

against the ruling party without any responsibility.

SHRI J. K. JAIN: You are doing that.

SHRI DINESH GOSWAMI: That will not be a healthy convention. I am sorry that Mr. Jain spoke without permission from the Chair. . .

SHRI J. K. JAIN: I sought the permission of the Chairman. . . (Interruptions).

MR. DEPUTY CHAIRMAN: I did not allow him.

SHRI DINESH GOSWAMI: Let a healthy convention be followed in the House.

SHRI ARVIND GANESH KULKARNI: He does not allow us. . . (Interruptions)

MR. DEPUTY CHAIRMAN: This is very unfair. You always get up and speak without permission. . . (Interruptions)

SHRI ARVIND GANESH KULKARNI: I spoke only on a point of order. . . (Interruptions) I stated on a point of order asking you to remove the word\*. The Governor is an agent.

DR. RAFIQ ZAKARIA: Nobody here can discuss the functioning of Governors.

SHRI ARVIND GANESH KULKARNI: It was Mr. Jain who brought in the Governor.

MR. DEPUTY CHAIRMAN Mr. Advani.

SHRI LAL K. ADVANI: Mr. Goswami's point needs a reply from you.

MR. DEPUTY CHAIRMAN: Please do not worry. Let us go ahead.

DR. RAFIQ ZAKARIA: Are we going to discuss again the same issue?

MR. DEPUTY CHAIRMAN: Not the Haryana issue. Yes, Mr. Advani.

# REFERENCE TO THE ALLEGED MISUSE OF GOVERNMENT MACHINERY IN THE PRESIDENTIAL CAMPAIGN FOR ELECTION.

SHRI LAL K. ADVANI (Madhya Pradesh): Mr. Deputy Chairman, we in

the opposition are extremely grateful to the Chair for having permitted us to raise this matter which we, in writing, signed by all opposition parties, had given to the Chairman. We sought special permission to raise this even before the Calling Attention and I am extremely grateful to you for having permitted us to do so now.

The reason was that on the 12th July we will all be going to elect our new President. The Presidential poll will be held then and there are only three days more for the Presidential campaign. How is the campaign being conducted? This is the issue. And our feeling is that even in this very election regarding the highest office in the Republic, the election has been conducted in a manner as to obliterate the dividing line between the Government and the ruling party, as if there is no dividing line between the two. Whatever any Government official or Minister or the ruling party thinks, he does it through the Government machinery. When I first heard it I was surprised. It was only after seeing that there was a press note issued by the Press Information Bureau . . .

SHRI SYED SIBTEY RAZI (Uttar Pradesh): On a point of order. Has he taken your permission to speak?

SHRI LAL K. ADVANI: Yes.

I may mention that a photostat copy of the Press Information Bureau Press note be submitted to the Chairman himself. It is not disputed. In fact I had occasion to write to the Chief Election Commissioner and he made an enquiry from the Ministry of Information and Broadcasting. And the Information and Broadcasting Ministry accepted it that it is their press note issued by the Press Information Bureau appealing for votes for the candidate, Giani Zail Singh, who has been selected by the Congress Parliamentary Board. And, Sir, the Agriculture Minister, Rao Birendra Singh, when he made that appeal, he did not make it as Minister of Agriculture, but he made it as Chairman of the Backward Classes Cell of the AICC. Now, Sir, this is something which has never been done before.

\*Expunged as ordered by the Chair.

(Shri Lal K. Advani.)

Even in an ordinary election, a thing of this kind warrants an election petition and perhaps disqualification and removal of the person for abuse of office. Now, the Press Information Bureau has confirmed it. What the consequences will be, it is for the future to see, and I do not want to comment on that. But, Sir, why does it happen? This has happened and this is happening and this kind of a thing has been brought to our notice about which there is no dispute and the Government also has admitted it. But there are other things which we do not know. Vehicles are used; helicopters are used; planes are used; and these planes are used to carry. . .

SHRI HAREKRUSHNA MALLICK (Orissa): Even the exchaquer is used!

श्री राम(नख्ख) दवेव (त्रिहर) : भाड़े पर लिये जते हैं... (व्यवधान) आप भी ले सकते हैं।

SHRI LAL K. ADVANI: Sir, all these are used. So, Sir, as I said, what comes on the surface is only the tip of the iceberg which we are able to lay our hands on and which is sufficient for a court of law to dislodge the person if he becomes elected. It may be a fact. But that is a different matter. What I would like to point out is that this particular Ministry is the biggest culprit in this matter, it is guilty in this matter, the Information and Broadcasting Ministry and even the AIR and the Doordarshan are there—because I was there, I can speak with some kind of knowledge—and you see, what we used to do and what is happening now. Sir, on the 28th of June, the candidate sponsored by the nine Opposition parties, Mr. Justice H. R. Khanna, called a Press conference. He convened a Press conference wherein he gave out a 3-page or 4-page statement.

SHRI J. K. JAIN (Madhya Pradesh): What is the time-limit, Sir? I want to know what the time-limit is. Let us know, the time-limit. (Interruptions)

MR. DEPUTY CHAIRMAN: I will regulate the time.

SHRI J. K. JAIN: You might have given him permission. But let us know what the time-limit is.

आ उपनयति : बैठ जाइये, टाइम देबते हैं... (व्यवधान) शोर मत मचाइये...।

SHRI J. K. JAIN: You might have given him permission to raise the issue. But what is the time-limit? One minute, one-and-a-half minutes or one minute and forty seconds? What is the limit? What is the time you have allotted?

SHRIMATI USHA MALHOTRA (Himachal Pradesh): Sir, on a point of order.

SHRI J. K. JAIN: How much time have you allotted for this?

MR. DEPUTY CHAIRMAN: I will regulate the time. Don't worry.

SHRI J. K. JAIN: What is the time-limit? Let us know. One minute, one-and-a-half minutes or one minute and forty seconds?

MR. DEPUTY CHAIRMAN: That is all right. I will regulate the time.

I am on a point of order. (Interruptions).

I am on a point of order. (Interruptions).

SHRI P. RAMAMURTI (Tamil Nadu): Mr. Deputy Chairman, Sir,.....

SHRIMATI USHA MALHOTRA: Sir, I am on a point of order. (Interruptions).

SHRI P. RAMAMURTI: Mr. Deputy Chairman, Sir, may I make a submission?

MR. DEPUTY CHAIRMAN: Let him complete first. You will have your chance.

SHRI P. RAMAMURTI: Sir, I only want to make a submission to the Leader of the House. (Interruptions). I only want to make a submission to the Leader of the House. (Interruptions) I only want to make a submission to the Leader of the House, Mr. Pranab Mukherjee. You see, the point is that you have allowed it, the Chairman has allowed it, allowed this Special Mention, on a very important question. . . .

SOME HON. MEMBERS: Not a Special Mention.

SHRI P. RAMAMURTI: I stand corrected. The Chairman has allowed this important issue to be raised and, therefore,

the Member must be allowed to place the facts. So, the question of time-limit comes later only when he beats about the bush.

DR. RAFIQ ZAKARIA (Maharashtra): That is not according to the rules. In the rules, there is a time-limit.

SHRI P. RAMAMURTI: Of course, he has to be brief. You have already told him not to take more than four minutes or so, You regulate it and ask him to finish only when he goes about beating about the bush. This is a very important issue and he should be allowed to place the facts.

MR. DEPUTY CHAIRMAN: I would like to tell Mr. Advani and others that this is a matter of election which can be raised in an election petition.

SHRI LAL K. ADVANI: No, no. (Interruptions).

MR. DEPUTY CHAIRMAN: Just hear me. You have raised a specific point about the pamphlet by the Information and Broadcasting Ministry and nothing else. Please refer to that and confine yourself to that only, because if you go on speaking about the whole issue of election and the complaints, etc., it will take a very long time and it will become a problem.

SHRI LAL K. ADVANI: You see the letter that they have drafted. I have referred to two points broadly. Number one is the I & B Ministry and number two is the AIR and Doordarshan. We have raised these two points. Sir, I will give you two more examples only.

श्री बुद्ध प्रिय मौर्य (आंध्र प्रदेश) : श्रीमन्, मेरा व्यवस्था का प्रश्न है ... (व्यवधान) आडवाणी जी जो कुछ कह रहे हैं, उस पर मेरा व्यवस्था का प्रश्न है।

श्रीमन्, एक ओर तो आपने स्वयं ही माननीय आडवाणी जी का ओर इस सदन का भी ध्यान आकर्षित किया है कि यदि राष्ट्रपति के चुनाव में इर्रेगुलैरिटी इल्लैगैलिटी हो रही है, तो उसके

लिए इलेक्शन पेटिशन का प्रोसीजर है, या इलेक्शन कमीशन है।

मेरा दूसरा निवेदन यह है कि यह सदन व्यवस्थापूर्वक एक कैंपेन के लिए इस्तेमाल नहीं होना चाहिए। माननीय सदस्य व्यवस्था के प्रश्न को लेकर राज्य सभा के इस सदन को राष्ट्रपति के चुनाव के विषय के लिए ... (व्यवधान) मेरा व्यवस्था का प्रश्न है ... (व्यवधान)

श्री कलराज मिश्र (उत्तर प्रदेश) : पहले इनको बिठाइये ... (व्यवधान) यहां पर कैंपेन नहीं किया गया है; कैंपेन तो आप कर रहे हैं। आडवाणी जी ने व्यवस्था का प्रश्न नहीं उठाया ... (व्यवधान) मि० मौर्य आप गलत बोल रहे हैं, बैठ जाइये।

श्री बुद्ध प्रिय मौर्य : इस सदन को चुनाव के लिए इस्तेमाल नहीं किया जा सकता।

श्री कलराज मिश्र : यहां व्यवस्था का सवाल नहीं उठाया गया था। आप सदन को गुमराह कर रहे हैं।

श्री लालकृष्ण आडवाणी : मैं दोनों उम्मीदवारों के बारे में नहीं कह रहा हूँ (व्यवधान)

श्री बुद्ध प्रिय मौर्य : आपने इजाजत दे दी है, उसके खिलाफ मैं कुछ नहीं कह सकता, लेकिन आडवाणी जी जो कुछ भी इस सदन में निवेदन करें इस सदन में वह चुनाव के प्रचार के आधार पर नहीं होना चाहिए।

दूसरा मेरा निवेदन है कि ... (व्यवधान)

श्री उपसभापति : मि० मौर्य आप  
हमसे कहिए, उनको छोड़िये ।

श्री कलराज मिश्र : आप उनको करने  
से रोक रहे हैं। जब ध्यान आकषित किया  
जाता है तो मन में ... (व्यवधान)

श्री बुद्ध प्रिय मौर्य : संसदीय प्रणाली  
में जहाँ मंत्री सरकार का अंग है, वहाँ  
वह पार्टी का सदस्य भी है। उस पार्टी  
का सदस्य होने के नाते उसे अपने  
उम्मीदवार के प्रचार करने के लिए पूरा  
अधिकार है।

श्री लाल कृष्ण आडवाणी : मौर्य साहब  
कह सकते हैं कि पूरा अधिकार है।  
गवर्नमेंट का कहना है कि हमसे गलती  
हुई ... (व्यवधान)

आप उनको बिठाते नहीं ... (व्यवधान)

श्री उपसभापति : आप बैठ जाइये ।  
प्वाइंट आफ आर्डर आ गया अब । ...  
(व्यवधान)

श्री सुखदेव प्रसाद (उत्तर प्रदेश) :  
आपने क्वेश्चन रोज करने का वक्त दिया।  
उसमें एक पार्टिकुलर सबजेक्ट पर बात  
कही। लेकिन इन्होंने जो पूरे इलेक्शन  
को लेकर राज्य सभा में उस कैम्पेन  
की बात शुरू की है, यह एक तरीके का  
कैम्पेन है जो एक पार्टी का दूसरी पार्टी  
के खिलाफ चल रहा है।

आपने किस रूल के अंदर इजाजत  
दी है, मैं यह जानना चाहता हूँ ?

श्रीमती ऊषा मल्होत्रा : गवर्नमेंट  
मशीनरी ... (व्यवधान)

श्री उपसभापति : आप शांत रहिए ।

SHRI SAT PAUL MITTAL (Punjab):  
Sir, on a point of order. . . (Interruptions).

SHRI HAREKRUSHNA MALLICK:  
Are you allowing them to disturb? (In-  
terruptions).

THE MINISTER OF DEFENCE AND  
HOME AFFAIRS (SHRI R. VENKATA-  
RAMAN): Mr. Deputy Chairman. Arti-  
cle 71 of the Constitution lays down that  
the Supreme Court is the only authority  
entitled to inquire into election of the  
President. So if there are any infirmities  
in the election of the President, it must be  
taken to the Supreme Court; it cannot be  
discussed here. (Interruptions).

MR. DEPUTY CHAIRMAN: Just a  
minute, please. Hear him first. (Interrup-  
tions). Please take your seats.

SHRI R. VENKATARAMAN: The  
questions whether the Government machi-  
nery has been used or a helicopter has  
been used are all things which will invali-  
date the election, if proved. If any Gov-  
ernment machinery has been used and it  
is proved, the Supreme Court will take  
the necessary action thereon.

So far as we are concerned, there is  
one particular point which has been raised  
by Mr. Advani: that is, when Rao  
Birendra Singh, as Chairman of the Back-  
ward Classes Committee of the All-India  
Congress Committee issued an appeal, by  
some mistake—I admit, by some mistake—  
this has been issued as a PIB release.  
This letter was sent to the Election Com-  
mission. It was a mistake. Whoever is  
responsible for this, the Government takes  
the responsibility for it. Some enthusias-  
tic people think that they must publish  
the statement of a Minister as a press re-  
lease merely because it has been made by  
him. Whatever it is, the Government  
takes the responsibility for it. We have  
told the Election Commission and a copy,  
I think, has been sent to Mr. Advani say-  
ing that it is a mistake. That matter should  
end there. The other things relating to  
infirmities in the election should not be  
raised in this House because it is a matter  
which is within the competence of the  
Supreme Court and not of this House.

SHRI LAL K. ADVANI: Our letter to  
you pointed out this PIB note and the

partisan role of the A.I.R. I do not want to dilate so far as the Supreme Court is concerned and so far as the election petition is concerned. The second part of that is not within the ambit of the Supreme Court. (Interruptions)... We had given notice of it, I would give only two examples, Justice Khanna...

DR. RAFIQ ZAKARIA: I would request you not to allow any further discussion on this subject. This forum should not be used for the purpose for which it is not meant.

SHRI LAL K. ADVANI: I will conclude within three minutes. A group of Members of Parliament issued a statement. This statement is publicised. I have got the full text. (Interruptions). उस तरह क्यों डिस्टर्ब कर रहे हैं। यह डेलिबरेट है, आप पार्टी मत होइए, नहीं तो तकलीफ होगी। मेरा कहना है यह डेलिबरेट है, शुरू से तय करके आए हैं कि अपोजिशन को बोलने नहीं देना है। उस आधार पर शोर मचा रहे हैं ... (व्यवधान)

श्री सतपाल मिश्रल : डिप्टी चेयरमैन सर, मैं 10 बार खड़ा हुआ हूँ, 10 बार बैठा हूँ। मैं पूछना चाहता हूँ कि आइवाणी जी को किस रूल के तहत यह कहने की इजाजत दी गई है। यह हाउस कुछ नियमों के जरिए गवर्न होता है। तो यही मैं जानना चाहता हूँ, किस रूल के अन्तर यह इजाजत दी गई है?

श्रीमती उषा मल्होत्रा : मेरा प्वाइंट आफ आर्डर है ... (व्यवधान)

श्री उपसभापति : जिस तरह से और मेन्शन होता है उसी तरह से चल रहा है .... (व्यवधान) ...

श्रीमती उषा मल्होत्रा : मेरा आरोप है कि हर बात पर उनको बोलने देते हैं। अन्तरेजल मेम्बर ने जो कहा मैं एक बात याद दिलाना चाहती हूँ कि जब

जनता सरकार आई थी उस वक्त पंडित नेहरू की, श्रीमती इन्दिरा गांधी की फोटों टी० वी० में स्कैप होती थी, डिलीट होती थी ... (व्यवधान) ...

श्री उपसभापति : वह दूसरा विषय है।

श्रीमती उषा मल्होत्रा : आज ये इन्फार्मेशन एण्ड ब्राडकास्टिंग मिनिस्ट्री को किस बुनियाद पर दोष देने हैं यह मैं जानना चाहती हूँ ... (व्यवधान) ...

श्री सतपाल मिश्रल : सर, मैंने आपसे प्वाइंट आफ आर्डर किया है। आपको क्या रूलिंग है? This House is governed by certain rules.

SHRI LAL K. ADVANI: How blatantly partisan. ...

श्री सतपाल मिश्रल : चेयरमैन साहब को जब इन्होंने लिखा था तो किम आशवासन पर इजाजत दी गई?

श्री उपसभापति : चेयरमैन साहब ने जवाबी कहा था।

SHRI SAT PAUL MITTAL: If he did not mention the words 'Special Mention', then it should not be allowed.

SHRI P. RAMAMURTI: I want to point out that we are aware of the position that Shri Venkataraman has just now explained. Within the ambit and the framework of the limitation that we are suffering from, we have submitted that irrespective of what is going to happen to the election—it may go to the Supreme Court or it may not go to the Supreme Court irrespective of what happens—the use of official machinery by the Government should be stopped. The forum of the Parliament can be utilised by us to highlight the misuse of that, not for the purpose of saying take it to the Supreme Court but for the purpose of highlighting the fact that continuously the Ministry o

(Shri P. Ramamurti.)

Information & Broadcasting is misusing it and, therefore, it must be stopped. This is the only purpose and this is well within the limit.

MR. DEPUTY CHAIRMAN: Hon. Minister, please.

SHRI R. VENKATARAMAN: Sir, that the Ministry or the Government is abusing is an allegation which has to be established in a court of law before any action may follow from it. If, in Parliament, in the House, which has protected rights and publication of it is also protected, you are allowing to make allegations of this kind, then you will be prejudicing the election itself. Therefore, Sir, I want to make it clear that whatever their objections are to the manner in which the campaign is being carried on, they can take it only to the Supreme Court after the election.

SOME HON. MEMBERS: No, no.

SHRI R. VENKATARAMAN: That is the Constitution.

SHRI RAMAKRISHNA HEGDE (Karnataka): That is not the point. (Interruptions).

SHRI R. VENKATARAMAN: Your shouting will not change the Constitution.

SHRI RAMAKRISHNA HEGDE: TV and Doordarshan are not the private property of the ruling Party. (Interruptions).

SHRI R. VENKATARAMAN: That is the Constitution and we must observe the Constitution. Therefore, I want to make it clear here. So far as that particular incident is concerned where there has been a mistake made by an officer, he has mentioned it and there it is over. Hereafter to make other allegations about use or abuse or misuse, it is really making allegations. They are making allegations about the conduct of election which is really a matter within the competence, within the jurisdiction of the Supreme Court and not of this House. Therefore, Sir, I should like to say that there can be no further discussion after what Mr. Advani has stated about the publication by the PIB.

(Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Bhandare, please. (Interruptions) Order, please.

SHRI MANUBHAI PATEL (Gujarat): Sir, a point of order has been raised. You have disposed it of. Now, let Mr. Advani continue.

MR. DEPUTY CHAIRMAN: A point of order has again been raised by Mr. Hegde. Let me hear all of you. Yes, Mr. Bhandare.

SHRI MANUBHAI PATEL: Sir, this is not the procedure. Let Mr. Advani complete. He is in the midst of his say. So, let him complete first. Thereafter, if anybody has anything to say, you can allow that. And you don't allow Mr. Advani who has started and who was duly permitted by the Chair. It was given in writing to the Chairman. And now you are allowing them one by one. Under the guise of a point of order, they do not allow. . . (Interruptions).

MR. DEPUTY CHAIRMAN: Mr. Bhandare, please.

SHRI JAGANNATHRAO JOSHI (Delhi): Sir, he will advocate the case in the Supreme Court. Why here?

(Interruptions)

SHRI MANUBHAI PATEL: He has admitted that it was a mistake on the part of the Government. As far as . .

श्री उपसभापति : अगर यह बात एडमिटेड है तो आप को दोहराने की जरूरत क्यों पड़ी ? मिस्टर भंडारे । (व्यवधान)

डा० भाई महावीर (मध्य प्रदेश) : एक के बाद एक किस-किस को बुलायेंगे, यह तो बता दीजिए । (व्यवधान)

श्री उपसभापति : आप बैठ जायें ।

डा० भाई महावीर : हम तो बैठे हुए हैं ।

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): I find that hon. Member, Mr. Advani, is not taking

any objection to my making a few observations on his point of order. (*Interruptions*).

MR. DEPUTY CHAIRMAN: I am calling him for the first time.

SHRI SADASHIV BAGAITKAR (Maharashtra): Some of the points raised are already settled. Don't allow new points to be raised. Let Mr. Advani complete his submissions first. (*Interruptions*).

SHRI MANUBHAI PATEL: Let Mr. Advani complete his observations first. (*Interruptions*)

श्री उप-समिति : उन की बात तो खत्म हो गयी है।

श्री सत्यपाल मलिक (उत्तर प्रदेश) : पहले आप आडवाणी जी को बोल लेने दीजिए।

MR. DEPUTY CHAIRMAN: Yes, Mr. Bhandare.

श्री सदाशिव बागाईतकर : बीच में प्वाइंट ऑफ आर्डर कैसे उठ सकता है?

What is the basis of his point of order? He is raising a point of order. What is the point of order? He can raise a point of order when Mr. Advani has completed.

MR. DEPUTY CHAIRMAN: He will make his observations on your point of order. I think the hon. Members are not interested in the orderly conduct of the House. (*Interruptions*...) (*Interruptions*) I request the hon. Members to resume their seats. I can hear all of them one by one and not all at a time, and this has been the practice (*Interruptions*). Just a minute. Please hear me. (*Interruptions*). A point of order has been raised. Naturally a point of order has to get precedence over what the Members want to speak. After I hear him... (*Interruptions*)

SHRI ARVIND GANESH KULKARNI (Maharashtra): Sir, may I make one submission?

MR. DEPUTY CHAIRMAN: No submissions, Mr. Kulkarni. I have called Mr. Bhandare first.

श्री कलराज मिश्र : मेरा एक व्यवस्था का प्रश्न है।

MR. DEPUTY CHAIRMAN: After Mr. Bhandare. After I have heard him. (*Interruptions*). No please. We have not heard what he wants to say. Let us hear him first. I have not been able to hear him. (*Interruptions*). I request you to please resume your seats.

SHRI ARVIND GANESH KULKARNI: I am not objecting to Mr. Bhandare making his observations. But after that Mr. Advani must be allowed to complete his submissions. You allow Mr. Bhandare, we do not mind. But allow Mr. Advani also. Otherwise, Sir, this will not be a proper functioning of the House.

MR. DEPUTY CHAIRMAN: Mr. Bhandare please. (*Interruptions*).

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Mr. Deputy Chairman, Sir... (*Interruptions*).

MR. DEPUTY CHAIRMAN: It seems the hon. Members are not interested in the normal conduct of the House. Therefore, the proceedings are adjourned to 2 P.M.

The House then adjourned for lunch at fifty-six minutes past twelve of the clock.

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

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Sir, I rise on a point of order. (*Interruptions*).

SHRI MANUBHAI PATEL: Sir, before you allow him, I would make a request to you. Kindly conduct the proceedings in a proper way.

MR. DEPUTY CHAIRMAN: I would request you to conduct yourself properly first. You have just started casting asper-

(Mr. Deputy Chairman.)

sions on the Chair. I am sorry to say. He has raised a point of order. I will hear him. There is nothing irregular in hearing him. When a Member makes a speech, during his speech, any other Member can raise a point of order.

SHRI MANUBHAI PATEL: But once the point of order is disposed of, the original speaker, in this case, Mr. Advani should be allowed to continue his speech. He is being continuously interrupted and you are not allowing him. One by one, under the guise of a point of order, when there is no point of order, he is being prevented from continuing his speech. You are not allowing him. If you had not allowed him, if the Chairman had not allowed him, I would have understood. But when once you have allowed him, to obstruct like this, I think, is not consistent with the procedure of the House.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : मेरा व्यवस्था का प्रश्न है।

श्री बी० सत्यनारायण रेड्डी (आन्ध्र प्रदेश) : मेरा व्यवस्था का प्रश्न है।

श्री सत्यपाल मलिक : मैंने नोटिस दिया हुआ है। आप मुझे भी उठाने दें।

श्री उपसभापति : पहले माथुर साहब को सुन लिया जाए।

श्री जगदीश प्रसाद माथुर : व्यवस्था के प्रश्नों पर विचार करने के बाद आपने आडवाणी जो को खड़ा किया और अब बीच में व्यवस्था का प्रश्न खड़ा करना उचित नहीं है। अगर आप इनको अलाऊ करने को उतारें हैं—अव्वल में तो करना नहीं चाहिये अगर करते हैं तो और जितने व्यवस्था के प्रश्न हैं उनको पहले सुलझाया जाए। दूसरे में कहना चाहता हूँ ...।

श्री उपसभापति : माथुर जी, पर उपदेश बहुतेरे होते हैं। अब आप बैठ जाइये।

श्री जगदीश प्रसाद माथुर : श्रीमान्, मैं यह कहना चाहता हूँ कि भंडारे जी यह बताएं कि कौन से रूल के अन्तर्गत वे यह व्यवस्था का प्रश्न कर रहे हैं ?

श्री उपसभापति : आप तो इस सदन के पुराने सदस्य हैं। सदन में जो बातें होती हैं उनको आप जानते हैं। मैं सबके व्यवस्था के प्रश्नों को सुनने के लिए तैयार हूँ।

श्री शिवचन्द्र झा (बिहार) : श्रीमान्, मेरा व्यवस्था का प्रश्न है और वह यह है कि इस सदन में यह परम्परा रही है कि सदस्य प्रश्न उठाते हैं, कुछ इजाजत लेकर उठाते हैं और कुछ बगैर इजाजत के भी प्रश्न उठाते हैं। दोनों बातें सदन में होती हैं। पार्लियामेन्टरी मर्यादा और डेकोरम का यह तकाजा है कि उनको सुना जाता है। लेकिन मैं यह पूछना चाहता हूँ और इसमें आपका निर्णय चाहता हूँ कि कुछ लोग जो आपके पास कागज लेकर गये, आपके डायस तक गये ... (व्यवधान)।

श्री उपसभापति : कौन गये ?

श्री शिवचन्द्र झा : श्री सुलतान सिंह आपके पास पेम्पलेट लेकर गये, आपकी टेबल पर गये।

श्री उपसभापति : मेरे पास कोई कागज नहीं है।

श्री शिवचन्द्र झा : क्या आप इसको एप्रूव करते हैं ?

श्री उपसभापति : हमने कहाँ किया है? हमने कागज नहीं लिया है। अपना कागज वापस ले गये होंगे।

श्री शिवचन्द्र झा : अगर हम भी इसी तरह से दौड़-दौड़ कर आपके पास



कागज ले जायें तो क्या आप एलाउ करेंगे मैं चाहता हूँ कि आप इसको डिफ़्यूज कीजिये।

दूसरी बात मैं यह कहना चाहता हूँ कि कौन से शब्द इस्तेमाल हों और कौन से शब्द सदन में इस्तेमाल न हों, इस पर चर्चा हो चुकी है। कौन सा शब्द पार्लियामेन्टरी है और कौन सा अनपार्लियामेन्टरी है, इस पर चर्चा हुई है। आपको याद होगा, साइकोफ्रेन्ट को लेकर इसी तरह की बहस हो चुकी है। टूल या कोई दूसरा शब्द पार्लियामेन्टरी डेकोरम के अन्तर्गत आता है या नहीं, यह भी उसी तरह का सवाल है। अगर हरियाणा के गवर्नर ने टूल के रूप में काम किया और जनतंत्र का गला घोटने में साथ दिया तो यह स्पष्ट है कि वहाँ पर मर्यादा के अनुकूल काम नहीं किया गया है ... (व्यवधान)

श्री उपसभापति : जिस बात के लिए मैंने अभी श्री माथुर को मना किया, आप उसी पर बोल रहे हैं।

श्री शिव चन्द्र झा : तीसरी और अखिरी बात मैं यह कहना चाहता हूँ कि राष्ट्रपति के चुनाव में जिस तरह से सरकार सरकारी मशीनरी का दुरुपयोग कर रही है वह बहुत गम्भीर बात है। आप सरकार से कहें कि वह इस दुरुपयोग को बन्द करे।

श्री सत्यपाल मलिक : मान्यवर, मेरा व्यवस्था का प्रश्न यह है कि सदन में जब कभी कोई माननीय सदस्य किसी मामले पर बहस चाहता है तो उनसे पूछा जाता है कि आपने इसके लिए नोटिस दिया है या नहीं। आज जीरो आवर के फौरन बाद कुछ लोग हरियाणा के गवर्नर के संबंध में कोई चीज लेकर खड़े हुए। मैंने भी आज सबेरे एक नोटिस सेक्रेटरी जनरल को दिया था जिसके

तहत मैंने एक मोशन की इजाजत मांगी है कि गवर्नर के असंवैधानिक कार्य के लिए उनको हटाया जाय। मेरा इस प्रकार का उनको हटाने का मोशन आपके यहां पेंडिंग है। उसका मुझे कुछ पता नहीं चला। उसका अब तक रूटीन तरीके से पता चल सकता था। गवर्नर के आचरण पर इस सदन में बहस हो सकती है या नहीं, इस पर एक पाइन्ट रेंज करना चाहता हूँ। शकधर और कोल की इस संबंध में जो किताब है उसमें यह साफ लिखा है कि गवर्नर का मुख्य मंत्री बनाना या हाउस को डिजोल्ड करने के जो एक्शनस हैं उन पर बकाया सदन में पहले भी बहस हुई है और बहस हो सकती है। जब इस सदन में बिना आपकी इजाजत के सदस्यों को बोलने दिया जाता है और वे बोलते हैं तब प्रश्न यह उठता है कि ... (व्यवधान)

श्री उपसभापति : ये दोनों बातें तो कंट्रेडिक्टरी हो गई। बिना इजाजत के बोलते हैं तो हम कहां इजाजत देते हैं।

श्री सत्यपाल मलिक : आप रिकार्ड मांगा कर देख लीजिये। आपकी इजाजत के बगैर बोलते हैं और वह रिकार्ड होता है।

डा० भाई महोदय : उनको इजाजत जैसी आडवाणी जी को मिली थी वैसी नहीं थी। उन्होंने इजाजत के बगैर जबर्दस्ती ... (व्यवधान)

श्री सत्यपाल मलिक : पचासो इरेलीवेन्ट बातें जिनका मकमद बिल्कुल अलग था, सटाई गई।

मेरा निवेदन मान्यवर यह है कि एक तो जो मामला गवर्नर के आचरण का है, उससे संबंधित जो हम लोगों का मोशन है उस पर आप निर्णय दीजिये। दूसरा,

[श्री सत्यपाल मलिक]

जब आडवाणी जी खड़े होते हैं—आपकी मदद हम लोगों को मिलनी चाहिए क्योंकि हम लोग कमजोर हैं और हम लोगों को शिकायत रहती है। जो मारने वाला है, जो ज्यादाती करता है, उस हिस्से की तरफ़ आप नम्र हैं, यह अच्छी बात नहीं है। मैं कोई आरोप नहीं लगा रहा हूँ। हम लोगों की यह शिकायत है।

श्री कमलराज मिश्र : महोदय, मेरा व्यवस्था का प्रश्न यह है कि आडवाणी जी को अनुमति देने के पश्चात् जब उन्होंने बोलना प्रारम्भ किया तो उस समय ट्रेजरी बेंचेंज के लोग खड़े होकर बोलने लगे। उस समय आडवाणी जी की बोलने की दृष्टि से आपका बाकी लोगों को रोक कर बैठाना चाहिए था लेकिन वह नहीं हुआ। ठीक इसके विपरीत यह हुआ कि एक-एक करके सब बिना व्यवस्था के प्रश्न पर बोलने लगे और उनको बोलने की इजाजत दी गई। मेरा आग्रह मान्यवर यह है कि आडवाणी जी को अपनी पूरी बात बोलने की दृष्टि से आप उनको परमिट करें और फिर उसके बाद व्यवस्था के प्रश्न उठाये जायें।  
... (व्यवधान) ...

श्री रामेश्वर सिंह (उत्तर प्रदेश) : श्रीमन्, उपसभापति महोदय,

श्री उपसभापति : क्या व्यवस्था का प्रश्न है।

श्री रामेश्वर सिंह : व्यवस्था का प्रश्न यह है कि ट्रेजरी बेंचेंज की तरफ़ से जो कुछ भी आज सदन में हुआ है यह लोक-तंत्र की रक्षा के लिये ...

SHRI SYED SIBTEY RAZI: I take strong objection to that. He is trying to make allegations against the treasury benches. (Interruptions) Sir, you were com-

pelled to adjourn the House because of their behaviour. (Interruptions).

MR. DEPUTY CHAIRMAN: Your objection to their behaviour. (Interruptions).

श्री रामेश्वर सिंह : मेरा व्यवस्था का प्रश्न श्रीमन् यह है कि यह सदन जो है यह सम्पूर्ण राष्ट्र की धरोहर है और सम्पत्ति है। यह जनतंत्र प्रणाली की रक्षा करने और हर आदमी को अपनी राय माकूल तरीके से जाहिर करने का स्थान है। आज जिस तरीके से बगैर आपकी इजाजत के ट्रेजरी बेंचेंज के लोगों ने जो कुछ किया है उससे हम को लगता है कि मुल्क पर एक बहुत जबर्दस्त खतरा है... (व्यवधान) ...

श्री (मौलाना) असरारुल हक (राजस्थान) : आपने गवर्नर के ऊपर हाथ उठाया है, आपने उसको मारने की कोशिश की और आप हाउस में भी खड़े होते हैं... (व्यवधान) ...

(مولانا اسرار الحق) : آپ نے گورنر کے اوپر ہاتھ اٹھایا ہے آپ نے اسکو مارنے کی کوشش کی اور ہاؤس میں بھی کھڑے ہوتے ہیں۔ مداخلت

श्री अब्दुल रहमान शेख (उत्तर प्रदेश) : गवर्नर इसी काबिल है।

श्री रामेश्वर सिंह : मेरा आपसे आग्रह है... (व्यवधान) ...

श्री (मौलाना) असरारुल हक : अगर यही बाकी है कि गवर्नर को मारा जाये, उस पर चप्पलें उठाई जायें... (व्यवधान) ...

شہری مولانا اسرار الحق - اگر یہی باقی ہے کہ گورنر کو مارا جائے اس پر چپاڑیں اڑھائی جائیں مداخلت

SHRI SYED SIBTEY RAZI: Sir, where lies the point of order? He is wasting the time of the House.

† [ ] Transliteration in Arabic script.

श्री उपसभापति : आप समाप्त करिये ।

श्री रामेश्वर सिंह : आपके माध्यम से मेरा आग्रह है कि जब अपोजीशन पार्टी की तरफ से जनतंत्र में हमने बहुत सी जनतांत्रिक देशों की परम्परायें देखी हैं और हमने पढ़ा भी है कि जब अपोजीशन पार्टी का नेता बोलता हो तो कम से कम सत्तारूढ़ दल, ट्रेजरी बेंच के के लोगों को उनकी बात को धैर्य से सुनना चाहिये । अगर ट्रेजरी बेंच .. (व्यवधान) ... इस मर्यादा को पार करता है तो मैं आपसे विनम्रता के साथ कहना चाहता हूँ कि ट्रेजरी बेंच इस देश में लोकतंत्र की रक्षा करना नहीं चाहता और देश में तानाशाही को लाना चाहता है ।

MR. DEPUTY CHAIRMAN: Mr. Bhandare now. (Interruptions). Now how many persons have spoken from this side. Let me hear him.

SHRI MANUBHAI PATEL: Before you proceed, I have a small request to make. (Interruptions). Please Maulana Sahib. Sir, I want to make a small request. Kindly stick to the procedure and Members who have signed on that request may be allowed to raise the points.

MR. DEPUTY CHAIRMAN: It is not necessary to call all of them. (Interruptions). No, no, I do not agree to that.

SHRI MANUBHAI PATEL: They are leaders of the respective parties. If you follow that procedure, this will not happen. Otherwise anybody and everybody will speak if you go on like this.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Mr. Deputy Chairman, Sir, I rise to raise a very serious and fundamental point of order. But, before I do that, I must endorse what has been said by the hon. Member, Mr. Dinesh Goswami because patiently and in a very disciplined manner I had raised my hand and I was fortunate in catching your eye. And when you called upon me I could not say a

word because each one of the Members, Mr. Manubhai Patel, Mr. Shiva Chandra Jha, Mr. Rameshwar Singh, Mr. Bhabhra and Mr. Satya Pal Malik got up. . .

श्री मनुभाई पटेल : मैंने आपको क्या कहा (व्यवधान)  
I only requested him to stick to the procedure. That is all. What else did I say?

श्री रामेश्वर सिंह : इनको हम लोगों ने कुछ कहा ? (व्यवधान)

SHRI MURLIDHAR CHANDRAKANT BHANDARE: You had got up to interrupt me. . . (Interruptions). You had got up to interrupt me at their say. Now I come to my point of order. (Interruptions).

श्री उपसभापति : जरा इनको बोलने दीजिये ।  
Come to the point, Mr. Bhandare.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: In the first instance, my point of order is under three heads. Firstly I take very serious objection and exception to the mode of discussion. When the hon. Member, Mr. Advani, got up to say something even before the Calling-Attention was taken up, we knew that he had something to say . . . (Interruptions).

SHRI SADASHIV BAGAITKAR: He was permitted by the Chair . . . (Interruptions) . . .

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I know that. I was also told. . .

SHRI SADASHIV BAGAITKAR: You are casting reflections on the Chair.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: That Mr. Advani has been permitted to raise this point by the Chairman has distressed me most and that is why I am raising this point of order.

SHRI B. D. KHOBRAGADE (Maharashtra): Mr. Bhandare is casting reflections on the Chair.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE:** I must point it out. I shall be failing in my duty if I do not point out that what Mr. Advani has done is to discuss the abuse of administrative and governmental machinery. I think this is not permitted through the backdoor method of special mention. If he wants we are prepared, we are ready, for a full-fledged discussion—so far as I am concerned. I cannot commit the Government. But to use this backdoor method for purposes which I will indicate is not proper. I think the correct procedure is that if he has to discuss the misuse or unfair use of any administrative or governmental machinery, he must give notice of a substantive motion and the House shall discuss it on a substantive motion.

The second point is, as has been pointed out by honourable Mr. Venkataraman, the whole power is vested under our Constitution solely and exclusively in the highest court of the land, namely, the Supreme Court, and before we interfere with the jurisdiction of that Court we should be extremely careful.

The third objection, which is most important, is this that I find that in the name of this special mention, Mr. Advani and the Opposition want to expand the whole scope of discussion and make this great House an arena for the election campaign . . . (*Interruptions*) . . . We are on the eve of the Presidential poll and I think that the proceedings of this House should not interfere with free and fair poll. They may be frustrated but certainly this House is not the forum in which they can express their frustration or try to take any political mileage.

In view of these, my submission is that they cannot indirectly do what they are not permitted to do directly, namely, these are matters which will be gone into by the Supreme Court. I, therefore, request you to decide my point of order to stop this discussion immediately, here and now.

**SHRI DINESH GOSWAMI (Assam):** Sir, on the point raised by my friend, I

would like to make a submission. My learned friend has said that it has been pointed out by Mr. Venkataraman that the only field where we can agitate is the Supreme Court. The field for agitating for setting aside the election of the President is the Supreme Court; but for political improprieties and misuse of administrative machinery the field is not the Supreme Court, the field is this House. Whether we do it by way of a motion or otherwise is a different matter. My learned friend said that we cannot do it directly. He said that we must not be allowed to do something indirectly what we cannot do directly. Will he kindly point out the Rules of Procedure of the House under which we cannot do it directly? What is the Rule of Procedure? It is up to the Chair to permit a motion or a special mention or a Calling Attention on any subject. And, considering the urgency of the matter that the Presidential election is going to be held within the next three days, if the Opposition feels that it is its duty to make it known to the country how the ruling party is misusing its power to push their own partyman into the Presidential House and if the Chair decides to permit it which are the rules and the Constitutional provisions that come in the way? After all, the Chair has exercised its discretion after considering all the rules. My friend has not been able to point out any rules which prohibit this. Therefore, the argument that my friend has put in his point of order has no substance.

**SHRI GHULAM RASOOL MATTO** (Jammu and Kashmir): The discussion on the subject has been permitted by you. Shri Advani raised two points, No. 1 was about the PIB circular, to which the hon. Minister replied. The second point he had to raise to which the hon. Minister would have replied and then the discussion could have been stopped. This is the only procedure we can adopt. Why should we waste our time and energy? The correct point is that he has raised two points. The first point is about the PIB circular, to which Mr. Venkataraman has replied. The second point he has raised will be replied and then you will give the ruling.

**SHRI SUSHIL CHAND MOHUNTA** (Haryana): Sir, the question is that the matter being referred to the Supreme Court and the matter being discussed in the House are two absolutely different aspects of the matter. If there is violation of any law and if any person wants redressal of his grievance, he has the option to urge for it in the proper forum of the court or not. But this House is definitely concerned if there is violation of any authority of any law and if the Parliament feels that the Government machinery is being misused to promote the chances of success of one particular candidate, this Parliament will always intervene and discuss the matter and see that such things are not done because the very edifice of the democratic set-up, actually the most sensitive machinery, depends upon the understanding of the Members that it is to be saved by both the parties and that no party will try to gain an upper hand by taking recourse to those means which under democratic conditions and laws are always prohibited. Therefore, I would support what my learned friend has said.

**SHRI SHRIDHAR WASUDEO DHABE** (Maharashtra): Sir, it is a very serious matter and I am sorry to say that some Members are taking it as a fight between the two groups. Sir, the main question is about the election of the highest office in our country. Mr. Goswami has rightly said that the permission has been granted. Mr. Venkataraman has made a concession that Mr. Advani can mention about one corrupt practice. If that is so, if one mention is there, I fail to understand how it can be opposed if he wants to mention about the abuse of the machinery. Having conceded that he can mention about the PIB mistake or the corrupt practice having been committed, you have allowed this House to discuss the whole matter. Sir, I would like you not to give a ruling and close the discussion. It will have very serious repercussions. I find that you may allow these objections to be raised but will not allow Advaniji to have his say. Let him have his say, Mr. Venkataraman is quite competent. He has dealt with a number of important matters, more important than this. This is not going to affect the election. They have got a thum-

ping majority. But it is a very serious matter and it is going to be a precedent for future. Therefore, my appeal to you and through you, to the Treasury Benches and the hon. Defence Minister is, let the people not get an impression that this discussion is not being allowed in this House. Mr. Advani would have finished within three minutes, as you rightly said. I do not understand why we should not allow him to have his say and finish the whole matter. They have taken up half an hour and points of order are being raised. My learned friend talked about the Supreme Court. The permission has been granted by the Chairman and we have discussed even matters which were *sub judice* in the Supreme Court. We have discussed election matters, and also actions of the Election Commission. House has got a special privilege and has nothing to do with election. Moreover the election matter is not pending in a court. A petition may be filed or may not be filed. So the question of *sub judice* does not arise. Still the election has to take place. The whole object of the Opposition to bring the subject is to point out to the Government; let not the mistake of the Minister of Information and Broadcasting be repeated and let not the country and the world see that because of corrupt practice the election to the highest office has been set aside. Therefore, we are warning them. In the circumstances, I would request you not to stifle the discussion but allow Mr. Advani to have his say.

**SHRI GHANSHYAMBHAI OZA** (Gujarat): I will take only one minute. I was happy to learn from the hon. Home Minister that there was an error in issuing that press statement. The only thing that would put the whole thing at rest is that he should assure the House that he would take care in future that the Government machinery is not misused. He should have said so.

**MR. DEPUTY CHAIRMAN:** Mr. Kalyanasundaram.

**SHRI M. KALYANASUNDARAM** (Tamil Nadu): Regarding your ruling on the several points of order raised, I want to make a submission. Shri Advani and many other Members of the Opposition

[Shri M. Kalyanasundaram.]

have given in writing the point which we wanted to raise and the Chairman was kind enough to permit us to raise it, and we have raised it. He has not yet completed his speech. In the meantime some ruling party Members started raising points after points, relevant and irrelevant. I can understand their anxiety. But let them show some sobriety. The result of the election is not going to be changed by a discussion here or canvassing outside. We are not going to be influenced. I am not going to canvass you and change you. Your party mandate is there. And our political convictions are there.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE:** You have got the vote of conscience. You know that.

**SHRI M. KALYANASUNDARAM:** I do not understand why Mr. Bhandare is so afraid of conscience. That means that there is something pricking. Please let us have our say. After all, the Opposition thought of putting up a candidate because the Prime Minister refused to accept a consensus.....

**MR. DEPUTY CHAIRMAN:** That is not the point.

**SHRI M. KALYANASUNDARAM:** It was a political point. Another point is, the Government should not resort to such methods. Some people, as was explained by the Defence Minister, Mr. Venkataraman, some silly overenthusiastic people have done this. Then it is for the Prime Minister to examine how for sycophancy can go because she wants the people to deal with the Opposition strictly. I find this in her speech yesterday. The Prime Minister must re-examine it because what is happening today in this House? Her instructions to the Members of her party have resulted in this. So my point is, Mr. Advani may be allowed to complete his speech. Other Members also must be allowed to express their views. Then you finish it. After all, it is not a motion. We are not going to decide anything in this House.

**SHRI R. VENKATARAMAN:** Sir, I will make the position clear. In fact, I have so much confidence in Mr. Advani's

fairness that after what I tell him, he may agree with me. The hon. Member Mr. Advani, raised the first point relating to an error committed by the P.I.B.

**SHRI B. D. KHOBRAGADE:** Deliberate error.

**SHRI R. VENKATARAMAN:** Whatever you may say, it is an error and whatever you say, I will have to accept. Because we are in error, we have to accept whatever you say. He next went to another point, namely, abuse of the Government machinery, etc. At this stage, it is only an allegation. It is an allegation made by certain persons that certain things were abused. Whether it is abuse or not, whether the Government machinery is abused or not is a matter which has to be agitated in the Supreme Court in relation to the validity of the election. Therefore, any discussion here would be totally barred by Article 71 in which the validity of the election will be determined by the Supreme Court on the very basis which you now raised here, the point which you raised here (*Interruptions*). Did I raise my voice when all these people spoke? Why don't you extend to me that little courtesy? All that I want is a little courtesy to express myself. Now, they are making allegations about a certain conduct of the Government or the conduct of certain persons. At this stage they are mere allegations. All these allegations will have to be repeated in another forum which will determine whether the election is valid or not in accordance with the proof of the allegations. If you make allegations here, and then, according to our law there is a right of the Member to express whatever he can in this House and according to the law the press has the right to publish it, then it will prejudice the elections; it will definitely prejudice the election because you will make allegations without proof. . .

**SHRI INDRADEEP SINHA (Bihar):** Why is the Minister so nervous about these Members?

**SHRI R. VENKATARAMAN:** I therefore make an appeal on two grounds: one of propriety and one of legality. So far as legality is concerned, the House cannot go into any matter which will affect the validity of the election. That is a matter which is within the jurisdiction of the

Supreme Court. So far as propriety is concerned, it is not proper to make allegations which are not proved, which are not established, which are just made by some people. . .

SHRI B. D. KHOBRADE: It has been admitted that Government machinery has been misused.

SHRI R. VENKATARAMAN: The validity of this objection also will be decided by the Supreme Court, how far it will affect the election. . .

SHRI B. D. KHOBRADE: We are not concerned with the validity of the election. Let that be decided by the Supreme Court. We are only here pointing out that your machinery is being misused.

SHRIMATI MARGARET ALVA (Karnataka): Do you mean to say that Mr. Antulay lost his case because it was discussed in Parliament?

SHRI R. VENKATARAMAN: The statement that the machinery of the Government is abused is an allegation, an allegation which will have the validity of judging the propriety of the election. Therefore, you cannot prejudice. . .

SHRI B. SATYANARAYAN REDDY: Why does not the Home Minister assure the House that Government machinery will not be used for the purpose of the election?

SHRI R. VENKATARAMAN: Neither the multitude of voice nor the strength of the shout can drown reasonableness. It must always be on the basis of reason. . .

SHRI MANUBHAI PATEL: Kindly tender that advice to your people on that side.

SHRI R. VENKATARAMAN: I am making an appeal to all sides, including your side. I, therefore, make it clear that so far as legality is concerned, it is a matter within the jurisdiction of the Supreme Court; it cannot be raised here. So far as the morality of it is concerned, so far as the reasonableness is concerned, it is totally improper to make allegations in the House which will prejudice the

election. At this stage it is only an allegation. You are merely saying that it has been abused. The people will think that the other candidate has done something. It is not fair to the candidates who are not here and who are not in a position to defend themselves. Therefore, in these circumstances, having made. . . (*Interruption*). Mr. Hegde, please sit down. I will talk to you afterwards in the Lobby. I am making an appeal to Mr. Advani. Having stated that an error has been committed by one of the officials or some overenthusiastic officials, and having further conceded that so far as the Government is concerned, they take the constitutional responsibility for whatever mistake they have made, now Mr. Advani must be satisfied that all those things are mere allegations at this stage, and he should not press for making that kind of allegations in this House.

SHRI LAL K. ADVANI: Sir, I will express my views only on one point. I am not referring to the main point at all. I am referring to the limited point of order because it is not merely a question of what we say in this House or not. That is not going to count much. But it is going to be a precedent of what really is the authority of this House and what we can discuss or we cannot discuss in the House.

I am very much gratified and I greatly appreciate the Home Minister's observation about my being fair. So far as these issues are concerned, he would himself appreciate what article 71 says. He has relied on this article which says that all doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final. This is about the election of the President which has taken place. It is not about the election campaign. Otherwise, even the Election Commission could be charged with having violated this article. The moment I drew the attention of the Chief Election Commissioner. . .

MR. DEPUTY CHAIRMAN: But the election starts from the notification.

SHRI LAL K. ADVANI: At least the Chair should not interrupt me. When I wrote to the Election Commission—after all it was an allegation from my side—the Election Commission did not tell me on that basis: "If you have any allegation to make, you can go and make it before the Supreme Court after the election is over". Instead the Chief Election Commissioner took prompt action on this and wrote to the Government of India and asked them for an explanation as to how this happened. The Government of India replied to that saying that it has been a mistake on our part and we assure you that this mistake will not be committed again.

Now, my point is that it is within the jurisdiction of the Election Commission to make enquiry even during the course of the campaign as to whether a fair and proper election is taking place. All that I am concerned with is this. I have said this outside and I can again say it outside and this is not going to stifle my voice. I do feel very strongly that Parliament is the forum where we can raise it and as Mr. Goswami has said we are not wanting to unseat a person who has been elected. That is within the jurisdiction of the Supreme Court. That is not within our jurisdiction. But this House does have jurisdiction in ensuring that the election process goes on properly and smoothly and rightly. On the legal point, this House has the authority. The former Law Minister and Judge is also present.

AN HON. MEMBER: The present Law Minister also.

SHRI LAL K. ADVANI: . . . and I am glad the present Law Minister is also present. What we decide is going to be a precedent. If the Parliament cannot discuss how the campaign is going on and how the Governmental machinery is being misused simply on the ground of article 71 under which the question has to be raised in the Supreme Court after the election is over, it will be a very serious diminution, encroachment and erosion of the powers of the Parliament to which I cannot be a party. This morning when we discussed with the Chairman, he did not

at any stage doubt the legality or the propriety of discussing it. He was only concerned as to what impact it would have.

On the second point I am really surprised as to why again and again it should be suggested that there should be no campaigning for any candidate and this should not be converted into an arena of election campaign. I do not want to do it. But why is the ruling party, the majority party, so panicky and in jitters about making this an arena of politics or campaign? I do not want to do it. I want to make a limited point regarding the misuse of official machinery for the sake of the ruling party candidate. I am in your hands. You give your ruling on this point. If you want, you can overrule the Chairman's ruling and then the consequences will be there.

श्री लालू मोहन निगम (मध्य प्रदेश) : मेरा सिर्फ इतना ही निवेदन है, आप जो व्यवस्था देंगे, वह माननीय होगी, जो तर्क मंत्री जी का है कि यह मामला तो सुप्रीम कोर्ट के हाथ में है उसको मैं मान लेता हूँ और दूसरी जो उसके साथ जुड़ी हुई बात है उसके लिये उदाहरण के तौर पर मैं कहना चाहता हूँ कि आपको पता हो कि कहीं किसी की अस्मत् लुट रही है तो क्या आप उससे कहेंगे कि पहले अपनी अस्मत् लुटवा लो और उसके बाद तुम्हारे लिये सुप्रीम कोर्ट का रास्ता खुला है, तो यह प्रश्न तो प्रतिष्ठा का है, अस्मत् का है, संस्कृति के संरक्षण का है। जहाँ किसी की अस्मत् लुट रही हो वहाँ उसको रोकने की कोशिश आप नहीं करेंगे तो कौन करेगा। जब उस की अस्मत् लुट जायेगी तो उसके पास क्या बचेगा। वह तो लौट नहीं सकती। तो प्रश्न यह है कि आप भावुकता में न बह कर बुनियादी बात को देखें और मैं यह कहना चाहता हूँ कि बड़ा नाजुक प्रश्न है। अगर इस मामले पर स्वार्थ को आगे रखकर सत्ता पक्ष के साथ बात



रहेगी और बैसा कोई फैसला होगा तो ध्यान रखिये कि यह आपका दिया हुआ आज का फैसला मुल्क का अस्मत का फैसला होगा ।

MR. DEPUTY CHAIRMAN: I think the points that have been raised by several Members have almost been replied to from either side. But this point is quite clear that "all doubts and disputes arising out of or in connection with the election of the President or the Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final". So, all matters that arise during the election—the election process starts from the date of the notification itself and there are several rulings from the courts and there is no doubt on that point—can be inquired into only by the Supreme Court. Now, the Chairman has only allowed a limited point to be raised and nothing else and that is about the Backward Classes Cell Chairman's appeal and about the coverage by the AIR and the Doordarshan. Therefore, this limited point was raised by Shri Advani. . . (*Interruptions*) and he was already mentioned those points and the Minister has replied to them. The whole thing has been said again and again and I do not think that there is any need for any further discussion. (*Interruptions*).

MR. HON. MEMBERS: No, no. (*Interruptions*).

MR. DEPUTY CHAIRMAN: And the Chair has not allowed the other Members to speak. He has only said that Mr. Advani will speak. I had a talk with him and he said that only Mr. Advani will speak and Mr. Advani has already spoken and, therefore, the matter is closed now.

SHRI LAL K. ADVANI: Sir, this is something strange. (*Interruptions*).

SHRI SADASHIV BAGAITKAR: Sir, this cannot be done. I want to speak on this. (*Interruptions*). We all want to speak on this. This cannot be done like this.

SHRI LAL K. ADVANI: Sir, what is this ruling? (*Interruptions*).

SHRI SADASHIV BAGAITKAR: Sir, first of all, we discussed it in the Chamber and it was agreed to. (*Interruptions*).

SHRI LAL K. ADVANI: Sir, you cannot overrule the Chairman. (*Interruptions*).

SHRI MANUBHAI PATEL: Please read the whole letter and the points which are covered in that letter. (*Interruptions*). Please read the whole thing.

SHRI P. RAMAMURTI: Sir, I want to make a statement. (*Interruptions*). Please hear me. I want to make a statement, Mr. Deputy Chairman, Sir, you see, the limited point that we wanted to raise in this House was not the question of upsetting the election or canvassing for anybody. After all, today, . . .

MR. DEPUTY CHAIRMAN: The matter is over now.

SHRI P. RAMAMURTI: No, Please hear me, I want to make a statement. (*Interruptions*).

SHRI LAL K. ADVANI: You have to listen to him first, Sir. Please allow him. (*Interruptions*).

SOME HON. MEMBERS: You have to allow him. (*Interruptions*).

SHRI P. RAMAMURTI: Sir, I want to make a statement.

SHRI LAL K. ADVANI: Sir, Mr. Ramamurti is the Leader of the Opposition in this House now and he should be allowed and he should be heard.

MR. DEPUTY CHAIRMAN: No, no. (*Interruptions*).

SHRI SADASHIV BAGAITKAR: Sir, Mr. Ramamurti is making a statement and you should allow him.

SHRI LAL K. ADVANI: Sir, Mr. Ramamurti must be allowed to have his say.

MR. DEPUTY CHAIRMAN: You cannot speak on the same point, Mr. Ramamurti.

SHRI P. RAMAMURTI: I am not on the same point and I am not making any irrelevant point. I am only making a statement.

SHRI B. D. KHOBRAGADE: Sir, each political party will be allowed to have its say.

MR. DEPUTY CHAIRMAN: No, no. That was not agreed to. I want to repeat it and let it go on record that the Chairman has never agreed to this that all the parties will participate. He has never agreed, No. (*Interruptions*).

SHRI P. RAMAMURTI: You see, this morning, when we met the Chairman, we gave in writing—you read the whole letter—two issues which we wanted to mention in this House. At the end, you raised the question, when he said that one man from each party will speak, about the other parties pointing out that there are parties with one member and parties with two members and then the Chairman told you, "You use your discretion and let some four or five Members who represent some parties speak." This is what has happened this morning.

MR. DEPUTY CHAIRMAN: No, no. The Chairman only said that Mr. Advani can speak for all the parties.

SHRI P. RAMAMURTI: Please allow me. I agree with you on this. The Chairman said: "Let Mr. Advani speak on behalf of all the people." Then I explained to him why it was not sufficient. I explained to him that the whole thing is not reported in the Press and we want the people to know that the entire Opposition is deeply perturbed over this abuse of power. Therefore, he should give a chance to many Members—two minutes at least. Then he agreed. The Chair asked you to exercise your discretion to allow as many Members as you think fit. This is what happened in the morning.

Now, we do not want to impinge the jurisdiction of the Supreme Court. You made it very clear. We are all aware of the constitutional position that the election can be questioned and anything can be questioned and set aside only by the Supreme Court. But it is during the pendency of the election. For example, this morning Mr. Venkataraman said that this was a mistake only when we raised it on the floor of this House. The people of

this country knew that such a mistake has been committed.

SOME HON. MEMBERS: No, no. That is wrong. (*Interruptions*).

SHRI R. VENKATARAMAN: In the morning I specifically mentioned that this letter was sent to the Election Commission; Government's reply was sent to the Election Commission, and the Election Commission has replied as was given out by Mr. Advani. Therefore, it was a public document. Everybody knew it. It is not as if any body held it back. Your allegation, your accusation, that I held it back is not correct.

SHRI P. RAMAMURTI: I would like to point out, Sir, that in a serious thing like this, whether it is just a mistake or it was deliberately done, it is for the people of this country to decide. (*Interruptions*).

SHRI R. VENKATARAMAN: It is for the Supreme Court to decide. This matter will be adjudged by the Supreme Court. (*Interruptions*). This is not a matter for the people to decide. It is not a matter for the Parliament to decide. It is a matter for the Supreme Court to decide.

SHRI P. RAMAMURTI: I fully agree with Mr. Venkataraman, I have got to make a statement for a purpose. I said that this matter came to the notice of the public. If the Government was seriously concerned with this matter, they would have themselves come out with a statement through the public media they have got that this mistake has happened and that they have rectified it. Such a thing has not happened. Therefore, Sir, only when we mentioned here that such a thing has happened, the public came to know it.

Now, Sir, it is said that these are allegations. If they are allegations, it is for them to rebut. But if they cannot rebut them, then they are facts. It is for them to rebut and it is for the people to judge whether they are wrong or right. Therefore, Sir, no purpose will be served after this ruling,

which is over-ruling the Chairman's ruling. I am absolutely convinced about what the Chairman said and what exactly he had instructed you. (Interruptions).

SHRI LAL K. ADVANI: He told that all should be represented. Even I had not completed. (Interruptions).

SHRI P. RAMAMURTI: I have repeated verbatim what happened in the Chairman's Chamber. Therefore, in view of this the ruling tantamounts to preventing the House from expressing its opinion. We wanted the Government also to reply. We wanted Mr. Venkataraman also to reply. We wanted others also to reply. Therefore, in protest against this ruling setting aside the decision given by the Chairman, we are walking out of the House. (Interruptions).

[At this stage, some hon. Members left the Chamber.]

SHRI MANUBHAI PATEL: In protest, we are also walking out. (Interruptions).

[At this stage, some hon. Members left the Chamber.]

SHRI ARVIND GANESH KULKARNI: You have set aside a ruling. This has never happened in this House. We all walk out. (Interruptions).

[At this stage, some hon. Members left the Chamber.]

SHRI SADASHIV BAGAITKAR: It is totally unprecedented. We cannot accept this. (Interruptions).

[At this stage, some hon. Members left the Chamber.]

MR. DEPUTY CHAIRMAN: This is a misconception. Whatever I have done is in consonance with the views of the Chairman. (Interruptions) Mr. Shiva Chandra Jha.

#### CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

The Reported mass killing of innocent Harijans and Incidents of Rioting in some part of the Country.

SHRI SHIVA CHANDRA JHA (Bihar): Sir, I want to call the attention of the

Minister of Home Affairs to the reported mass killing of innocent Harijans and incidents of rioting in some parts of the country and the action taken by Government in this regard.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NIHAR RANJAN LASKAR): Sir, the Government of India feel the deepest concern about crimes committed on Scheduled Castes, who are particularly in a break and vulnerable position, and are determined to put an end to all such crimes.

2. The Government have noted with anguish some recent incidents of crimes against scheduled castes that have occurred in Bihar, Tamil Nadu and Uttar Pradesh. I am sure that Hon'ble Members will, with one voice, condemn in the strongest terms these incidents of barbarous behaviour and convey their heartfelt sympathies to all the victims' families.

3. As Hon'ble Members are aware, the Government of India had, on the 10th March, 1980, issued detailed guidelines covering the precautionary, preventive, punitive and rehabilitative and personnel policy measures that are to be taken to curb such outrages against the scheduled castes. The effective implementation of these guidelines by the state Governments will go a long way in putting an end to these crimes.

4. Immediately after the occurrence of incidents at village Bira, Gaya district (Bihar); Narayanpur, District Bhojpur (Bihar); Gaini, District Aurangabad (Bihar); Ayyapuram, District Tirunelveli (Tamil Nadu), the concerned State Governments were addressed to ensure expeditious investigation and quick trial of the cases and to take all other measures as per the guidelines of March, 1980. For example, in Biri where on the night of 25th/26th April, 1982 four houses were burnt and four members of the Scheduled Castes were killed and two were injured, one of whom died later, 17 out of the accused persons have already been arrested or have surrendered. The deceased persons' families have been sanctioned Rs. 5,000/- each, apart from fire relief etc. Further the roofs of the burnt houses