIRMAN: You cannot gag him like this.

SHRI PARVATHANENI UPENDRA: Sir, I will abide by your ruling. I will confine my remarks to the expenditure on the Raj Bhawan and in consonance with your ruling... (Interruptions).

MR. CHAIRMAN: No discussion on the Chair's ruling.

SHRI PARVATHANENI UPENDRA: Sir, though my notice contained much else, I abide by your ruling and I will confine my remarks on the expenditure issue alone. Sir, the reason for my raising this issue is... (Interruptions).

SHRI M. S. GURUPADASWAMY: Sir, they are gagging you. They are gagging the Chair.

MR. CHAIRMAN: You cannot gag him. I have got your message. All that you say will not go on record and I will ask him to put it and that will go on record. (Interruptions). I refuse to be bamboozled by them. I also refuse to be bamboozled by you. I have given my ruling. Please let him speak. I have given my ruling. Please let him speak. My ruling cannot be questioned... (Interruptions) Mr. Chidambaram please.

SHRI P. CHIDAMBARAM: Why do you say bamboozling?

MR. CHAIRMAN: Nothing of what they say will go on record including what is said by the Ministers, because they speak without my permission. The matter ends. For what you are doing Mr. Chidambaram, if some Member had done it, I would have named him. There is a limit to everything. I refuse to be taught as to what is in the interest of the Governor or even your leader. Perhaps, I know that also.

SHRI P. CHIDAMBARAM: I am only asking for your permission.

SHRI PARVATHANENI UPENDRA: Sir, the reason... (Interruptions). I am very sorry they are not allowing me to speak.

SHRI M. S. GURUPADASWAMY: They are intimidating the Chair. They are challenging your ruling. *(Interruptions)*.

SHRI PARVATHANENI UPENDRA: It is very unfortunate. It has never happened in the history of Rajya Sabha. And it is happening in the presence of the Prime Minister. It is very unfortunate.

SOME HON MEMBERS: Shame, Shame... *(Interruptions)*

SHRI N. E. BALARAM (Kerala): In the presence of the Prime Minister it is happening... *(Interruptions)*.

MR. CHAIRMAN: No, I am not adjourning. My advice to Mr. Chidambaram and Mr Pilot is, you don't have to do anything more; you decide in your party and if you decide that I should go out, I will go out. I don't have to learn these things now. I have never learnt it in my life and I do not want to learn it in my old days. I am willing to work. But with folded hands, may I say, if the Congress Party, the ruling party decides that I am not fit to occupy the Chair, I will go out. You can go and discuss it with your leader and make up your mind. It is very simple. *(Interruptions)*. Please hear me. The matter is very simple. There is no difficulty. You enjoy majority in the Rajya Sabha and in the Lok Sabha. There is absolutely no difficulty. Naturally, you are the better judges of what is in the interest of the country. You are the better judges about what is in the interest of your leader. I agree that you are the better judges, and I have no insistence on my continuing in this office... *(Interruptions)*.

SEVERAL HON. MEMBERS: No, no.

1.00 P.M.

SHRI PARVATHANENI UPENDRA: No, Sir. We will not allow you to go. *(Interruptions)* We will not allow the House to go on. Sir, for your honour we will die. *(Interruptions)* I am withdrawing the special Mention. *(Interruptions)*.

SHRI DIPEN GHOSH: Sir, on behalf of the entire Opposition, I say that we are

withdrawing the Special Mention *(Interruptions)* If they cannot protect your honour, we will protect your honour.

(Interruptions)

MR. CHAIRMAN: We will now adjourn for lunch and meet again at 2 p.m.

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

The House reassembled after lunch at two minutes past two of the clock, the Deputy Chairman in the Chair.

THE DEPUTY CHAIRMAN: Mr. Suresh Kalmadi, special mention.

SHRI SURESH KALMADI (Maharashtra): Madam, my special mention relates to the Pakistan troops build-up in Siachen area.

SHRI PARVATHANENI UPENDRA: On a point of order.

THE DEPUTY CHAIRMAN: On special mention there is no point of order.

SHRI PARVATHANENI UPENDRA: Before the House was adjourned I announced that in view of the position prevailing them and as a mark of respect to the Chairman, I was not pressing my special mention. I do not know whether that has gone on record. That is why I was expecting you to call me so that..

THE DEPUTY CHAIRMAN: You said it, I know that. I was also present in the House when you said that you are withdrawing it.

SHRI PARVATHANENI UPENDRA: Is it recorded?

THE DEPUTY CHAIRMAN: If it not there, it will come. Yes, Mr. Kalmadi.

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश) : महोदया, बीच में जो कुछ हुआ, उसको अच्छी तरह से समाप्त किया जाना चाहिये । प्रधान मंत्री को सदन में आना चाहिये ।

THE DEPUTY CHAIRMAN: I request you to please sit down. Let there be quietness and peace in the House. Yes, Mr. Suresh Kalmadi, you please continue.

यह बात खत्म हो गयी है, अब उसको फिर से क्यों दोहरा रहे हैं ? अब अगला स्पेशलेशन है ।

SHRI V. GOPALSAMY: How did the Prime Minister behave? He instigated the whole drama.

THE DEPUTY CHAIRMAN: Mr. Gopalsamy, you please sit down.

SHRI V. GOPALSAMY: Never before it has happened like that.*

THE DEPUTY CHAIRMAN: It will not go on record.

SHRI PARVATHANENI UPENDRA: It is really a sad day in the history of the Parliament and everyone of us must hang our head in shame. That is why I have withdrawn it. (*Interruptions*).

THE DEPUTY CHAIRMAN: You please sit down, I am on my legs. Yes, Mr. Suresh Kalmadi to continue.

SHRI RAJESH PILOT: Madam, we did not have any intention to disrespect the Chair. We were only arguing our point. We have very high respect for the Chair. No disrespect was meant.

SHRI ATAL BIHARI VAJPAYEE: Let it come from the Prime Minister.

SHRI DIPEN GHOSH: Madam Deputy Chairman... (*Interruptions*) Please let me make my submission.

THE DEPUTY CHAIRMAN: Let me go ahead with the business. Are you going to debate this point?

SHRI DIPEN GHOSH: No, no, I am not going to make a debate on this. I want to make a submission on behalf of the Opposition parties and groups.

THE DEPUTY CHAIRMAN: Let there be no debate on this.

SHRI DIPEN GHOSH: Why don't you hear me?

THE DEPUTY CHAIRMAN: I know there is no point.

SHRI DIPEN GHOSH: But please hear me.

THE DEPUTY CHAIRMAN: There is no point of discussion over this. Is there anything at all before the House about this? I do not want any disturbance in the House.

SHRI DIPEN GHOSH: Madam, I am not going to create any disturbance. I am only going to make a suggestion. As Mr. Rajesh Pilot has made a statement that there was no move on his part, there was no idea on his part, no intention on his part to disrespect the Chair, and he was raising this question, so I wanted that since an unprecedented situation was created that for the first time in the history of Indian Parliament... (*Interruptions*)

THE DEPUTY CHAIRMAN: No, Mr. Dipen Ghosh.

SHRI DIPEN GHOSH: What is this? Let me finish my sentence.

THE DEPUTY CHAIRMAN: No, there is nothing before the House.

SHRI DIPEN GHOSH: Whether you like it or not, for the first time it has happened that a Presiding Officer has stated that he would resign. It never happened in the history of Indian Parliament. Whether you like it or not, the Chairman had stated that he would resign. (*Interruptions*).

THE DEPUTY CHAIRMAN: Order please. Please sit down. I am requesting you to sit down. Please I am requesting all of you. The Chairman has told me to go ahead with the business. He has said that he would come at 4 o'clock and that I should start with the normal business. He is coming at 4 o'clock for the Business Advisory Committee meeting. You can say whatever you want to say at that time.

SHRI DIPEN GHOSH: The Leader should express regret.

*Not recorded.

SHRI V. GOPALSAMY: On behalf of the ruling party for questioning the ruling of the Chair.

THE DEPUTY CHAIRMAN: Please don't create any disturbance. Silence, please.

SHRI M. M. JACOB: Madam, we are anyway meeting at 4 o'clock for the Business Advisory Committee meeting. Let the House proceedings be allowed to be continued without interruption.

THE DEPUTY CHAIRMAN: If you want to say anything... Listen, at the Business Advisory Committee meeting, the Chairman is also coming. And the Chairman has told me that at 2 o'clock, I should go ahead with the normal business. At 4 o'clock, he is coming.

SHRI V. GOPALSAMY: **

THE DEPUTY CHAIRMAN: This will not go on record. Shri Suresh Kalmadi.

Build-up of Pakistani troops in Siachin Area

SHRI SURESH KALMADI: (Maharashtra): Madam, I want to bring to the attention of the House the serious build-up of Pakistani troops in the Siachin area. They are reinforcing their military strength in that strategic area and going in for tactical helicopters. They have just placed an order on the American Boeing firm for heavy assault helicopters which have high altitude performance capability and can carry upto 18 troops. This is indeed a very serious development. Upto now, they only had helicopters which could carry two or three troops and to heights upto 10,000 feet. The latest CH-47E helicopters are one of the most modern in the world and this is the technology which Pakistan is going in for. As you are also aware, Pakistan is creating a new Division to fight in high altitude areas. They are also creating a new Division of armed commandos and have stated recruiting local inhabitants around there. As per news reports, they are planning an

assault on our locations through Sia La, Bilafond La and the Gyong passes. They are planning to do it simultaneously. I would like to know how the Government reacts to this situation and what steps the Government of India and the Ministry of Defence are going to take to meet this aggressive posture of the Pakistani armed forces and the Pakistan Government.

SHRI GHULAM RASOOL MATTO: (Jammu and Kashmir): Madam, I associate myself with the sentiments expressed by my friend, because the Pakistani build-up has a direct relationship to the security of India.

SHRI DHARAM CHANDER PRA-SHANT: (Jammu and Kashmir): Madam, I also support the views of Mr. Kalmadi. This area is part and parcel of the Jammu and Kashmir State and it is held illegally and unconstitutionally. They have no right to occupy this area.

Declaration of Tripura State as disturbed area on the eve of Elections

SHRI DIPEN GHOSH: (West Bengal): Madam Deputy Chairman, I would like to draw the attention of this House and the Government through you, to certain ominous developments that took place and have been taking place in Tripura because of certain acts committed there by the Central Government.

Madam, you are aware that on 2nd of February the Tripura State had gone for election to its Legislative Assembly. Just on the eve of that election, only hours after the Prime Minister, Mr. Rajiv Gandhi, reached Delhi following his hurricane tour in Tripura, on January 29 the State was suddenly declared a disturbed area and the army asked to take over. Following that declaration by the Central Government, 8,000 armed jawans and 22,000 other armed personnel fanned out all over that tiny State. This was purposefully done by the Central Government with the ostensible intention of interfering with and vitiating the normal electoral process.