12 NOON

PAPERS LAID ON THE TABLE

THE AIRCRAFT (FOURTH AMENDMENT) RULES, 1972 AND RELATED PAPERS

THE MINISTER OF STATE IN THE MINISTRY OF TOURISM & CIVIL AVIATION [DR. (SHRIMATI) SAROJINI MAHISHI : Sir, I beg to lav on the Table under section 14A of the Aircraft Act. 1934 a copy (in English and Hindi) of the Ministry of Tourism and Civil Aviation Notification G.S.R. No. 1256, dated the 18th September, 1972, publishing the Aircraft (Fourth Amendment) Rules, 1972, together with an Explanatory Note thereon. [Placed in Library. *See* No. LT-3879/721

I. ANNUAL ADMINISTRATIVE REPORT (1970-71) OF THE TEA BOARD

H. THE EXPORT OF VACUUM FLASKS (INSPECTION) AMENDMENT RULES, 1972

THE DEPUTY MINISTER IN THE MINISTRY OF FOREIGN TRADE (SHRI A. C. GEORGE) : Sir. 1 beg to lav on the Table—

I. A copy (in English and Hindi) of the Seventeenth Annual Administration Report of the Tea Board for the year 1970-71. [Placed in Library. *See* No. LT-3880/721.

II. A copy (in English and Hindi) of the Ministry of Foreign Trade Notification
S.O. No. 3853. dated the 18th November, 1972, publishing the Export of Vacuum Flasks (Inspection) Amendment Rules, 1972, under sub-section (3) of section 17 of the Export (Quality Control and Ins pection) Act, 1963. [Placed in Library. *See* No. LT-3919/72].

NOTIFICATION OF THE MINISTRY OF FINANCE (DEPARTMENT OF REVENUE AND INSURANCE)

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRIMATI j SUSHILA ROHATGI) : Sir I beg to lay on the Table—

I. A copy (in English and Hindi) of | the Ministry of Finance (Department of i Revenue and Insurance) Notification G.S.R. No. 1098. daed the 9th September, 1972, under section 159 of the Customs Act, 1962. [Placed in Library. *See*

No. LT-1877/721

II. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue and Insurance) :—

(i) Notification G.S.R. No. 1342, dated the 14th October, 1972, together with an Explanatory Memorandum thereon. [Placed in Library. *See* No. LT-3878/72].

(ii) Notification G.S.R. No. 1370, dated the 4th November. 1972. publishing the Foreign Travel Tax (Amendment) Regulations, 1972, issued under section 50 of the Finance (No. 2) Act, 1971. [Placed in Library. *See* No. LT-3876/72].

(iii) Notification G.S.R. No dated the 1 Ith November, 1972. together with an Explanatory Memorandum thereon. '

(iv) Notification G.S.R. No. 1424. dated the llth November. 1972. together with an Explanatory Memorandum thereon. [Placed in Library. *See* No. LT-3878/72 for (iii) and (iv)[.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED CONSTITUTIONAL CRISIS IN TAMIL NADU

SHRI VEERENDRA PATIL (Mysore) : Sir on a point oU ordsr. T read in the Press today and also yesterday that Mr. Mafhialagan is going to file a complaint in the court against his removal from the office of speakership. Sir. before vou lake up this Calling Attention motion, I would like to know from the Government what is the latest position...

MR. CHAIRMAN : You raise your point of order about the procedure.

SHRI VEERENDRA PATIL : I have not yet finished. ..

SHRI DAHYABHAI V. PATEL (Guja,-rat) : I have not yet moved the Calling Attention motion. How can he raise a point of order on this '? There is nothing before the House . . .

SHRI BHUPESH GUPTA (West Bensal) : The Calling Attention has been rightly admitted...

(Interruptions)

SHRI VEERENDRA PATIL : If you are going to allow me to have my say, then I will say something.

MR. CHAIRMAN : You can make your point of order.

SHRI VEERENDRA PATIL : I am making my point of order. This is the report which has appeared in the Press. I would like to know from the Government whether Mr. Mathialagan has approached the court, because he was going to approach the court today, and if he has already done so, then the matter becomes *sub judice* and We can't discuss it. This is one point.

The other point is this The other day, it figured in the Lok Sabha also and the hon. Speaker was pleased to observe tha>t whether the House is competent to discuss iinything happening in any of the State Assemblies has to be examined fully. I want to know whether th$_e$ Chairman has examined this aspect and whether he is in a position to give a ruling because we are going to establish a precedent. The moment there is a Calling Attention motion on the Table and the hon. Minister makes a statement on it, then it becomes the property of the House and this is open for discussion, and no discussion can be prevented at that stage. So I would like to have a ruling on that.

Sir, the third point that I would like to make is thk It says, "To call the attention of the Minister of Home Affairs to the reported constitutional crisis in Tamil Nadu T would like to know, Sir, who has reported about a constitutional crisis in Tamil Nadu? I think, Sir, a report to this effect has come from the Governor. I would like to know whether the Governor has made a similar report about the break-down of the Constitution in Tamil Nadu.

Unless these points are clarified, and unless a ruling is given, I do not think there is any point in discussing the Calling Attention motion.

MR. CHAIRMAN . It is quite clear that any matter which is the subject matter of i dispute in a court of law should not be allowed to be discussed in the House, nor should the validity of the proceedings in the Legislative Assembly of Tamil Nadu be discussed. Now this is the ruling. So far as the facts which are not dsputed are concerned, it may be open to the hon. Members to put questions to the Minister. There is no question of any discussion. Calling attention is not discussion. Subject to the ruling which I have given, after hearing the Government, if any question is put for clarification, then that question can ee asked.

SHRI BHUPESH GUPTA : We are not clear about your ruling. Did we not discuss Punjab here ?

SHRI JAISUKHLAL HATHI (Gujarat): Sir, I do not want to raise any point of order. Your ruling is perfectly in order, especially the second part that the validity of any procedure in any State Assembly will not be called in question. Onc$_e$ the hon. Minister makes a statement, the questions of fact will only relate to irregularities. The facts are that something has happened in that House. Questions will be put and the Minister will have to reply one way or the other. That will indirectly mean that we are saying something or the Housing is discussing, not by way of discussion but by way of questions and answers, something which has happened in the State Legislature. It will not be at all proper constitutionally for this House either to ask questions or for the Minister to reply or in any way to discuss about what has happened there. Therefore. I submit. Sir, that if the Minister is prepared to make a statement, well and good. If he cannot make a statement, it is still better. But no question should be asked on any fact which is alleged or happened. It will tantamount to our discussions the State Legjsture's irregularities.

MR. CHAIRMAN : I have already given the ruling.

SHRI JAISUKHLAL HATHI : I have said in the beginning that your ruling is perfectly valid.

SHRI BHUPESH GUPTA : It has absolutely no validity. There is no validity in what Mr. Hathi has said. There is no validity either in point of law or in point of proceedings. Here are the proceedings. You can see how many times they have discussed such cases. Take Punjab, West Bengal, Kerala, Madhya Pradesh and Rajasthan. They stand in a row. When similar situations have arisen there, they have been discussed.

[Shri Bhupesh Gupta.]

Now what is the calling altention motion? It is the reported constitutional crisis. Now, Sir, as far as we are concerned, constitutional crisis is something which the Parliament must be seized of. In fact, I am not in favour of going to court in such matters when the rights and privileges of Assemblies are involved. I do not support those people who rush to the court in matters relating to the powers and privileges of the State Legislature. Therefore, our position is very clear. A constitutional crisis has developed in a Legislature. It can develop in any organ of the State. What is the remedy ? According to us, the court is no remedy. The Parliament is the sovereign body. The President, under the Constitution, is supposed to protect and defend the Constitution. The Parliament is entitled to go into the question of crisis a>nd the working of the Constitution in a State in order to find out what constitutional remedies we have in this matter. Therefore, Sir. ihe question that relates to issues of fact touching on the question of crisis would not only be valid, but it would be justified and not to seek clarification would be derelection of duty on the part of Parliament. Supposing I am in a Legislature. I have a majority. I decide to function the Legislature according to my way. Is Parliament to keep quiet simply because some people have gone to court ? Is Parliament not to go into ihe question whether things are running in accordance with the Constitution ? Now, Sir, where to go is a matter of detail. Some people may go to the court. Others may go to Balyogeshwar or some Muni.

MR. CHAIRMAN : Mr. Bhupesh Gupta, please sit down.

SHRI BHUPESH GUPTA: We have Lome to Parliament . . . *(Interruptions}* Everybody should be seized of it and should make suggestions.

SHRI VEERENDRA PATIL: After I raised the point of order and (he Chair has been pleased to ;^ive a ruling, can ihere be a discussion?

MR. CHAIRMAN : No.

SHRI BHUPESH GUPTA: Mr. Hathi said double standards.

MR. CHAIRMAN : Mv ruling stands.

SHRI BHUPESH GUPTA: Without the subject can there i e a discussion. So, he is singled out.

MR. CHAIRMAN : Mr. Bhupesh Gupta, please sit down.

SHRI S. S. MARISWAMY (Tamil Nadu): On a point cf order.

MR. CHAIRMAN: I have called Mr. Advani.

SHRI LAL K. ADVANI (Delhi): On the .point of order raised by Mr. Patil.

MR. CHAIRMAN: 1 have already given a ruling.

SHRI LAL K. ADVANI: . .. You have given a ruling. Bat in view of what Mr. Hathi has just now said, I think die matter needs to be clarified. I think Mr. Bhupesh Gupta is perfectly in oidcr iu what he has said to put it succinctly, in , Tamil Nadu today seme constitutional irregularities, improprieties and illegalities have happened and, therefore, it should be very much the concern of this Parliament to discuss the -natter.

Even though, I do think, that the word-; ing of the Call Attention notice is rather unhappy. There is no "constitutional crisij" as such in the state. But so far as [1] discussion in this House is concerned, the matter raised by Mr. Dahyabhai Patel is] one which this House is fully entitled to discuss. Precedents are there; Punjab, I Haryana, and Bengal, all these have been discussed before. Therefore, we have to discuss it.

MR. CHAIRMAN : But there is pending case.

SHRI LAL K. ADVANI: The matter is *sub judice.* To that extent the general rule pertainias to cases *sub judice* for discussion would apply here also.

MR. CHAIRMAN : I have given my ruling.

SHRI S. S. MARISWAMY: Sir, while bowing my head down to your ruling I want to point out that there is not even an iota of validity in what Mr. Bhupesh Gupta has said. 1 think in th? case of Haryana and Punjab and other States they h;,d some background when there really was a constitutional crisis. But so far as Madras is concerned, there is no constitutional crisis. The Assembly is going on raid everything is normal. The ex-Speaker

himself has made it clear that there is no constitutional crisis in Madras.

MR. CHAIRMAN : All right, please sit down.

SHRI DAHYABHAI V. PATEI,: Sir, I must protest. The Calling Attention was in my name and before I made my submission a point of order was raised. There was nothing before the House and how can a point of order be raised when there is nothing before the House ? What is going on is absolutely irregular.

(MB. DEPUIV CHAIRMAN in the Chair.]

MR. DEPUTY CHAIRMAN : You call the attention.

SHRI DAHYABHAI V. PATEL: I do want to call the attention and that is why I gave notice of it. I am surprised that so many eggs in the box got up from all sides without taking the trouble of giving the notice.

MR. DEPUTY CHAIRMAN: Don't raise a hornet's nest about it.

SHRI DAHYABHAI V. PATEL; A hornet's nest is going to be raised because other people have provoked.

MR. DEPUTY CHAIRMAN: You do your job.

SHRI DAHYABHAI V. PATEL : 1 will quitely do my job, Sir.

Sir. I rise to< call the attention of the Minister of Home Affairs to the reported constitutional crisis in Tamil Nadu.

Everything arises after this, Sir. After 1 hear the reply of the Home Minister, of course, I will have questions to ask.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): Sir Government have seen only newspaper reports of the Tamil Nadu Slate Assembly proceedings of 2nd December. Government have also seen newspaper reports that the High Court of Madras is being moved for a judicial pronouncement on the- legality of the said proceedings, hi these circumstances, it would not be appropriate for Government to take a view in the matter.

SHRI DAHYABHAI V. PATEL: Docs the Government act on press reports in this matter ? Has the Government no authoritative information ? Has the Government no information that certain proceedings have taken place in the Madras Assembly, that the Madras Assembly was summoned, that an attempt was made to move a non-confidence motion against the Speaker and whether it was valid oi- not ? The requisite notice—14 days' notice—for moving the no-confidence motion was absent. In view of that will the no-confidence motion be taken into account?

SHRI S. S. MARISWAMY: Mr. Dahyabhai Patel is misleading the House. There was 14 days' clear notice. I have got the rules here.

SHRI DAHYABHAI V. PATEL: You will get your time; I do not want to be interrupted.

Sir, we have got our Rules of Procedure and these Rules of Procedure should oe a model and should be a guide for the State Assembly. If a period of 15 days is required in this House for giving notice of No-Confidence Motion, it should apply to the State Assemblies also. In this case, it appears that without notice…

MR. DEPUTY' CHAIRMAN: You please ask a clarification.

SHRI DAHYABHAI V. P YTEL : I would like to know whether it is a fact that an attempt was made or sought to be made to move a No-Confidence Motion without the requisite notice and whether it is not *a* curious situation where two Chairmen were sitting to preside over the proceedings of the Assembly. And, how is it that the Chief Minister arrogated to himself the power oi the Speaker by adjourning the, House and bv deciding what is in order and what is noi in order?

SHRI S. S. MARISWAMY : Let me reply to him.

MR. DEPUTY CHAIRMAN: Mr. Mariswamv vou cannot reply to him. Yes. Mr. Minister.

श्री सुलतान सिंह (हरियाणा) उप-सभापति जी, मेरा व्यवस्था का प्रश्न है । व्यवस्था का प्रश्न यह है कि मंत्री महोदय

[श्री सुलतान सिंह] कह चुके हैं कि यह मैटर सब-जुडिश है, इस पर कोई डिसकसन नहीं होना चाहिये।

SHRI K. C. PANT: I think, there was some misunderstanding in the hon. Member's mind when he though that the Government was going to form its opinion the basis of what is going on and what is being reported in the newspapers. The Government is not going to form any opinion on the basis of newspaper reports. As the record of the proceedings is net available with the Government., it cannot form a view, that is what I said.

SHRI DAHYABHAI V. PATEL: What happened to the proceedings ? Was requisite notice given or not ? We are not going to get any information. If the Government does not have any information, it was its duty to send a telegram and get the information. Was due notice given ? Why did the Government not move in this matter ? This is a very seriou$_s$ matter. Government should have sent tele-gramms to Madras. This is utter carless-nes$_s$ on the part of the Government. Does the Government want the Constitution to function or not ?

SHRI LOKANATH MISRA (Orissa): On a point of order. Whan the hon. Horn? Minister this morning got the notice that there was a Calling Attention Motiora Bending in_ this House, did he not think it his responsibility to be in touch with the Governor of Madras and get from him the first-hand information in order to apprise the House of the situation ? Once you have put this on the agenda papers, it is the duty and responsibility of the Home Minister to see that all available information is made- known to this House.

SHRI DAHYABHAI V. PATEL : He has failed to do it.

SHRI LOKANATH MISRA : The Go-vernment are deemed to have failed in their duty and responsibility.

MR. DEPUTY CHAIRMAN : It is not a point of order.

SHRI LOKANATH MISRA: It is a point of order. Are we not entitled to receive the first-hand information. I would like to have a reply from you. Once the item is on the agenda paper, are we not entitled to get the first-hand information ?

MR. DEPUTY CHAIRMAN: He has given whatever information he thinks you are entitled to.

SHRI LOKANATH MISRA: If you have heard what he has said, he has said that he has received the information from the newspaper reports. That way, we have read much more in the newspapers than the Home Minister has.

MR. DEPUTY CHAIRMAN: He has not received any report from the Governor.

DR. BHAI MAHAVIR (Delhi): How do we presume that ?

MR. DEPUTY CHAIRMAN : Dr. Bhai Mahavir, whatever he has said is on the basis of paper reports.

SHRI LOKANATH MISRA: Mr. Deputy Chairman, have you enquired from the Home Minister whether he has tried to . ..

MR. DEPUTY CHAIRMAN: That thing let Mr. Advani enquire. I have called Mr. Advani.

SHRI LOKANATH MISRA: What about my point of order ?

MR. DEPUTY CHAIRMAN: That is what I am saying. There is no point of order. It is only another clarification which, I think, Mr. Advani can ask. I have called upon Mr. Advani.

SHRI LOKANATH MISRA: Are we not entitled to receive the information that is due to us?

MR. DEPUTY CHAIRMAN: The House is perfectly entitled to get any information that is due to them. That is quite plain.

SHRI DAHYABHAI V. PATEL: The Home Minister is trying to shield his former ally.

SHRI BHUPESH GUPTA: Sir, the point of order is there. Notice has been given. Notice of at least 24 hours has been given. He is expected to give us a reasonable reply, a reply which is accessible to him, within a reasonable time. The point therefore is that a normal person, a normal Minister, would have enquired from the Governor as to what happened in the Assembly. The Governor's function has some constitutional status also. Now, Sir, if he had not done it, he can say, "I did not ask for it"; or he can say, "I asked for it. The Governor remained silent." He can say, like the West Bengal ...

SHRI K. C. PANT: If he is utilising his question, then I can answer him; then surely he can ask no more questions. If it is a point of order. Sir, you will have to answer it.

SHRI BHUPESH GUPTA: The point of order is there : "Why is the Minister not replying ?"

SHRI DAHYABHAI V. PATEL: He is not in a mood to give information.

SHRI BHUPESH GUPTA: Suppose a question is put and the Minister says, "I cannot answer" ? Then you see, ten days* notice yon got. Did you try ? Therefore, you should ask him.

MR. DEPUTY CHAIRMAN: He has replied to your question. Let me answer the point of order. A clarification was sought and he gave whatever answer was in his possession. So, I cannot compel him to answer more than that.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): Sir, I rise on a point of order. This was a Calling Attention Motion. This was not a question. A Calling Attention Motion means something in parliamentary procedure, Calling Attention Motion means that on an urgent public matter, the attention of the Government is drawn. It does not mean that the Members want secondary information from the Home Minister, information that is already published in the newspapers. Either you were wrong to admit this Calling Attention Notice or if if was justifiably admitted, the Minister is wrong in giving this reply that he has just read something in the newspapers, because it is a matter of procedure and dignity and docorum of this House. At the earlier stage when my friend, Shri Veerendra Patil objected to it. the Chairman said that the Calling Attention Notice had been admitted. And it means that it has been deliberately admitted by the Chair, knowing full well that it is a matter of public importance, that it is urgent and that it calls for the attention of this House and of this Government. After having done so, the Home Minister just canraot come and say that "We have read something in the newspapers and we have nothing to comment," because if it was the thing, there was no need to admit this Calling Attention Motion. So, I should like to know from you: What was the validity ? If there was any validity for admitting this Calling Attention Motion, then there cannot be any validity for the reply which the lion. Minister has given.

MR. DEPUTY CHAIRMAN : You will appreciate that the Minister in this reply has said that there is a complicating factor of the Speaker of the Tamil Nadu Assembly going to the court. So, he cannot exactly. . . . *(Interruptions)*

SHRI CHANDRA SHEKHAR: Mr. Deputy Chairman, you make confusion worst confounded. Does that mean that the House is barred because the Speaker there or anybody expressed that he is going to court of law? Then this House will be rendered functionless—if this becomes the motivating factor—and we cannot discuss anything in this House on any question. And anybody can say, "I am going to a court of law and you cannot discuss it."

MR. DEPUTY CHAIRMAN: The Chairman has already given a ruling on the matter.

SHRI CHANDRA SHEKHAR: Whatever ruling the Chairman might have given, he cannot transgress the dignity and procedure of this House. There is a certain limit to the rulings of the Chairman also. I would like to know in what circumstances the Chairman thought it proper to admit this Calling Attention Motion and if this Calling Attention Motion was admitted by the Chair, either it was just done without considering it; if it was done deliberately, then this reply

[Shri Chandra Sekhar.]

of the Home Minister cannot be justified on any account.

SHRI BHUPESH GUPTA: Sir, I beg of you to consider one point. Suppose Ihere is a railway accident given in the newspapers and we give a calling attention notice. Then the Minister comes and replies the next day that he has nothing to say although he has read about it in the newspapers. Is not the Railway Minister expect-d in a comparable situation, to get the information from the local railway authorities as to what has actually happened? Here, in this case, Sir, the Central Government has got its representative there, namely, the Governor. Normally in such a situation the first thing is to ask the Governor as to what he has to say ...

MR. DEPUTY CHAIRMAN: I allowed you to ask clarification . . .

SHRI BHUPESH GUPTA : . . . Mr. Chandra Shekhar is right You have allowed the motion. Having allowed it you are allowing him now to be frustrated by the hon'ble Minister.

MR. DEPUTY CHAIRMAN : Mr Ad-vani.

SHRI NAWAL KISHORE (Uttar Pradesh) : Sir, I am rising on a point of order.

MR. DEPUTY CHAIRMAN: What is your point of order ?

SHRI NAWAL KISHORE: Unless I speak how can I say what is my point of order ? My point of order is this. The Chair has rules that anything *sub judice* cannot be discussed. Secondly, we cannot question the validity of the proceedings of any lagislature. I want to know that in spite of the reply by the hon'ble Minister it is not clear whether the case is *sub judice* or not. Whether any party has gone to court, because if it is *sub-judice* we cannot discuss it. If it is not we cannot presume that it is *sub judice.*

SHRI BHUPESH GUPTA: How a crisis can be *sub judice "!*

SHRI D\HYABHAl V. PATEL: How can vou call it .*uh judice ?* A suit has been filed. And who knows whether a suit has been filsd ? It is just a newspaper report.

SHRI LAL K. ADVANI: Many hon'ble Members have expressed their misgivings. But it appears that the Minister is not prepared to reply them on their points of order. Therefore, I put this pointed. question. I am not referring only to the admission of the calling attention notice yesterday and the duly which this notice imposes on Government. I think that the Government of India even otherwise had a bounden duty to inform itself completely about the situation in Tamil Nadu ever since it came to know about the Saturday happenings. Between Saturday and today I am sure that the Governor must have communicated to the Central Government what is his version of the happenings there. This is the question that I want to know. If the Governor lias communicated his own version why should this House be given information only on the basis of press reports ? I can understand the Minister saying that the Governor has communicated to him his own opinion as to what has happened and in view of the matter being *sub judice* he would not like to give it. But he comes to the House and tells us only what he has read in the press report. I object to this, and ask him this question whether orally or in writing the Governor has sent any communication to the Central Government after the happenings of last Saturday. Sir, this is one question.

Secondly, on Saturday last in the melodrama that took place in the Tamil Nadu assembly I think some friends here may regard Mr. Karunanidhi as the villain of the piece and some other friends may think that M.G.R. is the villain of the piece in that melodrama. Fact is they were neither heroes nor villains.

SHRI PRANAB KUMAR MUKERJEE (West Bengal) : Is it proper to describe the proceedings of that House as melodrama ?

SHRI LAL K. ADVANI : In that Melo- they were neither heroes nor the villains. In their clownish antics the participants have made a casualty of the Constitution itself.

MR. DEPUTY CHAIRMAN : You cannot call anybody clowns. You can des-

cnbe the happenings there but not call it clownish.

SHRI LAL K. ADVANI: I am talking in very general terms. I am sure even the editorials bear out that what happened in the Tamil Nadu Assembly cannot give any satisfaction and solace to whosoever is interested in the successful functioning of constitutional democracy in the country. Every one is grieved. Therefore, it is with a feeling of anguish that I say this. I have been a presiding officer myself. Ever since I saw the presiding officer of that Assembly adjourn the House I have been pained to see as to what is happening. I am not going into the details of the whole affair. But I do feel that the majority party in Tamil Nadu could have confronted the situation in a perfectly constitutional manner and not tried to resort to the same type of tactics as their adversaries were resorting to, and in this kind of conflict, constitutional improprieties have been committed, constitutional illegalities have been committed, but here in this House I would seek from the Home Minister a categorical assurance that in this quarrel between the cats they are not going to play the monkey ...

MR. DEPUTY CHAIRMAN: There are no monkeys ...

DR. Z. A. AHMAD (Uttar Pradesh): He should not call them cats. They are, after all, representatives of the people.

SHRI A. K. A. ABDUL SAMAD (Tamil Nadu) : He is a buffoon in this House.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI OM MEHTA): Sir, those words should be expunged.

(Interruptions)

SHRI S. S. MARISWAMY : On a point of order, Sir. Are you going to allow the words "buffoon" and "clowns"' and "monkeys"' to go on record ? If the Madras Assembly calls the Members here fools and knaves, would you tolerate it ? *(Interruption)*

MR. DEPUTY CHAIRMAN: Mr. Ad-\;ii' \ou better withdraw those words.

MR. LAL K. ADVANI: I am witli drawing them. *(.Interruption).* Because m\ reference to *Aesop's fable* is not understood, it has been misunderstood. Therefore, I withdraw those words.

Now, this Calling Attention motion has been admitted in the name of a constitutional crisis, I would like to stress that there is no Constitutional crisis in the State ...

MR. DEPUTY CHAIRMAN : Are you asking for clarifications from the Minister ?

SHRI LAL K. ADVANI : Yes. because on the ground of constitutional crisis, they may think that Central intervention is valid. Therefore, I want a categorical statement from the Minister that in these circumstances, they would allow the courts to sort out the whole matter ant! would not take recourse to political intei-vention or take action under article 356. That is all.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : We are anxious to know whether the Government has contacted the Governor or not.

MR. DEPUTY CHAIRMAN: Let the Minister reply.

SHRI K. C. PANT : Sir. this question relates to certain happenings in the Tamil Nadu Legislature on the 2nd December. And since a legislature is involved, it is a delicate matter. As hon. Member, will readily realise, we are a legislature, they are a legislature and, therefore firs lv, 1 do not think that words like "clowns" will help in the situation at all. The rights and wrongs of the issues apart, I do not think that words like this help in the situation.

SHRI LAL K. A.DVANI : II I may interrupt, I said "clownish antics"; I did not refer to any "clown".

MR. DEPUTY CHAIRMAN : Well, he has amended it.

SHRI K. C. PANT : I on'y wanted to say that in such a serious and delicate matter, expressions of this kind are sometimes likely to be misunderstood and are better not used.

Now. Sir, as for the Government':; duties in informing itself aftci the Calling

[Shri K. C. Pant.] Attention Notice is received, the Government has every respect for the House and naturally the Government is duty-bound, when it gets notice of a Calling Attention motion, to apprise itself of the facts, and there should never have been any doubts in any hon. Member's mind on this matter. We have certainly been in touch with the Tamil Nadu Government and we have asked for an authoritative version of the proceedings of the House, because this is not a matter in which one can even form an opinion without knowning the actual authoritative proceedings of the House. So. I am sorry that doubts were raissd about this matter as to what the Government has done. And even my hon. friend, Mr. Chandra Shekhar, such a level-headed man, objected to this point. It is obvious that the Government would try to get facts and in the absence of those facts, the Government can stand up and say, "We have nothing to say", or can say "We have seen certain things in the newspapers". We do not admit Calling-Attention Notices, but when in your wisdom you admitted a motion, we try our level best to give whatever facts we have. So, this is the answer to the first point. It is not just a question, of something being *sub judicc* now or not being *sub judice* or something going to the court today or tomorrow. It is not that alone. But the fact is that we do not have fin authoritative version of the proceedings of the House . ..

SHRI MAHAVIR TYAGI : Has the Governor been contacted in this connection ?

SHRI K. C. PANT: The Government . contacted. The Governor also came here. I did not have a talk with the Governor. The Governor talked with some of my colleagues. But the Governor happened to be in Delhli on the 2nd December attending the Governors' Conference, on the very day on which this incident took place in the Tan-il Nadu Assembly.

SHRI MAHAVIR TYAGI: What happened after he went back to Madras ?

SHRI K. C. PANT: May I with all respect point out that the Governor was not in Madras on the day when this incident took plaue ? He happened to be here attending the Governors' Conference. Therefore, in relation to the proceedings in the House on that day ue first thing, at least to our mind, to be seen is the authoritative version of the record of the proceedings of the House which we have asked for, which we have sent for.

SHRI LOKANATH MISRA: Sir, what is this argument of the Minister. Even if the Governor was in Madras on that day, did the Minister expect the Governor to go inside the Assembly and report ? What is this argument that the Governor was here in Delhi on that day?

SHRI LAL K. ADVANI : Sir. I would like to know whether, in view of this constitution crisis there, the Government is thinking of any kind of i.itcivention today or tomorrow. Can the Minister assure us that ...

MR. DEPUTY CHAIRMAN: He is awaiting information and then only can he form an opinion.

SHRI LAL K. ADVANI: I think this is a matter on which the House would like to be assured because ...

MR. DEPUTY CHAIRMAN : How can he give any assurance when he says he is awaiting information

SHRI K. C. PANT: Still, Sir, I can assure him that the Government will apply its mind to the situation that arises.

SHRI BHUPESH GUPTA: Sir, I quite agree that an extremely critical, delicate, situation has arisen. And Parliament should approach it with a clear conscience, but none the less, try to fulfil its role in the context. First of all, we are not discussing anything strictly judicial. We are discussing a constitutional situation which seems to have arisen and Parliament, especially the Rajya Sab/ia, 'he re-presentatives of the States, are particv.larly called upon to do so. First of all, I make it clear that I am not one of those who would like to rush to the court of law taking matters relating to the privileges, lights and wrongs of Parliament or the Legislature. I do not support that kind of action. But surely that does not preclude me as a Member of Parliament, or us in Parliament, from being seized of the situation, from saying what ve say on the

matter. On many such occasions we have done that. First of all, the honourable Minister said in reply to some clarifications that he is waiting for the authorised version of the proceedings of the House. But the question here is : Who will authorise that version of the proceedings ? May I know who will testify to »he proceedings of the House ? Who is that person ? Who will authenticate the proceedings of the House being sent to Parliament or to the Home Ministry ? Would the Speaker sign it ? And if the Speaker does not sign it, who is going to sign it ? Who had the authority to assume the responsibility of signing it ? Therefore, here again the so-called authorised version will not come because it will be a version given by people who have no *locus standi* to testify to the authenticity of the proceedings because the Speaker had been, according to us, unconstitutionally put out of action. The situation has arisen because, according to us, the Speaker has been illegally and unconstitutional^ robbed of the authority of the office he holds. As far as we know, Articles 180 and 181 of the Constitution are very clear: So long as tha Speaker's office is not vacant, nobody can perform the Speaker's functions. But here even before the office of the Speaker fell vacant in terms of Article 181 of the Constitution, somebody came and functioned as Speaker. It is impermissible under the Constitution. In any case, Sir, it was highly irregular. TUe-efore, Sir, 1 should like to know whether the Government has taken care to get that aspect of the case clarified from whichever authority that they have or with whom they may be in touch. This is one point.

Then, Sir, it may be said that the Speaker has been removed by a "No Confidence" motion. That again is wrong. "'No Confidence" motions either ire tha' House or in the Lok Sabha or elsewhere have to be dealt with according to the Rules of Procedure and the Conduct of Business in the particular House concerned and you cannot just do as you like. What does the Rules of Procedure and Conduct of Business in the Tamil Nadu Assembly say ? Sir, according to that, whether. 14 days' notice is required or not—that is to be seen. If it is required, Sir, then, with the prorogation, not adjournment, with the prorogation of the Assembly, all the resolutions and motions before the Assembly lapse. It happens here and in the other House also and it is an accepted constitutional principle. It Is an accepted norm in parliamentary democratic functioning, in the House of Commons, in ibis House and in the Lok Sabha and in every Assembly. As the House is prorogued, every thing, every resolution standing in the name of somebody, lapses. Another notice has to be given. What happened to that ? It cannot be said that <he same motion was moved since 14 days' notice was not required and the motion was passed. Therefore, Sir, it is a clear case of usurpation of the authority, of somebody functioning in the Legislature, not in accordance with the Constitution, not in accordance with the Rules of Procedure and Conduct of Business of the Tamil Nadu Assembly, but in accordance with the political requirements of a particular party.

MR. DEPUTY CHAIRMAN: You please wind up now.

SHRI BHUPESH GUPTA: Sir, this aspect also should be clarified. You kindly seriously consider the situation. Suppose, for argument's sake, the Assembly functions according to a inad Chief Minister— I am not saying that he is mad—but it functions according to him Will Parliament keep quite? Wiil Parliament keep quite ? Suppose, Sir, [am the Chief Minister of a State—I hope I will never be one—and I function in absolute disregard of the Constitution. Then, I ask you to come to the court and file a suit against me and I say that since there is a court proceeding, we are not in a position to deal with it. Can i say that? It can never happen.

MR. DEPUTY CHAIRMAN : You arc now dragging on. Please wind up now.

SHRI BHUPESH GUPTA: Sir, what about the constitutional responsibility of Parliament in ihis marter ? Sir, under the Constitution, Parliament is supposed to ensure the defence and piotection of the Constitution and ensure that every thing functions in accordance with the Constitution, very organ of the Stats functions in accordance with the Constitution. What ; has happened to that? I would like to know this. Sir. It is verv clear.

[Shri Bhupesh Gupta.J

Sir, before I sit down I want to refer to our friend, Shry Karunanidhi- -I will not use any bad language about him— who refused to face in a calm atmosphere the charges made against him in the Assembly. That is why he has resorted to such methods which are completely unconstitutional and wholly impermissible means of suppression. ..

(Interruptions)

SHRI G. A. APPAN (Tamil Nadu): Sir, I am on a point of order.

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, he 13 on a point of order.

SHRI BHUPESH GUPTA: Sir, here is the charge-sheet against him, submitted against Shri Karunanidhi . . .

SHRI G. A. APPAN: Sir, on a point of order.

MR. DEPUTY CHAIRMAN : Mr Bhupesh Gupta, please take vour seat. He is raising a point of order.

SHRI BHUPESH GUPTA: ... running into 22 pages. Sir, these charges he should have faced. Mr. Karunanidhi should have faced these charges on the floor of the Assembly. . . . *(Interruptions)* . .. Sir, the matter should be seriously considered and we must »ee how wc can restore the Tamil Nadu Assembly to its dignity, to its status, and c.ettle the matter in a democratic and constitutional manner.

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, I have been asking you to finish quickly because he is raising a point of order.

SHRI BHUPESH GUPTA: What is his reply ?

SHRI G. A. APPAN: Mr. D;putv Chairman, Sir, you know, 1 have repeatedly said that this is a House of ckhrs and we have to learn the habit of obeying the Chair. When the Chair sayj and when the honourable Minister has given his information, there is no begging the question and we cannot discuss the proceedings of the Assembly when the Chair has already ruled. Still he is s:oing 011 putting the same question and calling names and so on. Will the honourable Deputy Chairman expunge what he has just now said ?

MR. DEPUTY CHAIRMAN : Yes, Mr. Pant.

SHRI K. C. PANT: Sir, my honourable friend, Shri Bhupesh Gupta, has accepted certain facts and on them he has based his questions. As I said, I am not in a position to form an opinion unless I get all the facts. Even the question whether the House was prorogued or adjourned, I understand, has been agitated in a court of law and the court has reserved its ruling . . . *(Interruptions).* It is a very relevant matter. ..

SHRI BHUPESH GUPTA : Thev shoukl not have gone to the court. ..

SHRI K. C. PANT: I wish they had heeded your opinion. But they did not...

SHRI BHUPESH GUPTA : I wish they had not gone to the court. Then you would not have been in a position to say ali these things . ..

SHRI K. C. PANT: I think Bhupeshji is not really understanding the far-reaching implications of the question. He seems to feel that it is some kind of a clever debate. It is not a clever debate. The issues are very serious and are of far-reaching importance. An Assembly is involved. And, therefore, it is with due caution that we have to take a stand and form an opinion. It is only for that purpose, because delicacies of the issues are involved, that I am not venturing to express an opinion on the matter.

Sir, Mr. Bhupesh Gupta said that he hoped that he would not become the Chief Minister of a State. I hope so too, because not only we would be losing him if he became the Chief Minister of a State, but the Opposition would also never get a chance to say anything . . . *(Interruptions).*

SHRI S. S. MARISWAMY : I would like to seek certain clarifications from the hon. Minister, is it not a fact that the Awemblv was adjourr^d on the 13ih November and the prorogation order was on 15th November?. Sir. 185 members out of 235 members of the House gave a no confidence motion against the Speaker. Nowhere in the Constitution it is stated that a period of 14 days should be calculated from tiie date of commencement of the session. According to Rule 26(2) of the Madras Legislative Assembly, "such notice may be left at the office even when the Assembly

is aot in session or by a member even before he is sworn in." Is the Government aware of that ? Sir, on the ruling party side there are 185 members. On the side of Mr. Ramachandran or Mr. Mathialagan there are 18 members. Sir, on the day when the Speaker Mr. Mathialagan, now MLA, adjourned the House, he said that he would take up the matter the very next day, on the 13th when the Assembly met. The Speaker said, "I have received two notices of no confidence against me. I will take them up immediately the next day". He was normal at that time. But immediately after some minutes he abruptly adjourned the House, saying that the Ministry should resign. Sir. even in the darkest days we have not heard such utterances from such an exalted office. Anyway, he adjourned it. On the 2nd when the House met is the Government aware that he came and sat in such a manner, in and angle, completely turning to the side of the Opposition and showing his back to the ruling party ? When they got up and said that as per the Rules, fulfilling all the conditions; they had moved a no confidence motion against the Speaker, he ignored them and went on asking Opposition members to speak on the no confidence motion against the Ministry, fully knowing—and the whole world knew—that they were a handful of people as against 185 on the other side. Why did he adopt the tactics ?

It is not a very big secret. According to the rules of the Madras Assembly, the result of a division shall be announced by the Speaker and shall not be challenged. The *modus operandi* is, Sir. that they allow a discussion on the no confidence motion and after some time they call for a voice vote. If a few people get up and say that ire all for the Motion and 180 people say they are not for the Motion, the Speaker was to get up and say, "Ayes have it, ayes have it, ayes have it. I adjourn the House *sine die."* This is the secret behind it. But fortunately the attempted such version of democracy was averted by the alert legislature.

SHRI K. C. PANT : I really do not know what I urn to answer to this. Certain relative strength of the various parties and group have been raised. This r the Assembly to decide. If there is ion in the Assembly on a question. then alone does one know how many Members are on one side. He has given a certain sequence of events. I am not in a position to say anything on that.

SHRI PRANAB KUMAR MUKHERJEE : Sir, it is really unfortunate that the internal matter of the State Assembly is being discussed here. Such crises are also occurring in various State Legislatures frequently. In view of that, I would like to know from the hon. Minister whether the Government is thinking in terms of bringing forward suitable amendments of the Indian Constitution in order to regulate the powers of the various State Legislatures, to bring uniformity in the proceedings of the State Legislatures and to avoid future crises like this.

SHRI K. C. PANT : Sir, I do not think it is quite right to sav that such incidents have taken place in other Legislatures also.

SHRI PRANAB KUMAR MUKHERJEE : In West Bengal, once or twice.

SHRI K. C. PANT: They are different cases where the occasions were different, the background was different and perhaps the. basis was different. All the incidents cannot be lumped together. On; can discuss them. I do not think a discussion i-called for now. Each case is unique in itself and has to be taken separately. There is no proposal of the kind mentioned by rny hon. friend. In fact when the A.R.C. went into this in the context of Centre-State relations, they felt that if there was anv difficulty with regard to the functioning: of State Legislatures, thert effective remedies must be devised bv the Legislatures themselves. That was their conclusion. I am stating it for what it is worth. The Government has no proposal to have a centralised law.

SHRI BABUBHAI M. CHINAI (Maharashtra) : Mr. Deputy Chairman, Sir if one goes through the developments, the conclusion is clear that every important personality has been trying to clear the pitch in the hope of getting some benefit out of this constitutional criiis. The result is violation of democratic procedure. May I submit that it appears that so far as the high office of the Speaker is concerned, even though the party in power, namely, the D.M.K., has got a majority, there are accusations and counter accusations against eaah other irrespective of the fact whether the democracy is functioning or not. It is

[Shri Babubhai M. Chinai.] good and it is a happy augury that the Central Government has not come into the picture and has not uttered a word either this way or that way. But some of the Ministers have tried to fish in troubled waters. What I want to say is that today we are discussing the Assembly and tomorrow a time may come when the Assembly will discuss the privileges of the Members of Parliament or procedure of this House. Will the hon. Minister be kind enough to assure us that they will take necessary action if there is a *prima facie* ca e in the charges of corruption which have been made against the Government, whether it is this Government or any other Government of the State? That is the specific question which I would like the hon. Minister to reply.

SHR[r] K. C. PANT : That question docs not arise here at all.

SHRI BHUPESH GUPTA : On a point of order.

SHRI S. S. MARISWAMY : On a point of order.

SHRI BHUPESH GUPTA: It does arise because the situation has arisen as a result of the refusal to face the charges. Now. therefore, the Government at least should express its view.

SHRI S. S. MARISWAMY: On a point of order. Charges against whom ? Who has made charges against whom ?

(Interruptions')

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you please take your seat.

SHRI S. S. MARISWAMY: I would like to know who had publicly levelled charges and against whom. Yesterday I asked Mr. Bhupesh Gupta to come outside and let me hear the charges he has stated here.

SHRI BHUPESH GUPTA: On a personal explanation.

SHRI S. S. MARISWAMY : He did not even come forward . .. Somebody save them to the Governor and the Rashtrapari and then to Mr. Gupta.

{Interruptions)

SHRI BHUPESH GUPTA : Sri. I know private violence has been organised in Tamil Nadu. You should ask me. I have been asked to cancel ... *(Interruptions)* Mr. Karunanidhi has organised private violence in Tamil Nadu; goondas have been let loose

(Interruptions)

SHRI BABUBHAI M. CHINAI ; Mr. Bhupesh Gupta, I am on my legs.

SHRI BHUPESH GUPTA: He brought the goondas into the Assembly House also. I want an assurance that I shall not be harmed by Mr. Karunanidhi's goondas in any place.

SHRI S. S. MARISWAMY : I do not want M. G. Ramachandran's goondas here.

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you shall be given all the privileges that are due to you as a Member of this House.

SHRI BHUPESH GUPTA: I do not understand.

MR. DEPUTY CHAIRMAN: Beyond that I won't give you any assurance.

SHRI BHUPESH GUPTA: You can. You are protected outside the House also by a security guard of the Government of India paid from the Consolidated Fund of India.

(Interruptions)

SHRI BABUBHAI M. CHINAI: Mr. Deputy Chairman, Sir, it is a matter of fact that one of the members of the Assembly of Tamil Nadu has come and handed over the charges to the President of India and to the Prime Minister.

MR. DEPUTY CHAIRMAN : Well, he has already replied.

SHRI BABUBHAI M. CHINAI: No, Sir. He said "no". Therefore, I am saying. I am prepared to lay those charges on the Table of the House.

MR. DEPUTY CHAIRMAN: He says he has not said "no".

SHRI BABUBHAI M. CHINAI: He did say "no". Sir.

MR. DEPUTY CHAIRMAN : He said it does not arise.

SHRI BABUBHAI M. CHINAI: If it does not arise I would like to know why because, after all, charges have been made by a member of the Assembly and handed over to the Presiednt and.. *.{Interruptions)* ... they assured that they will go through them.

SHRI K. C. PANT: Apparently he did not hear me. May I repeat again ? What I said was not that no charges have been made. What I said was, it did not arise. Why I said it is because I did not know this was what he wanted to know. Then I would have found out the facts and given him. This is why I said it did not arise.

SHRI A. K. A. ABDUL SAMAD : In view of the ruling given by the Chair and the statement made by the Minister—I do not want to put any question—I want to submit that there is no constitutional crisis in Tamil Nadu today. The Assembly is functioning. I want to say, for the information of our revered friend, Mr. Dahya-bhai Patel, that even his own party member had been attending the Assembly session. And our respected Member, Shri Bhupesh Gupta, is quite often saying that he will not rush to the court on this matter but unfortunately, the fact is, the leader of his own party, Mr. Thangamani, has, rushed to the court and created all these matters. One thing I want to point out. Even when Mr. Mathialagan—the removed Speaker of the Tamil Nadu Assembly—was the Speaker ...

MR. DEPUTY CHAIRMAN: Mr. Samad, even yesterday I said, let us not discuss the Speaker, the merits or demerits.

SHRI A. K. A. ABDUL SAMAD : Mr. Mariswamy also expressed certain views about his removal. Anyway, I want to point out one incident that happened on Saturday. The Leader of the House, Mr. Nedunchezhian, moved a resolution for the dispensation of the Question Hour. There were 184 Members in the House belonging to the Ruling Party and the allied parties, but the Speaker said in his ruling that the motion was defeated. That shows how partial he was.

MR. DEPUTY CHAIRMAN : Please do not discuss the Speaker.

SHRI BHUPESH GUPTA: Now you can understand what kind of certificate you will get.

SHRI A. K. A. ABDUL SAMAD: Sir, I want to know from the hon. Minister, ia view of the fact that he has not received any report from the Governor about the constitutional crisis, whether he would say that there is no constitutional crisis in Tamil Nadu.

MR. DEPUTY CHAIRMAN: Mr. Minister, he wants you to say something.

SHRI K. C. PANT: Sir, I have said what I had to say.

lP.M.

श्री नवल किशोर: डिप्टी चेयरमैन साहब, 30 नवम्बर और 2 दिसम्बर को जो वाक्यात तामिलनाडु में हुए, उससे मुझे बड़ा कष्ट हुआ और तकलीफ हुई। क्योंकि मुझ को यह महसूस होता है कि अगर इसी तरह के वाक्यात होते रहे, तो हमारे देश में पार्लिया-मेन्टरी डैमोक्रैसी खतरे में आ सकती है और एक मखौल तो बन ही सकती है।

श्रीमन्, मुझे ऐसा लगता है कि कालिंग एटेन्शन तो एडमिट हुआ मगर उससे कोई परपज सर्व नहीं हुआ मंत्री महोदय कुछ कहना ही नहीं चाहते हैं। यह सही है कि जो वाक्यात हुए, इसमें शक नहीं कि बहुत नाजुक और गम्भीर हैं। मैं उन में से हूं जो यह मानता है कि तामिलनाद के स्पीकर के कंडक्ट के ऊपर कोई वाद-विवाद नहीं होना चाहिये, किसी भी विषय और प्रोसिडिंग की वैलिडिटी के बारे में डिसकशन नहीं होना चाहिये। श्रीमन्, मुझे इस सिलसिले में सन् 1946 की टन्डन जी की बात याद आती है जब वे हमारे यू० पी० के स्पीकर थे। उस समय यू० पी० में मुस्लिम लीग के लीग अपोजीशन पार्टी में थे और उसके एक मेम्बर ने खड़े होकर टन्डन जी की इम-पार्शियालिटी और उनकी निष्पक्षता के ऊपर आपत्ति की थी। उस समय टन्डन जी ने खड़े होकर कहा कि अगर एक भी अपोजीशन का सदस्य खड़े होकर यह कह दे कि उसका उनके ऊपर विश्वास नहीं है, तो मैं इसी वक्त इस्तीफा दे दूंगा। श्रीमन्, उन्होंने इस्तीफा दे भी दिया,

[श्री नवल किशोर]

लेकिन अपोजीशन की दरख्वास्त पर उन्होंने वह इस्तीफा वापस ले लिया और मुस्लिम लीग वालों ने अपनी गलती मानी और खेद प्रकट किया । इस तरह की परम्परा हमारे उस सदन की और स्पीकर की थी ।

मैं यह जानना चाहता हूं और मैं अपने दोस्त अब्दुल समद से इत्तिफाक करता हूं कि मद्रास में जिस मानी में कांस्टीट्यूशनल क्राइसेस की बात कही जा रही है, उस तरह की कांस्टीट्यूशनल क्राइसेस तामिलनाडु में नहीं है क्योंकि वहां के मुख्य मंत्री को वहां के बहुमत का विश्वास प्राप्त है । लेकिन मैं यह बात जानना चाहता हूं और मुझे ताज्जुब है कि पन्त जी जैसे समझदार व्यक्ति ने यह कहा कि गवर्नर साहब 2 तारीख को यहां पर थे । श्रीमन्, अगर अखबारों की बात मानी जाए तो उससे मालूम होता है कि गवर्नर साहब उसी वक्त एयर डैस करके मद्रास के लिए रवाना हो गये और मैं समझता हूं कि वे अब तक मद्रास पहुंच गये होंगे । चाहे जहाज कितनी ही देर में क्यों न पहुंचे, फिर भी मैं यह मानकर चलता हूं कि अब तक वे वहां पर पहुंच गये होंगे । श्रीमन्, इनके पास हौट लाइन है और अब तक गवर्नर से किसी प्रकार का कांटेक्ट न हो, यह बात समझ में नहीं आती है । मैं श्री भूपेश गुप्ता की बहस में नहीं जाना चाहता हूं कि अथाराइज्ड वर्सन क्या होगा, लेकिन गवर्नर साहब को भी वहां की स्थिति को असेस करना होगा और उनकी क्या प्रतिक्रिया इस सम्बन्ध में है, उसको तो कम से कम मंत्री जी बतलाने की कृपा करें । मैं उनसे यह जानना चाहता हूं कि उन्होंने गवर्नर से क्यों नहीं कांटेक्ट किया और वहां के वाक्यात के बारे में क्यों नहीं मालूम किया ?

दूसरी बात यह कि अभी तक हमको यह भी पता नहीं कि कोई पार्टी कोर्ट में गई है या नहीं । वह कृपया यह तो बता दें कि कोई पार्टी कोर्ट में गई है या नहीं । तीसरी बात, मैं यह जानना चाहता हूं कि क्या यह फैक्ट है कि 13 नवम्बर को स्पीकर के खिलाफ नो-कान्फीडेंस मोशन पेश हुआ था और क्या हाउस के एडजर्न होने के बाद 178 एम एल एज ने अविश्वास प्रस्ताव पास कर दिया पार्टी में और उनको लिख कर भेज दिया कि वह फौरन इस्तीफा दे दें ? मैं यह पिनपौइन्टेड बात जानना चाहता हूं । मैं यह भी जानना चाहता हूं कि क्या उनके इल्म में यह बात है कि स्पीकर्स कान्फेंस में, गवर्नर्स कान्फेंस में यह उसूल तय हो गया था और हो गया है कि मेजारिटी सदन में किसी की है या नहीं है, यह मसला हाउस में ही तय हो सकता है, न राजभवन में तय हो सकता है, न और कहीं बाहर तय हो सकता है? दूसरे क्या किसी व्यक्ति को, वह स्पीकर ही क्यों न हो, चीफ मिनिस्टर से यह कहने का हक है कि आपके अन्दर लोगों का कन्फीडेंस नहीं है, आप इस्तीफा दे दीजिए और जनता का नया मेन्डेट मांगिये ।

पन्त जी ने ठीक कहा कि पंजाब में ऐसी बातें हुई, वेस्ट बंगाल में हुई लेकिन जो वहां हुआ है वह एक्स्ट्रीम चीजें हुई हैं जिससे हिन्दुस्तान में ही नहीं बल्कि उस स्टेट की पार्लियामेंटरी डेमोक्रेसी दुनिया की नजर में मखौल बन गई है । आखिरी बात मैं यह जानना चाहता हूं कि इन बातों को देखते हुए कि पंजाब में ऐसा कुछ हुआ, केरल में हुआ, वेस्ट बंगाल में हुआ और अब तमिलनाडु में हुआ क्या सरकार कोई कांस्टीट्यूशनल एमेंडमेंट लाने की सोच रही है जिससे स्पीकर्स की जो पावर्स हैं, प्रिविलेजेज हैं उसके बाहर उसे न जाने दिया जाए या दूसरे शब्दों में उनका मिस्यूज न करने दिया जाए ।

श्री के०सी०पन्त : उपसभापति जी, गवर्नर यहां 2 तारीख को थे, इसकी चर्चा मैंने इसलिए की कि एक माननीय सदस्य ने सवाल किया कि आपने फौरन गवर्नर से क्यों नहीं पूछा उसी दिन और जल्दी से क्यों नहीं सूचना ली । मैंने कहा कि उस दिन वे यहां थे । यह सही है कि वे गए लेकिन, जैसा मैंने निवेदन

किया, असेम्बली में क्या हुआ यह उसके रिकार्ड से ही पता चल सकता है। और दूसरा कौन रास्ता हो सकता है? इसलिए हमने रिकार्ड मंगवाया है। यह मैंने निवेदन किया। यह तो मानी हुई बात है कि आम तौर पर मेजोरिटी किस की है यह तो सदन के अन्दर ही तय हो सकता है। इस पर चर्चा भी हुई—स्पीकर कान्फ्रेंस ने फैसला लिया या नहीं, यह मुझे ज्ञात नहीं है—इस पर काफी चर्चा हुई सारे देश में और कुछ राय भी बनी। जो पश्चिम बंगाल, पंजाब वगैरह की बात कही जाती है मैंने उसका जिक्र इसलिए किया कि हरएक इन्सीडेंट अलग है। पश्चिम बंगाल में बात उस वक्त यह थी कि जो सरकार बनी थी वह चाहती थी कि बताए सदन के अन्दर उसका बहुमत है और स्पीकर ने एडजर्न कर दिया, उसको मौका नहीं मिला सदन के अन्दर अपना बहुमत दिखाने का। पंजाब में इशू यह था कि एक आर्डिनेन्स पास हुआ कि उस आर्डिनेन्स में यह था कि कोई भी जब तक सदन का बहुमत न कहे तब तक हाउस को एडजर्न नहीं कर सकता बिना फाइनेंशियल बिजनेस पास किए। मार्च का महीना था, 31 मार्च तक फाइनेंशियल बिजनेस पास न होती तो उसके कुछ और परिणाम निकलते, बहुत बड़ी कांस्टीट्यूशनल क्राइसिस पैदा हो जाती। इसलिए आर्डिनेन्स जारी हुआ, स्पीकर एडजर्न करके चले गए, डिपुटी स्पीकर ने कार्यवाही चलाई। इसलिए ये जो चीजें हुई हैं वे इससे मेल नहीं खातीं।

श्री नवल किशोर : आपने मेरी बात का जवाब नहीं दिया। मैंने पूछा था कि ये जो वाक्यात हैं—एक से न भी हों—इनको देखते हुए क्या सरकार कोई ऐसा कांस्टीट्यूशनल एमेंडमेंट लाएगी जिससे स्पीकर्स के द्वारा मिस्यूज आफ पावर न हो?

श्री के० सी० पन्त : कांस्टीट्यूशनल एमेंडमेंट की बात हमने सोची नहीं है क्योंकि ये सब इंसीडेंट्स अलग अलग हैं, उनकी पृष्ठभूमि अलग है, उन सबको मिला कर कहना कि चार असेम्बलियों में ऐसा हुआ ऐसी बात नहीं है, इसलिए हर केस को अलग देखना पड़ेगा।

SHRI K. P. SUBRAMANIA MENON (Kerala): I am surprised, Sir, that some people here in this House are now taking so much loud about the constitutional crisis in Tamil Nadu. But, Sir, our experience has been that (he Central Government, whenever it has got any opportunity, has broken constitutional propriety, alj democratic precedents, and created situations in every State where a non-Congress Government is in power in order to see that it is thrown out of power in order to establish its monolithic control over the entire country. This has been the practice of this Government and we see it being repeated in a different way through all sorts of subterfuges, all sorts of conspiracies also now.

Now J am surprised that Mr. Bhupesh Gupta should eo into tantrums over these things because his party has been somehow helping the Government in the Centre and the Congress to have its own purpose everywhere. But this does not mean that our party holds any brief for Mr. Karunanidhi and the D.M.K. Government. But the point is that if there is corruption who is this Government at this Centre to go into it. The most corrupt Government at the Centre is going to enquire into the corruption in the State. This is the situation which I cannot understand. This chauvinism being mentioned here, this hypocrisy being shown here is bogus. The only way is to ensure whether this Government is not preparing the wav for Central intervention in Tamil Nadu. Can we be assured about this?

MR. DEPUTY CHAIRMAN : It is your opinion.

SHRI K. C. PANT: Sir, my hon'ble friend began by saying that it is a practice of the Government to extend its monolithic control and so on. Do I take it that he complaints that in this case this is not being done ? Is that the purpose of what he is saying ? Is thai the burden of his song ?

SHRI K. P. SUBRAMANIA MENON : This is what you have been doing all the time.

श्री भोला पासवान शास्त्री (बिहार) : उपसभापति जी, मेरी राय में जो सेचुयेशन है उस में सेंट्रल गवर्नमेंट को हठात् नहीं पड़ना चाहिए, कभी नहीं पड़ना चाहिए । और तमिलनाडु को सेचुयेशन अभी है क्या ? वहां फुलफलेज्ड असेम्बली है, वहां गवर्नमेंट काम कर रही है और किसी डेमोक्रेसी की फंक्शनिंग में ये सारे सवाल उठते हैं और बराबर उठते रहेंगे । हम यहां यह विचार कर रहे हैं कि साहब, डेमोक्रेसी वहां फंक्शन नहीं कर रही है । मैं जानना चाहता हूं कि वहां डेमोक्रेसी कैसे फंक्शन नहीं कर रही है ? वह वहां फंक्शन कर रही है, क्योंकि जो कुछ हम करते हैं उसमें अगर हम कुछ गड़बड़ी भी करते हैं तो वह भी डेमोक्रेसी में मान्य है । वह हम करते हैं और जान-बूझकर कर रहे हैं । इस लिए तमिलनाडु में जो सब से बड़ा बखेड़ा हुआ है वह यह है कि वहां स्पीकर का सवाल आया है । अगर पार्टी का कोई सवाल रहता तो वह साफ रहता, लेकिन हम लोगों को इस बात की खुशी है कि वहां के चीफ मिनिस्टर श्री करुणानिधि ने यह कहा है कि हम ट्रायल पर जाने के लिए तैयार हैं । असेम्बली फैसला करे और आप के एडमिनिस्ट्रेटिव रिफार्म कमीशन की जो रिपोर्ट है, उस ने उस ने साफ कहा है कि बस्ट जजमेंट जो हो सकता है वह असेम्बली में ही हो सकता है कि कोई पार्टी बहुमत में है या नहीं है, कोई गवर्नमेंट मेजारिटी में है या माइनारिटी में है, यह बात असेम्बली को ही तय करना चाहिए । लेकिन स्पीकर का एक बड़ा डेलीकेट प्रश्न है । हम लोगों को वेस्ट बंगाल के स्पीकर श्री विजय कुमार बनर्जी का मामला मालूम है । हम को मालूम है कि स्पीकर को कितनी पावर होती है । अगर स्पीकर कभी पालिटिक्स में पड़ जाय तो वह मामला सुलझने वाला नहीं होता जब तक कि स्पीकर ही वहां से हटा न दिया जाये या गवर्नमेंट ही न बदल जाये । इस लिए मेरी राय में इस वक्त यह मामला तमिलनाडु गवर्नमेंट का है । वह एक फुलफ्लेज्ड गवर्नमेंट है और काम कर रही है । वहां विधान सभा कायम है और वहां की असेम्बली को जो पावर होनी चाहिए वह है । पार्लियामेंट को इस मामले पर डिस्कशन करने की पावर है, लेकिन वहां असेम्बली कांस्टीटयूशनली बनी हुई है और उस को अपनी पावर है और उसमें हम कुछ इंटरफियर नहीं कर सकते हैं । तो असेम्बली वहां फंक्शन कर रही है और अभी ऐसी सेचुयेशन नहीं आयी है कि सेंट्रल गवर्नमेंट या पार्लियामेंट उस में खामखाह पड़ कर उस चीज को बर्बाद करे । ऐसा करना भी डेमोक्रेसी के फंक्शनिंग में बाधा डालना है । अगर हम खामखाह इधर से इंटरफियर करते चूंकि सेंट्रर को पावर है और सेंटर चाहे जो कर सकता है, लेकिन केवल चाहना ही ऐसा नहीं चाहिए । पहले चाहना ठीक है कि नहीं यह देखना होगा । लेकिन अगर पावर हमको है, इसका मिसयूज करें तो इससे डेमोक्रेसी खतरे में पड़ जाएगी । जो बनी बनाई सरकार है, करुणानिधि उसके चीफ मिनिस्टर हैं, सरकार के सामने दिक्कत है, तो उनको मुकाबला करना चाहिए ।

श्री नागेश्वर प्रसाद शाही : (उत्तर प्रदेश) : आपकी राय नहीं मानेंगे ।

श्री भोला पासवान शास्त्री : हमारा काम है राय देना । अगर हमको राय मनवाने का हक रहता तो मैं यही करता । अगर हमको ऐक्शन लेना रहता तो लिट्रेरी वही ऐक्शन लेता जो मैं कह रहा हूं । इसलिए मैं यहां केवल राय ही दूंगा ।

अब गवर्नमेंट को कहा जा रहा है कि गवर्नर साहब यहां पर आये थे, उनसे क्यों नहीं पूछा । गवर्नर साहब काम से आये थे और चले गये । फिर भी गवर्नर जब तक लिखकर रिपोर्ट नहीं देंगे सेंट्रल गवर्नमेंट को कोई ऐक्शन नहीं लेना चाहिए । कोई भी राज्य का गवर्नर चाहेगा कि जब हम चाहें मनवायेंगे, तो वह भी नहीं कर सकता । गवर्नर को भी ऐडवोकेट जनरल से राय

लेनी पड़ेगी और ऐडवोकेट जनरल ऐसा नहीं है कि रेडिमेड राय दे देगा। इसलिए जो उस तरफ से कहा जा रहा था और हमारे माननीय दोस्त भूपेश गुप्ता और जनसंघ वाले मित्र कह रहे थे कि गवर्नर यहां मौजूद थे तो आपने क्यों ऐक्शन लिया। गवर्नर यहां थे और कोई ऐक्शन नहीं लिया तो अच्छा किया। अगर कोई ऐक्शन ले लेते तो कोई अच्छी बात नहीं होती। इसलिए यह सवाल नहीं उठाया जा सकता कि गवर्नमेंट ने ऐक्शन क्यों नहीं लिया। इसलिए आज जो भी तमिलनाडु में हो रहा है, मेरी राय है गवर्नमेंट को और संसद को कि करुणानिधि की सरकार वहां अभी कायम है, वह अभी काम कर रही है, वह सरकार गई नहीं है। करुणानिधि ने स्वयं आफर किया है कि डेमोक्रेसी में, डेमोक्रेसी के हित में जब उनकी सरकार माइनारिटी में हो जाएगी तो वे चले जायेंगे, हट जायेंगे। अभी जो कुछ वहां गड़बड़ हो रही है, इससे हमको घबड़ाना नहीं चाहिए। तब तक नहीं घबड़ाना चाहिए जब तक कि तमिलनाडु की स्थिति ऐसी न हो जाए कि हम समझने लगें कि वहां की सरकार चलने वाली नहीं है। अभी तो करुणानिधि वहां के चुने हुए लीडर हैं, मेजारिटी उनके पास है। जो ऐडमिनिस्ट्रेशन में रहता है, जो ऐडमिनिस्ट्रेशन चलाता है, हम जानते हैं कि उसको कितना कठिनाइयों का मुकाबला करना पड़ता है। इसलिए सेंटर ने जो अभी रुख अख्तियार किया है, मेरे ख्याल से सही और दुरुस्त रुख अख्तियार किया है। इसलिए मेरी राय में सट्रल गवर्नमेंट को अच्छी तरह से वाच करना चाहिए कि मद्रास में क्या हो रहा है।

MR. DEPUTY CHAIRMAN: The House stands adjournad till 2-15 P.M.

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

The House reassembled, after lunch, at fifteen minutes past two of the clock, MR. DTI'LIV CHAIRMAN in the Chair.

REFERENCE TO SITUATION IN THE DELHI UNIVERSITY

डा० भाई महावीर (दिल्ली) : उपसभापति जी, मैं एक गम्भीर स्थिति की तरफ सरकार का ध्यान खास तौर पर आकृष्ट करने के लिये खड़ा हुआ हूं। दिल्ली युनिवर्सिटी इस समय एक बड़े विचित्र संकट में है। 17 दिन बन्द रहने के बाद कल दिल्ली विश्वविद्यालय खुला लेकिन वह खुलना ऐसा था कि कहीं पर किसी कालेज में बाकायदा कोई काम हो नहीं सका और न यूनिवर्सिटी के विभागों में कोई कक्षायें लग सकीं। विद्यार्थियों की एक बहुत बड़ी रैली हुई और उसके अन्दर विद्यार्थियों ने अपने आन्दोलन को जारी रखने और अनिश्चित काल तक जब तक उनकी मांगें स्वीकार नहीं होतीं हड़ताल पर रहने का फैसला किया।

महोदय, यह हड़ताल कब तक चलेगी और इसके आगे क्या होगा यह आज निश्चयपूर्वक कहना बड़ा कठिन है लेकिन इससे बड़ी बात जो हुई है वह यह कि कल विद्यार्थियों ने 48 घंटे का अल्टीमेटम उपकुलपति को दिया। उस अल्टीमेटम में यह कहा गया है कि यदि वह उनकी मांगों को दो दिन के अन्दर स्वीकार नहीं करते तो विद्यार्थी युनिवर्सिटी पर अधिकार कर लेंगे। इस तरह से तो विद्यार्थियों की युनिवर्सिटी है और उनका अधिकार है ही लेकिन यह जो अधिकार करने की बात की जा रही है इसका मतलब है कि युनिवर्सिटी के जो कार्यालय हैं जो आफिसेज हैं, कम्पलीटली उनमें विद्यार्थी घुस कर के अपने कब्जे में ले लें। यही अर्थ निकलता है। आज 24 घंटे बीत चुके, 24 घंटे के बाद कल यह स्थिति पैदा होगी यह एक बड़ा गम्भीर प्रश्न है जिस पर सरकार को और शिक्षा मंत्री जी को विचार करना है। मुझे आशा है कि ओम् प्रकाश मेहता जी भी जरा महत्व की बात पर ध्यान देंगे, मैं उनका ध्यान इस तरफ खींच रहा हूं।