(b) if so, the details thereof and the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI KRISHNA RAJ): (a) and (b) Yes Sir. As per information received from Ministry of Health and Family Welfare, the Infant Mortality rate in India is higher than that of Bangladesh, Nepal and Sri Lanka as per the State of World's Children report, 2016, released by UNICEF. The details are as below:

Country	Infant Mortality Rate (2015)
Bangladesh	31
India*	38
Nepal	29
Sri Lanka	8

^{*}As per the Sample Registration System (SRS) Report, 2014 of the Registrar General of India, the Infant Mortality Rate (IMR) in India is 39/1000 live births.

The working paper published by NITI Aayog in 2015, titled, "Health System in India: Bridging the Gap between Current Performance and Potential" indicates that some possible causes for slower progress on IMR in India are the social determinants of health, regional disparity, overlapping responsibilities which blur accountability of outcomes, and unregulated private sector etc.

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

The House re-assembled at two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

SHORT DURATION DISCUSSION

Re. Developments in States of Uttarakhand and Arunachal Pradesh leading to change in Governments there and role of Governors in respective States

MR. DEPUTY CHAIRMAN: Now, Short Duration Discussion to be initiated by Shri Anand Sharma. Sharmaji, one point I want to tell you is that the motion is to raise

a discussion on the developments in the States of Uttarakhand and Arunachal Pradesh leading to change in the Governments there and the role of Governors in the respective States. You cannot personally criticize any person or any authority and only the conduct can be discussed.

SHRI ANAND SHARMA (Himachal Pradesh): Sir, I accept but on the conduct, the actions the Constitution Bench censure, I am very much entitled to say but we will not say anything which is personal. I respect that.

MR. DEPUTY CHAIRMAN: Okay. You can start, please.

SHRI SUKHENDU SEKHAR ROY (West Bengal): Conduct or misconduct?

SHRI ANAND SHARMA: That's a good one.

Hon. Deputy Chairman, Sir, I rise to raise a very important matter which concerns India's Parliamentary democracy and the Constitution of the country. Sir, the recent developments, late last year in December in Arunachal and then followed by Uttarakhand in March this year, have shocked the country and invited not only adverse comments but also censure from the Supreme Court of India, and earlier, from the High Court of Uttarakhand in the case of Uttarakhand.

Sir, we all know that India is a Constitutional democracy and the Governments are elected through a popular mandate. They hold office in Centre and in States when, as long as, they have the mandate and command majority in the House. There is a Constitutional sanctity which elected Governments are duty-bound to respect. The Governors of the States, under our Constitution, hold office, appointed to that position under the provisions of this Constitution with the pleasure of the President of the Republic of India. When it comes to the Executive, functions it is on the advice of the Council of Ministers unless there is no Government in office and there is the President's rule. The Governor is also expected to respect the elected Chief Minister and the Government of the day; equally acknowledge and accept the advice of the Council of Ministers, its recommendations. Even with regard to the convening of the State Assembly, a Governor is not supposed, Sir, to interfere in the day-to-day functioning of an elected Government in administrative matters or take decisions unilaterally for which there is no Constitutional mandate that a

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Governor has. Sir, our Constitution clearly, therefore, defines the role, in the case of the Centre, of the Rashtrapati and in the case of States, of the Governors. Sir, if the Governor acts contrary to the provisions of the Constitution, then, that undermines the functioning of our Parliamentary democracy. Sir, both in the case of Arunachal Pradesh and later in the case of Uttarakhand, Constitution was not respected. There was institutional impropriety; there was disrespect to the elected Governments; there was also insult to the people's mandate. Sir, a Governor is not supposed to meddle in politics or to undermine an elected Government in office but, unfortunately, that happened, which is a brazen violation of the Constitution of our country.

Sir, our Prime Minister, Shri Narendra Modi, speaks of cooperative federalism. At the same time, the Ruling Party President talks of Congress-mukt Bharat. That is the official policy of the Ruling Party today. It is not something which we are making. That is what they have said in their national executive meeting; that is what their Party President and their Ministers say. In a democracy, even the mention of such an expression that they will rid the country of the principal Opposition Party and also unseat or topple the elected Governments which are headed by the Congress itself, is an insult to democracy and the Constitution. Sir, there is a policy today being followed to destabilise, by misuse of power, misuse of resources and abuse of authority, the elected Governments in office. The targets are the Congress Governments. सभी कांग्रेस की सरकारें राज्यों में इनके निशाने पर हैं और इन्होंने वे हथकंडे अपनाए हैं, जो शर्मनाक हैं। सिर्फ उनकी आलोचना करना ही शायद अपने आप में पर्याप्त न हों। ये दोनों उदाहरण जो अभी हाल के हैं, वे अपनी एक कहानी बताते हैं कि किस तरह से संविधान की धज्जियां उड़ाई गई हैं और किस तरह से केन्द्र की सरकार ने गवर्नर्स को एक पोलिटिकल एजेण्ट के रूप में इस्तेमाल किया, वहां की सरकारों को गिराने के लिए, मुख्यमंत्रियों को बेइज्जत करने के लिए, ह्यमिलिएट करने के लिए And the Governors willingly became tools and agents to pursue or to implement or to execute the nefarious agenda of the Ruling Party, the ruling dispensation and the Government in Delhi. That is exactly what has happened in these two cases.

Sir, first take the case of Arunachal Pradesh. What happened was shameful. The Governor conducted himself in an * manner, which is unacceptable. There, the Assembly session had only concluded on the 21st of October, 2015. On the recommendation of

^{*}Expunged as ordered by the Chair.

the Chief Minister, the Governor had summoned the Assembly session for 14th January, 2016. But, he preponed and advanced the Assembly session because some dissidents and the BJP MLAs represented and demanded that; and, in that process, he violated the Constitution and destabilised the elected Government of Chief Minister Nabam Tuki.

Sir, what is important to underscore here is that the meeting of the legislators, the so-called MLAs, at whose behest the session was advanced, was not held in the Assembly. First, they went to a community hall; then, they went to a hotel and bar; and that assembly was given the certificate of an Assembly session being held. The Governor decided that it is the Deputy Speaker who would preside over this crowd or group of legislators and they were given the legitimacy or sought to be given the legitimacy that this was an Assembly session.

माननीय उपसभापित महोदय, यह ऐसा ही होगा कि केन्द्र में चुनी हुई सरकार है और कुछ सांसद आपके भी -- अभी तो खैर हिम्मत नहीं है -- तथा कुछ और सांसद मिल कर ताज होटल या ओबरॉय होटल में मीटिंग कर लें और एक आदमी चुन लें तथा उसको राष्ट्रपित जी बुला लें। क्या ऐसा हो सकता है और क्या यह स्वीकार्य है? परन्तु यह हुआ। इसीलिए मैंने कहा कि वहाँ पर जो हुआ, यह शर्म की बात है।

उपसभापति महोदय, उत्तराखंड का घटनाक्रम भी अपने आपमें एक कहानी है। कोऑपरेटिव फेडरलिज्म की बात करने वाले प्रधान मंत्री जी उत्तराखंड के अन्दर आपने.. पहले तो अरुणाचल में जिस दिन यह सब कुछ हुआ और राष्ट्रपति शासन लागू हुआ, वह तारीख मैं बताना भूल गया। वह तारीख 26 जनवरी थी। यानी जब भारत का संविधान लागू हुआ था और भारत एक गणतंत्र बना था, एक republic बना था, उसके ठीक ७७ साल बाद, यह प्रजातंत्र में आपकी आस्था और कोऑपरेटिव फेडरलिज्म की जो नयी परिभाषा देश को दी गई है, उसका एक उदाहरण था। उत्तराखंड में 18 मार्च की घटना है। वहाँ असेम्बली का सत्र चल रहा था, उत्तराखंड पर वोट पड़े। यह सही है कि कांग्रेस के 9 विधायक बागी हुए और बीजेपी के एमएलएज के साथ मिले, परन्तु वहाँ वोटिंग हुई, Vote on Acount हुआ और पास हुआ। 19 मार्च को वहाँ के राज्यपाल महोदय ने, क्योंकि यहाँ पर अब इनका जो एक नया अभियान है, सत्ताधारी दल के अध्यक्ष का, जिसका मैंने जिक्र किया, उल्लेख किया, कहा कि floor test करो। विधान सभा का सत्र बुला लिया गया। राज्यपाल महोदय ने मुख्य मंत्री को कहा कि अपना बहुमत सिद्ध करो, 28 मार्च को, मुख्य मंत्री हरीश रावत ने उसको स्वीकार कर लिया। परन्त् उसके बाद हुआ क्या - एक दिन पहले राष्ट्रपति शासन। He should have allowed the Chief Minister and the MLAs to take a decision. That is what the constitutional propriety is. The Chief Minister was not running away from the vote or to prove his majority, which subsequently was proven. It was a chain of events, whether it was in the Uttarakhand High Court or in the Supreme Court. That judgement did not open the eyes of this

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Government. The very next day, the Uttarakhand High Court made it absolutely clear that the proclamation to impose President's rule is open to judicial review and lifted the President's rule; again called for a trust vote. Again, you come to Delhi. You go before the Supreme Court, and the Supreme Court in disgust throws you out, and sends you back to the Assembly, and the Assembly reposes its trust and confidence in the Congress Chief Minister and the Congress Government, continues in office today. You were unmoved; the Prime Minister remains unmoved. Yes, you have majority. But the majority does not allow you to topple, destabilize and insult elected Governments. Your majority in the Lok Sabha does not give you any sanction to trample upon the Constitution of the Republic of India. That you must always bear in mind while in office. And if you will not, you will, as you are today, stand exposed and condemned for your agenda and for deeds what you did in these two States. सर, मेरे बाद मेरे और साथी बोलेंगे, खास तौर पर जिन्होंने इसके बारे में सुप्रीम कोर्ट में और हाई कोर्ट में बातचीत की है, कपिल सिब्बल जी, वे बोलेंगे। परन्तु मुझे एक चीज़ कहनी है कि यह सब कुछ जो हुआ, उससे इस सरकार की नीयत, इसका एजेंडा, इनका तौर-तरीका, इनका संविधान में अविश्वास, संविधान का अपमान करने का गुरूर, ये सब बातें सामने आई। मैं इस माननीय सदन में आपकी अनुमति से सुप्रीम कोर्ट के इस संविधा पीठ के, Constitution Bench के जजमेंट के कुछ अंश पढ़ना चाहता हूँ। यह 13 जुलाई का ऑर्डर है। The Constitution Bench has said that the Governor can't act as per his whims. The Supreme Court censored the Governor of Arunachal Pradesh for humiliating the elected Government of the day. In a historic judgment it restored, for the first time, the Government and the status quo ante. So, Uttarakhand was a wake-up call and you did not actually wake up. You thought that you could get away with all actions which are unacceptable and not permissible under the Constitution, in our democracy.

Sir, let me quote verbatim a few excerpts of the Constitution Bench which gave a unanimous verdict in this matter: "By a unanimous landmark verdict, the Constitution Bench circumscribed the powers of the Governor and held that the Governor of Arunachal Pradesh, Rajkhowa's messages to advance the Assembly session in December and to decide the manner of conducting the Assembly proceedings were violative of Constitutional provisions and that he could not have acted without the aid and advice of the Council of Ministers." That is what the Constitution says. "The Bench laid down that a Governor cannot have the freedom to determine when and in which situation can he take a decision at his own discretion without the aid and advice of the Chief Minister and his Council of Ministers. He can act without the aid and advice only when a Government has lost its majority in a floor test", the court has said.

Sir, the judgment also says that the Constitution does not allow any role to a Governor to interfere in the activities of the Assembly and, therefore, it would be outside the domain of his powers to fix date for an Assembly Session or to decide how the Assembly functions. The Constitution Bench also rejected the arguments of Rajkhowa, who was the Governor of Arunachal Pradesh, that he had to take note of the political turmoil and the status of disqualification petitions filed by all sides. This must be noted, Sir. The Court has said, "It needs to be asserted as a constitutional determination, that it is not within the realm of the Governor to embroil himself in any political thicket. The Governor must remain aloof from any disagreement, discord, disharmony, discontent or dissension within individual political parties. The activities within a political party, confirming turbulence, or unrest within its ranks, are beyond the concern of the Governor. The Governor must keep clear of any political horse-trading." It further says, "The State Legislature does not function under the Governor. In sum and substance,"...

THE MINISTER OF STATE OF THE MINISTRY OF MINORITY AFFAIRS; AND THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKHTAR ABBAS NAQVI): The word 'horse-trading' is unparliamentary.

SHRI ANAND SHARMA: I am quoting Supreme Court judgment. That is from the Constitution Bench Judgment.

SHRI BHUPENDER YADAV (Rajasthan): Which paragraph are you quoting?

SHRI ANAND SHARMA: I have every right to read. I am not indulging in personal comments. It is * of the Governor.

SHRI MUKHTAR ABBAS NAQVI: The word 'horse-trading' is unparliamentary.

SHRI ANAND SHARMA: it is the Supreme Court judgment. It is a verbatim account. ... (Interruptions)... Well, it could be.

MR. DEPUTY CHAIRMAN: Sharmaji, my point is, you need not mention the name of the Governor. You may simply say 'Governor'.

SHRI ANAND SHARMA: Sir, the judgment mentions that. I am just reading the Supreme Court judgment. It is nothing of my own.

MR. DEPUTY CHAIRMAN: All right.

SHRI ANAND SHARMA: The State Legislature...

^{*}Expunged as ordered by the Chair.

SHRI BHUPENDER YADAV: I request you to please let us know the paragraph, because I have the judgment with me.

श्री आनन्द शर्माः मैं अभी बताऊंगा। ...(व्यवधान)...। will authenticate. भुपेन्द्र जी, आप घबराइए मत, मैं इसको बिल्कुल रखूंगा। ...(व्यवधान)...

SHRI BHUPENDER YADAV: From which paragraph are you quoting? I am only requesting you. I am only requesting you.

SHRI ANAND SHARMA: बताएंगे।(Interruptions)... I will authenticate and give. ...(Interruptions)...

SHRI BHUPENDER YADAV: Sir, I only requested Anand Sharmaji,

श्री आनन्द शर्माः में बता दूंगा।

SHRI BHUPENDER YADAV: Sir, from which paragraph is he quoting because सर, जजमेंट में गवर्नर को क्रिटिसाइज नहीं किया गया?

MR. DEPUTY CHAIRMAN: Let him authenticate and give.

SHRI BHUPENDER YADAV: You tell me the paragraph. He is reading the judgment. I want to See the paragraph.

श्री आनन्द शर्माः हां, पैराग्राफ बता देंगे।

SHRI BHUPENDER YADAV: I have a copy with me. I want to See the paragraph.

SHRI ANAND SHARMA: I am quoting the judgment as reported and...

SHRI BHUPENDER YADAV: I agree with you, but tell me the paragraph.

MR. DEPUTY CHAIRMAN: It is enough if you authenticate it, Shri Sharma.

SHRI BHUPENDER YADAV: You tell me the paragraph.

SHRI ANAND SHARMA: I am not obliged to tell you.

MR. DEPUTY CHAIRMAN: I have told him to authenticate. That's enough.

SHRI ANAND SHARMA: I am doing what is correct.

MR. DEPUTY CHAIRMAN: That's enough.

SHRI ANAND SHARMA: You stand exposed. Don't defend..

MR. DEPUTY CHAIRMAN: Now, please speak. He only raised a point. Why do you talk like this?

SHRI ANAND SHARMA: The State Legislature, as I was saying, Sir, does not function under the Governor. In sum and substance, the Governor just cannot act as the Ombudsman of the State Legislature. The Governor cannot be Seen to have such powers and functions as would assign him a dominating position over the State Executive and the State Legislature, the Constitution Bench. Sir, as I had said,...

MR. DEPUTY CHAIRMAN: Now, try to conclude.

SHRI ANAND SHARMA: Sir, I am concluding in just a minute. Sir, there is an agenda. There is the Congress *Mukht Abhiyaan*. Their Government stands fully censured, exposed and condemned. The Prime Minister is silent. Two historic judgments, restoration of elected Governments, which in their Congress Mukht Abhiyaan,.....

आप लोग गलतफहमी का शिकार हैं कि ऐसे कांग्रेस मुक्त नहीं होगा। 131 साल पुराना राजनीतिक दल है, बड़े उतार-चढ़ाव देखे हैं, बड़ी राजनीतिक लड़ाइयां लड़ी हैं। वहां सदन में नम्बर कम हो गया तो गलतफहमी नहीं होनी चाहिए कि आप लोग हमेशा के लिए इतने बड़े होकर आ गए। पहले आप भी सिमटे थे, सिकुड़े थे याद रखना, सिर्फ दो पर रह गए थे। मुझे आपके माध्यम से एक चीज कहनी है कि जिस गवर्नर के खिलाफ कांस्टीट्यूशनल बेंच की यह जजमेंट है, उस गवर्नर को क्यों नहीं हटाया, उसके खिलाफ क्यों कार्रवाई नहीं की? इससे बढ़कर और क्या बातें गवर्नर के बारे में कही जा सकती हैं? उपसभापति महोदय, आपके माध्यम से मेरी सदन से मांग है कि उस राज्यपाल को बर्खास्त किया जाए, उसको निकाला जाए। अगर वह अपने पद पर बने रहता है, इसका मतलब आप कांस्टीट्यूशनल बेंच का अपमान करते हैं, संविधान का अपमान करते हैं। मैं इतना ही कह कर अपनी बात को विराम देता हूं।

SHRI C. P. NARAYANAN (Kerala): Sir, can I be permitted to lay my Special Mention as I have to catch a flight.

MR. DEPUTY CHAIRMAN: When is your flight?

SHRI C. P. NARAYANAN: It is at 6. 00 p.m. Can I do it early?

MR. DEPUTY CHAIRMAN: No, no; I will tell you. I know your flight is at 6.00 p.m. ... (Interruptions)...

THE MINISTER OF URBAN DEVELOPMENT; THE MINISTER OF HOUSING AND URBAN POVERTY DEVELOPMENT AND THE MINISTER OF INFORMATION AND BROADCASTING (SHRI M. VENKAIAH NAIDU): Mr. Deputy Chairman, Sir, I was carefully listening to Shri Anand Sharmaji's presentation. When my colleague, Bhupenderji asked him to refer to the relevant paragraph, he said, "My colleague, Shri

[Shri M. Venkaiah Naidu]

Kapil Sibal, his advocate, will be referring to that." Fine. There is no problem. But, the issue is, does the Congress party have any moral right to raise this issue? That is one issue because there is a very odd saying outside, I don't know whether it is Parliamentary or unparliamentary, you have to guide me, it is like a * because it is the party which has misused Article 356 umpteen times, around 90-100 times only. In that, some four or five may have been justified but not others, and such a party is now giving us sermons about using and misusing Article 356.

SHRI RIPUN BORA (Assam): You speak on Short Duration Discussion, not on Uttarakhand and Himachal Pradesh.

SHRI M. VENKAIAH NAIDU: I know what to speak. You please sit down. You have got confident leaders. They have the capacity. You don't know it. You have come just now and you want to teach us lessons. Please, try to understand. ... (Interruptions)...

SHRIMATI RAJANI PATIL (Maharashtra): Sir, how can he say to a new Member like this? ... (Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. Please, sit down. ... (Interruptions)...

KUMARI SELJA (Haryana): Sir, this is unacceptable ... (Interruptions)...

श्री आनन्द शर्माः वेंकैया जी, नये मेम्बर्स को तो एनकरेज़ करना चाहिए। ...(व्यवधान)...

SHRIMATI VIPLOVE THAKUR (Himachal Pradesh): Sir, what is he saying? ... (Interruptions)... You kindly go through the record and remove that ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Okay. I will go through the record. ... (Interruptions)... Alright. I will go through that... (Interruptions)... Sit down. ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, I always welcome new Members. But, they should follow the rules. They should not try to poke at others. ...(Interruptions)... I am happy...(Interruptions)... That is what I said. ...(Interruptions)...

SHRI ANAND SHARMA: You have to encourage new Members. ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: I have all the love and affection for any new Member, because once upon a time even I was a new Member. ...(Interruptions)... I carefully listened...(Interruptions)...

MR. DEPUTY CHAIRMAN: You cannot interrupt like that. ... (Interruptions)... You *Expunged as ordered by the Chair.

cannot interrupt...(Interruptions)...He cannot interrupt like that...(Interruptions)...It is not a one-way traffic....(Interruptions)... He can interrupt and Minister cannot react! If he interrupts, Minister will react...(Interruptions)... Sit down...(Interruptions)... That is all... (Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, I have not said anything on my own without any provocation ... (*Interruptions*)... If somebody tries to disturb me and tells me how to behave or how to respond, with my limited knowledge, I have said it ... (*Interruptions*)... Sir, we also have judgments of courts. ... (*Interruptions*)...

KUMARI SELJA: How can anyone. ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, a king can do no wrong. ...(Interruptions)... It cannot be like 'king can do no wrong.' ...(Interruptions)... They will do wrong and if anybody says something, they will object. This is not a fair method. This is not the spirit of democracy.

Let us See what the Sarkaria Commission has said. The important recommendation of Sarkaria Commission, within the whole gamut of Centre-State relations, while recommending Article 356 is, "Article 356 should be used very sparingly, in extreme cases, as a measure of last resort, when all available alternatives fail to prevent or rectify a breakdown of constitutional machinery in the State." It observed that these alternatives may be used only in the case of an extreme urgency where failure on the part of the State Government to take immediate action under Article 356 to avoid disastrous consequences. Sir, this is what relevant today. The Commission Report also mentioned Article 356 was used 'sparingly' in the initial years. It was invoked 12 times up to 1967 when they had absolute majority and there was no problem with any other State Government. The problem started from 1967 onwards.

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, I am on a point of order.

SHRI M. VENKAIAH NAIDU: Rangarajanji, the first casualty was your dear leader Shri E.M.S. Namboodiripad.

SHRI T.K. RANGARAJAN: Venkaiahji, will you yield for a minute?

MR. DEPUTY CHAIRMAN: He is not yielding.

SHRI T. K. RANGARAJAN: Sir, my point is, when you quote, you please quote the Sarkaria Commission fully. Don't quota one para here one para there.

SHRI M. VENKAIAH NAIDU: Okay, thank you. If the Chair allows the debate

till tomorrow evening, I will go on reading Sarkaria Commission's recommendations, because these are huge volumes ... (Interruptions)... Let the Chair decide.

MR. DEPUTY CHAIRMAN: Mr. Rangarajan, when you speak, you reply to that.

SHRI M. VENKAIAH NAIDU: Yes. You can speak better than me to defend the dismissal of Naboodiripad's Government at that time by your friendly Congress Party.

Sir, 12 times Article 356 was used up to 1967. It was resorted to as many as on 62 occasions between 1967 and 1985. The very first occasion of its use was in Punjab for resolving internal crisis in the ruling party! It contained the *See*ds of future implications. It rose to its crescendo in 1977 and again in 1980 when President's rule was imposed in nine States. The Report noted these. Sir, why am I saying this? I am saying that this is not for the first time that Article 356 is used. It is not for the first time that any Central Government intervened in a particular situation in the State. This is the point I wanted to make. So, Congress Party, having done all these, whether it is late Shri E.M.S. Namboodiripad or late N.T. Rama Rao and there are a number of other Chief Ministers, is giving sermons. They all became casualties because of your political considerations. You could not digest the mandate of the people when N.T. Rama Rao was elected by a massive majority. You dismissed him while he enjoyed majority.

SHRI PRAMOD TIWARI (Uttar Pradesh): What about his son-in-law?

SHRI M. VENKAIAH NAIDU: No; first, by your political son-in-law, because he joined your party later. He -- Mr. Nadendla Bhaskar Rao -- was the close right-hand associate of Shri N.T. Rama Rao. But, later, he went with you, politically. And, then, along with the support of the then Governor, Shri Ram Lal, Shri N.T. Rama Rao's Government was pulled down. And, we -- I myself, Shri Jaipal Reddy and Communist friends -- all fought back and then Shri N.T. Rama Rao came back to power. Sir, truth is unpalatable, sometimes. What can I do? ... (Interruptions)...

Now, I come to Arunachal Pradesh. Let us *See* what has happened in Arunachal Pradesh. You had majority. People had elected your Government and Mr. Nabam Tuki taken charge as Chief Minister of Arunachal Pradesh on 1st November, 2011. How was the problem started? It is not because of BJP or any other party. Mr. Tuki droped the State's Health and Family Welfare Minister, Mr. Kalikho Pul, during the Cabinet reshuffle. That is how problem started. What is the role of our Government in all this? Then, in 2015, Mr. Paul alleged financial mismanagement within the Government. But, without understanding what he was saying, the Congress party expelled him. Then, the

new Governor came. The fifth session of the Legislative Assembly was concluded. After that, the MLAs met and they had lost confidence in their leader. The Congress party did not act. Later on, they also moved a No Confidence Motion against the Speaker. Then, they wanted a trial of strength. My friend, Shri Anand Sharma, was quoting the spirit of the Constitution and saying that it should have been left to the Assembly to decide. Yes, if the Assembly meets, it can decide. But the Assembly was locked. The MLAs were not allowed. The Assembly was postponed to January. ... (Interruptions)... The day when you lose numbers, you are supposed to resign or call the Assembly. But you called it in January. ... (Interruptions)...

SHRI ANAND SHARMA: That is not correct. It was advanced to 6th. ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: I am coming to the fact. The Governor's orders summoning of the sixth session of the Assembly. ... (Interruptions)...

श्री नरेश अग्रवाल (उत्तर प्रदेश)ः क्या यह गवर्नमेंट का reply है?

MR. DEPUTY CHAIRMAN: No, no. He is intervening. A Minister can always intervene. ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: Nareshji knows it. But, he does not want to leave the field only for the BJP and the Congress. He always wants a role for the other parties too. It is good.

As per the Governor's order, summoning the sixth session of Assembly, the Assembly was to meet on 14th January, 2016. In the same month, Anandji, the Congress MLAs demanded the removal of the Deputy Speaker. They moved a resolution to remove the Speaker. The Governor ordered for the trial of strength to decide whether the Speaker was having the majority or not, the Deputy Speaker was having the majority or not. The Governor's order advanced the Assembly session from 14th January to 16th December. That is the issue of contention. Does the Government have the power? The point is, if you go by the judgements, or if you go by the recommendations of Sarkaria Commission, or if you go by the S.R. Bommai case, the trial of strength has to take place on the floor of the House. I do admit. If the Government, if the Cabinet, if the Council of Ministers, who lost majority, do not call the Assembly for six months -- because, six months' time is allowed -- what is the remedy? There is no remedy at all. Should a Government, which has lost majority, be allowed to continue and do all sorts of things, natural and unnatural, constitutional and unconstitutional? That is the issue. That is why the Governor, as

[Shri M. Venkaiah Naidu]

mandated by the Constitution, had ordered preponement of the Assembly Session. What was the difficulty? You had numbers. You should have accepted that. Now, you are saying that we had numbers, but you disqualified the MLAs. Before conducting trial of strength, instead of accepting the Governor's recommendations, you disqualified the MLAs! Sir, the Uttarakhand and the Arunachal Assemblies have set up a new precedent in the country. These were new practices for anybody. Whoever loses majority, disqualify their opponents! If you lose majority, you disqualify others. That is the moral of Uttaranchal story, that is the moral of Arunachal story. And, my friend, Shri Anand Sharma, is saying that everybody should follow that. The fact is that the trial of the strength has to be taken. ... (Interruptions)...

SHRI ANAND SHARMA: If you yield for a minute. What is the constitutional provision for a split to take place? Which party will not take action? Will your party not take action? If your few MPs were to get up, what will you do? What will your Prime Minister do? I would like to hear from you. Do you respect the constitutional provisions or not? The Tenth Schedule is very clear about it.

SHRI M. VENKAIAH NAIDU: If any MLA rebels or opposes the party line, the party has got every right to suspend him, every right to expel him. I am not quarrelling. You can expel him. You can take him back. Like, you have taken back in Arunachal Pradesh. You first expelled him. And, then, you tried the other man. He could not muster majority. Then, you sacrificed him and brought the earlier man back. And, of course, yesterday you dropped him. You should have been aware of the consequences. Yesterday means, there was again cabinet reshuffle and, according to newspaper reports, he was dropped, if I am right. But that is not relevant. What is relevant is, if a good number of MLAs say that they do not have confidence in their leader, normally what do we do? Does the party take care of it? Or, when it becomes public and goes to the Court of the Governor, the Governor advises them, "Why prepone the Assembly? Have a trial of strength and prove your majority." That is what the Governor did. But you did not accept it. I don't want to argue at length because facts are there and even arguments are also over now. But the point is, Sir, now you are saying the Court has said it. I am not disputing that. I am not here to comment on the Court; they are legal luminaries. Sir, the entire Parliament, Lok Sabha and Rajya Sabha, unanimously passed the NJAC. The Court struck that down. That is Court's prerogative. But it is our prerogative to approve a legislation. We had approved it. The trial of strength can neither be decided outside, in the Raj Bhavan, nor by the Court. It has to be decided on the floor of the House. A new

Chief Minister was sworn in. The Chief Minister has proved his majority on the floor of the House. Then, you say, "The earlier Chief Minister has proved his majority in the Assembly." This is something new, which was unheard of. And, now, the situation is like this. Okay, that has been agreed upon. The Governor said, "Okay; come and prove your majority." Without proving your majority, your Congress Chief Minister resigned and went away. That means, prima facie, he had lost the majority earlier. This is what we have been saying. Had you taken appropriate action at an appropriate time, this situation would not have arisen at all. So, basically, it is your creation, it is your problem and we were compelled to enter into this, because there was a Constitutional breakdown, where the Assembly was locked and where the person who had lost the majority was not accepting to go by the Constitution, or, by the directives of the Governor. That is why the Central Government had to intervene. According to Sarkaria Commission, Article 356 is the spirit of all the judgements also. That is the position. Otherwise, we had no intention. You know what happened in Arunachal Pradesh earlier. What happened in Arunachal Pradesh? You will come to know what will happen in Arunachal Pradesh in future also. I am not here to argue in favour of this side.....

THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD): Something is being planned for the future.

SHRI M. VENKAIAH NAIDU: No, Sir. We have not planned anything. The Speaker also resigns. Then, the Deputy Speaker disqualifies. And, the Deputy Speaker says that the Speakers' decision is illegal. Then, one man locks the Assembly, and the other man does not agree to prepone the Assembly Session. All these wonderful things have happened. That is why this has happened, Sir. Rebel MLAs meet outside. Who were those MLAs? They were your MLAs only. This is the advantage for the Congressmen, Sir. They go out; they come in. While going, they say, "We are unhappy". While coming back, they say, "अम्मा से बाहर गया, अम्मा के पास वापस आ रहे हैं।" That is not your Amma. Don't take it that way. Amma means, 'Mother's Party'. That is our 'Matre Party". ...(Interruptions). Parent Party. Parent is, again, an English word. It is a male word. 'Amma' means mother organisation. So, this is the facility you have, this is the flexibility you have......

SHRI GHULAM NABI AZAD: That is part of democracy.

SHRI M. VENKAIAH NAIDU: Yes, that is part of democracy also. Now, the Court has given some order. It has been respected and you have also followed it in spirit, because you realised that your man did not have majority. You made him resign and he resigned.

[Shri M. Venkaiah Naidu]

The person who has the majority is now sworn in. He is ruling the State. So, how can you blame it on us?

Sir, the second issue is about Uttarakhand. In Uttarakhand also, this is, again, your internal problem. We have no role, whatsoever, in it. We have no role. Moreover, this was all by your own hard-core Congressmen, the original Congressmen. You were talking about 130 years; history. I don't agree with that. That was the original Congress, the National Congress. This is a notional Congress. Both are different. This is the new Congress, the Congress (I). This is Congress (I). This has nothing to do with that Congress. That was the original Congress which fought for the freedom of the country, where all shades of opinion were part of the movement. We will come to it a little later in some other disussion. Sir, here, the rebel MLAs of the Congress Party, including the former Chief Minister, not an ordinary person, and nine other MLAs rebelled for whatever be the reason. You will agree with me that we had no role in that. It was your internal problem. Then, as you could not resolve the internal problem, as your leadership could not inspire them to be in their Party, they were adopting various methods. They met the Governor and told him that they had no confidence in the Speaker ... (Interruptions)... I am telling you ... (Interruptions)... BJP also. ... (Interruptions)...

SHRI ANAND SHARMA: They were brought by a chartered plane of your own Party.

SHRI M. VENKAIAH NAIDU: Anandji, you need not go into details of who brought whom and all. ... (*Interruptions*)... They make common cause. Sometimes, some friends make a common cause with you, but that does not mean they always support you. They are critical too. ... (*Interruptions*)...

SHRI T.K. RANGARAJAN: We don't have a common cause with anybody. I wanted to tell you. ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, whenever there is trouble, the Communist Party is ready to make a common cause with the Congress Party! Earlier, they had a Common Minimum Programme too, which they broke and then, fell apart too. We are all aware of that, and the Speaker said. ...(Interruptions)... Let us have some. ...(Interruptions)... Be sportive. Why do you get agitated? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Listen, please. ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: Sir, earlier, we had wholesale defection in Arunachal. The Anti-Defection law says that you can't defect in part and so, there was wholesale defection. They first said 'defection' and then they said, 'Due to affection we are going back'! I was the President of the Party during that period. When Mr. Gegong Apang was the Chief Minister of Arunachal, they came wholesale to us and wholesale they went back! I asked them 'Is this defection'? They said, 'No, Sir. It was affection to this side earlier. Now, there is affection to that side!' And they did it to perfection! ... (Interruptions)... With a change in Government from this side to that side, they made it an art of defection and justified it too!

Sir, coming to Uttaranchal, on 18th March, BJP MLAs, as rightly said by Shri Anand Sharma, and also the rebel MLAs moved a No Confidence Motion against the Speaker and the Deputy Speaker after the Speaker, according to the BJP MLAs, passed the Appropriation Bill unconstitutionally. Now, who will decide whether a Bill has been passed or not? It is the Chair that decides it ... (Interruptions)... A Chair is a Chair. I am not challenging the Chair. Normally, you do it in the mornings, but I don't do that. You did that even today. ... (Interruptions)... Sir, the Chair puts that to vote and then declares whether the Appropriation Bill has been approved or not. For seven-eight days, the Speaker did not communicate to the Governor that the Appropriation Bill had been passed. And then, as the date was fast approaching, as the MLAs represented to the Governor that they had not voted in favour of it and they were disqualified too, a situation then arose where we received a report from the Governor that there has been a breakdown of the Constitutional machinery, and so the Appropriation Bill has not been passed. Now, everybody knows what would happen if the Appropriation Bill does not get passed before the said date. There would be no money available even to pay salaries to the employees and to run the system. That being the case, the Centre stepped in, and then kept the Assembly in suspended animation. It did not dissolve the Assembly; it would not either, because there is the judgement of the S.R. Bommai case on that. Now, when the Assembly is in suspended animation, what is your problem? On the one hand, they say one thing in the case of Arunachal and on the other hand, they give an argument contrary to that in the case of Uttaranchal. I am not able to understand how they could change the legal position in the cases of Arunachal and Uttaranchal. This issue is being discussed across the country at various fora. What is this? Here, the Speaker disqualifies and the Court says the disqualification is not valid. There, the Speaker first disqualifies and then conducts test and then declares the outcome. Sir, here also, in this House, if at some point of time, you disqualify something in this House.....(Interruptions)...

SHRI ANAND SHARMA: That declaration has been upheld.

SHRI M. VENKAIAH NAIDU: That is also surprising. Sir, if at some point here, if the Government is in a minority on particular issue and using the Chair, disqualifies others, they can say Bills are passed. Only Mr. Derek O'Brien can talk out and then walk out! At the end of the day, when Members are not there, you cannot do anything. You can only protest or explain your position. But numbers is the question here. ... (Interruptions)...

SHRI ANAND SHARMA: You should have argued in the Supreme Court. You sent the wrong man.

SHRI M. VENKAIAH NAIDU: Sir, I don't have that much knowledge as my learned friend, Shri Kapil Sibal, and others may have, to go to the Supreme Court and argue. Your Leader did not give me that advantage. I studied Law. I wanted to practise it. The next day I was put under MISA. I was inside jail for seven-and-a-half months. ...(Interruptions)... I changed course and finally landed here, thanks to 'Madam', 'the original Madam', who put me in the jail during Emergency. That is a political issue.

MR. DEPUTY CHAIRMAN: And you feel it is better! ... (Interruptions)... Do you feel now that it is better?

SHRIM. VENKAIAH NAIDU: Yes, Sir. I am feeling better now. What was the crime I committed? The crime according to MISA was that I, being a student, invited Jayaprakash Narayan to the university. I don't express regrets even today for inviting Jayaprakash Narayan, the great revolutionary leader, who is responsible for a social change across the country, even outside the democracy. When you talk of democracy, please remember 1975-77, when you put all Opposition behind bars. Now, you disqualify Opposition. There, you put all Opposition behind bars and got the Constitutional amendment passed. Here, you disqualified opposition MLAs and then got your No-Confidence Motion passed. What is this? Is this an example we are placing before the country? That is the question to which I want an answer? That is the reason I am intervening. On the one hand, you have used and misused Article 356 for 91 to 100 times, which was a dismissal or murder, whatever language you are using, of popular and elected Governments, and then our Government was forced to take the steps both in Uttarakhand and Arunachal because of their internal problems. Why? You yourself created a constitutional situation which has been exposed and vindicated subsequently where the Chief Minister had to resign before Seeking the trial of strength. In spite of being given an opportunity to be a Chief Minister, he resigned. That is the precise point, and let us not try to score political points. What I am trying to say is that we have to respect the Constitution; we have to keep in mind the spirit of Article 356; we have to follow the recommendations of the Sarkaria Commission. But rule cannot be one to me and the other to you. You cannot have a posture that king can do no wrong; whatever we have done is right and whatever you are doing is wrong. Secondly, I come to 'Congress Mukt Bharat'. We never said 'Congress Mukt Bharat'. We want a Party like the Congress to be our main opposition so that we will always be benefited. ... (Interruptions)...

SHRI JAIRAM RAMESH (Karnataka): You have a policy that you did wrong, so I will also do wrong. That is also wrong. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Yes, if I do wrong, it is wrong. ... (Interruptions)...

SHRI ANAND SHARMA: Are you going to take action against the person who has launched this campaign? ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: Rameshji, habitual offenders के बारे में आपने क्या किया, वह देखना पड़ेगा। हम लोगों को भी सोचना पड़ेगा। I See the point which you are trying to make. ... (Interruptions)...

SHRI JAIRAM RAMESH: I quoted only you to you. ...(Interruptions).. Butchers can't be preachers. ...(Interruptions)...

SHRI M. VENKAIAH NAIDU: Yes, we always remember what we have done and we try to learn lessons from others. That also, I agree. But the only thing is, Sir, आजकल देश में चर्चा चल रही है कि जिन्हें उस सीट पर बिठाया, वे बहुमत सिद्ध नहीं कर पाए, भागकर चले गए। जिनको हटाया, उन्होंने सदन में पहले अपना बह्मत सिद्ध किया है। यह एक विचित्र स्थिति है, जिसके बारे में देश में चर्चा हो रही है। वह आप सब को समझ में आयी होगी। मैं अरुणाचल के बारे में बता रहा हूं। दूसरा, हम एक नया सिद्धांत देश के सामने रख रहे हैं। Anandji was asking me that Venkaiah Naidu should answer this; I do agree. I want the entire House to answer this. If a Speaker disqualifies the people, when he is facing a No-Motion Motion, is there any remedy? If a Speaker sits on judgment for months and years together about the petition moved for disqualification of any Member, is there any remedy? There is a need to have a debate across the country cutting across party lines because you are also Seeing what is happening in different parts of the country. This is a lesson we have to draw out. This is the question that is agitating my mind. I thought, today is the appropriate occasion to share my thought, which is agitating me, with other colleagues whether the Speaker is final as far as the conduction of the House is concerned. As far as the majority of the House or as far as the qualification or disqualification of a Member is concerned, there has to be some other mechanism to be evolved with common discussion.

SHRI ANAND SHARMA: See Schedule X. ... (Interruptions)...

श्री एम. वेंकेया नाय**ड्**: शेड्यूल में क्या है, आपको भी मालूम है और शेड्यूल के अनुसार हो रहा है या नहीं हो रहा है, आप भी देख रहे हैं और मैं भी देख रहा हूं। अलग-अलग प्रदेशों में क्या हुआ? हमारे उत्तर प्रदेश के मित्र हंस रहे हैं। उत्तर प्रदेश में पहले हमारे जमाने में क्या हुआ, बाद में क्या हुआ और अभी अलग-अलग प्रदेशों में क्या हो रहा है, इस बारे में देश भर में चर्चा हो रही है। If you just want to avoid the discussion for political convenience, I have no quarrel with them. But the fact of the matter is that this is agitating the minds of people. In my opinion, the Speaker's power is within the House. The majority or minority has to be decided on the floor of the House. And, thirdly, the Speaker or the Governor, or the Chief Minister, has to follow the spirit of the Constitution. If that is not done, then, there will be a problem in the country. Keeping that in mind, we have to learn lessons. We have learnt lessons and they have also learnt lessons. Let us all work together towards evolving a common system. Then, talking about Governors, appointing political agents and all that, सर, हम भी बचपन से कहते रहे कि कांग्रेस वालों ने राजभवन को गाँधी भवन बनाया। Gandhi Bhawan is not Gandhiji's bhawan. Earlier, all Congress offices used to be called as Gandhi Bhawan. Now, they have forgotten; that is a different matter. But in those days, wherever there was a Congress Office, even in my town, Nellore also, my later friend and Chief Minister, Janardhan Reddy, ... (Interruptions)... In Nellore, it is Indira Gandhi Bhawan now. ... (Interruptions)...

SHRI JAIRAM RAMESH: It is Gandhi Bhawan ... (Interruptions)...

SHRI M. VENKAIAH NAIDU: In Hyderabad, it is Gandhi Bhawan, but in Nellore, it is the Indira Gandhi Bhawan. If Rameshji wants, now that he has become an MP from our place, we can go together and See also. I can host him one day in my native place. There won't be any problem. In spite of our differing ideas and all that, we commonly discuss many issues. We come to conclusions and sometimes, we fail to come to conclusions like the other Bill which he had drafted and taken the credit for drafting that Bill. ... (Interruptions)... He knows which Bill I am referring to.

Sir, I have one more point. I will conclude with that. Sir, let us not try to score political points. ... (Interruptions)... Sir, I am trying to respond. ... (Interruptions)... After having recalled all this, proving that you also did wrong, I would like to say that don't point an accusing finger at this side. सब लोग अंतर्मुग्ध होते हैं, व्यवस्था में क्या परिवतन आना चाहिए, इसको कैसे सुधारना चाहिए, इसके बारे में चर्चा करना, मेरा मुख्य उद्देश्य है। इसको केवल यूज़ करना, कुछ दिनों के लिए आपके पास यहाँ संख्या ज्यादा है, इसलिए आप चार लोग जो बोलें, वही बहुमत है, ऐसा नहीं है। आपके पास लोग सभा में बहुमत नहीं है, इसलिए लोकसभा का महत्व कम

होगा, लोक सभा में आपके पास भेजा था तो क्या है, आपकी यह भावना अच्छी नहीं है। After all, that is also an elected House and that also represents the will of the people. That is the House of the People. It has got its own importance. At the same time, the spirit of the people, their mandate, is reflected in the General Elections. That is what we have been saying during all these days. The will of the people is for this Government, for this leader, Mr. Modi. We believe in cooperative federalism. We want to take the States along with us, and we have said, 'Team India spirit'. We are calling for the 'Team India spirit'. You please cooperate. You set right your house, your Party, in order, inspire confidence, and most of the problems will be solved. In respect of other problems, we can sit together and resolve them. Thank you, Sir.

SHRI DEREK O'BRIEN (West Bengal): Sir, I have a point of order under Rule 261. I did not want to disturb the senior Minister because he was in full flow with such a wonderful humour. So, I did not want to spoil the flow, since he was getting into a good discussion; one angel discussing with the other angel. Sir, I have a point of order under Rule 261 regarding two phrases used by the Minister. I am not fighting with anybody. He used two phrases * and *. Sir, both these are unparliamentary expressions. Please expunge them.

SHRI M. VENKAIAH NAIDU: Sir, kindly find an equivalent parliamentary word. Guide me. I have no problem in withdrawing them, but the message has to be conveyed.

MR. DEPUTY CHAIRMAN: I will examine.

SHRI JAIRAM RAMESH: Mr. Venkaiah Naidu's renomination is over. I do not know why he is so aggressive now.

MR. DEPUTY CHAIRMAN: That is an insinuation.

SHRI JAIRAM RAMESH: Sir, he has been renominated.

SHRI M. VENKAIAH NAIDU: I am progressive. While being progressive, I try to be aggressive to convince others like him.

MR. DEPUTY CHAIRMAN: Now, Shri Prabhat Jha.

श्री नरेश अग्रवालः उपसभापति जी, बीजेपी के टाइम में वेंकैया जी बोल लिए। ...(व्यवधान)... बीजेपी की तरफ से वेंकैया जी बोल लिए हैं।

MR. DEPUTY CHAIRMAN: The Minister's intervention is not counted in Party's time.

^{*}Expunged as ordered by the Chair.

श्री नरेश अग्रवाल: बीजेपी ने टाइम से किया है, अब समाजवादी पार्टी का नंबर हैं।

MR. DEPUTY CHAIRMAN: The Minister was intervening. Let me go by that.

श्री **नरेश अग्रवालः** उपसभापति जी, हमारा टाइम नहीं कटना चाहिए।

श्री उपसभापति: आपका टाइम आपको देंगे। Don't worry.

श्री **नरेश अग्रवाल:** बीजेपी का टाइम नहीं कटना चाहिए।

MR. DEPUTY CHAIRMAN: I will examine that. Now, Shri Prabhat Jha.

श्री गुलाम नबी आज़ाद: उपसभापति जी, नॉर्मली मैं वेंकैया जी को बहुत अरसे से जानता हूं। वे मीठा खाकर आते हैं, लेकिन मैं इनसे पूछना चाहता हूं कि आज ये क्या खाकर आए हैं? नॉर्थ कर्णाटक में सबसे फेमस मिर्चें तेज हैं, अभी पिछली बार ये बेलगाँव वगैरह होकर आए हैं, जो हमारे बेलगाँव के एम.पी. हैं, वे मीठा ही खाते हैं, वहीं खाते हैं, कहीं आज ये वहाँ की मिर्चें खाकर तो नहीं आए हैं?

हर आदमी, जो इनको टोक रहा था, उसको आज ये खबल टोक रहे थे।

| چودھری منور سلیم: مانیور، میں آپ کے مادھیم سے مائنے منتری جی سے کہتا ہوں کہ

وہ اردو، جس نے محبّت اور انقلاب 'لفظ' کو اپنی کوکھہ سے جنم دیا، وہ اردو، آج محبت

کی محتاج ہے اور یہ چاہیں، تو اس کو انصاف دے سکتے ہیں۔ نوودنے اور کیندریہ

ودھیالیہ، کیندر سرکار چلاتی ہے، اگر ان میں ایک-ایک اردو ٹیچر رکھنے کا پراودھان

کر دیا جانے گا، تو اردو روزی روٹی سے بھی جڑے گی اور اردو کے چھاتروں کی

श्री उपसभापति: आप उनको मिठाई दीजिए, वे उसको खाएँगे। Okay, श्री प्रभात झा।

دیکشا اور شکشا ملنے کا ایک ذریعہ بن جائے گآ۔

श्री प्रभात झा (मध्य प्रदेश)ः उपसभापित महोदय, सबसे पहले संविधान, संसद, न्यायपालिका, कार्यपालिका, इन सबका सम्मान करते हुए मैं यहाँ एक बात कहना चाहता हूँ कि जनता के जनादेश से आने वाली सरकार का सम्मान होता हैं और हम जनता के जनादेश से देश में आए हैं। हम जनता की दया पर आए हैं, किसी पार्टी की दया पर नहीं आए हैं। ...(व्यवधान)...

श्री प्रदीप टम्टा (उत्तराखंड)ः क्या सरकारें वहाँ जनता के जनादेश पर नहीं आई थीं, जहाँ आपने राष्ट्रपति शासन लागू किए?

श्री प्रभात झाः में ज़रा बोल लुँ, उसके बाद आप बोलिएगा।

श्री उपसभापतिः आप बोलिए, आप बोलिए। Don't listen to that. ... (Interruptions)...

[†]Transliteration in Urdu script.

श्री प्रभात झाः हम हमेशा जनादेश पर विश्वास करते हैं। जनतंत्र में जनादेश का सबसे बड़ा महत्व होता है। अगर इस विषय पर बहस नहीं होती, तो शायद कांग्रेस को political लाभ भी हो सकता था, लेकिन इस देश में दुर्भाग्य है, जैसा वेंकैया जी ने कहा कि political score करने के लिए हर बात पर डिबेट होनी आवश्यक होती है। जिसका आईना चकनाचूर हो, उसका चेहरा उसमें कैसा दिखेगा? कम से कम कांग्रेस को यह बोलने का अधिकार नहीं है कि धारा 356 का दुरुपयोग हमारी सरकार ने किया है। यह आपका अधिकार नहीं है। आप बोलए, आप बोल सकते हैं। ...(व्यवधान)...

श्री आनन्द शर्माः यह सुप्रीम कोर्ट कह रहा है। ...(व्यवधान)... आप सुप्रीम कोर्ट की बात करिए। संविधान पीठ कह रही है, ...(व्यवधान)... Constitutional Bench कह रहा है। ...(व्यवधान)...

श्री प्रभात झाः आप सुन तो लीजिए। ...(व्यवधान)... आनन्द जी, मैं आपको सब बातों का जवाब दूँगा। देश में 60 साल तक आपने रूल किया है, मैंने रूल नहीं किया है, मेरी पार्टी ने रूल नहीं किया है। 123 बार राष्ट्रपति शासन लगा और 100 बार आपने लगाया है। ...(व्यवधान)...

श्री आनन्द शर्माः हमें हिन्दुस्तान के लोगों ने चुन कर भेजा था या नहीं? अगर उन्होंने आपको 60 साल तक इस काबिल नहीं समझा था, तो तकलीफ क्यों हो रही है? हमें तो लोगों ने चुन कर भेजा था। ...(व्यवधान)...

श्री प्रभात झाः सुन तो लीजिए। उपसभापित महोदय, दो नए राज्य बने हैं। एक नया राज्य तेलंगाना बना है और दूसरा नया राज्य बना है छत्तीसगढ़। उनको छोड़ कर कांग्रेस ने किसी राज्य को नहीं छोड़ा, जहाँ पर धारा 356 न लगाई गई हो। आप किस मुँह से बात कर रहे हैं? आप किससे कह रहे हैं? आप किसके गिरेबान में झाँकते हैं? आनन्द भाई साहब, मैंने इसलिए कहा कि अगर विषय कुछ और होता, तो शायद अच्छा लगता। आप किसकी बात करते हैं? वेंकैया जी ने इमरजेंसी के बारे में हल्की-फुल्की बात की। 17 साल की उम्र में कौन सा गुनाह किया था कि आपकी उस समय की सरकार ने संविधान को चाकू घोंप कर उसकी हत्या की और आपात काल लगाया। किसकी बात कर रहे हैं आप? बिना किसी आरोप के 19 महीने जेल में रखने वाले किस मुँह से हमसे बात कर रहे हैं? दो लाख लोग ...(व्यवधान)...

श्री आनन्द शर्माः आज आप देश में जो हालात पैदा कर रहे हैं, कोई घोषणा करके नहीं कर रहे हैं।...(व्यवधान)...

श्री प्रभात झाः देखिए, फिर वही बात है। ...(व्यवधान)...

श्री आनन्द शर्माः किसी के फोन टैप कर रहे हैं, एजेंसियों का दुरुपयोग कर रहे हैं। ...(व्यवधान)...

श्री प्रभात झाः आनन्द जी, मैंने आपको disturb नहीं किया। ...(व्यवधान)... सच सुनने का माद्दा रखिए। ...(व्यवधान)... आनन्द जी, सच सूनिए। ...(व्यवधान)... 3.00 р.м.

श्री आनन्द शर्माः विरोधियों के खिलाफ मुकदमें बना रहे हैं, जेल भेज रहे हैं। आप आज हिन्दुस्तान के अन्दर क्या नहीं कर रहे हैं?

श्री प्रभात झाः आप सच सुनिए। ...(व्यवधान)... सच सुनने का माद्दा होना चाहिए। ...(व्यवधान)...

श्री आनन्द शर्माः अगर आप सुनना चाहते हैं, तो मुझसे सुनिए। ...(व्यवधान)... हम आपसे नहीं जानना चाहते हैं। ...(व्यवधान)... जिस इंदिरा गाँधी ने चुनाव कराया था, वे स्वयं हार गई थीं और जनादेश को स्वीकार किया था। ...(व्यवधान)... इस बात को मत भूलिए। ...(व्यवधान)... चुनाव हुआ था, इन्दिरा गाँधी स्वयं हार गई थीं। ...(व्यवधान)...

श्री प्रभात झाः हमने आपको सुना है। आप आराम से बैठिए। ...(व्यवधान)... उपसभापति महोदय, मैंने किसी को disturb नहीं किया। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Anand ji, let his speak. ... (Interruptions)... Anand ji, let him speak. ... (Interruptions)... Anand ji, please sit down. Let him speak. ... (Interruptions)... Anand ji, please sit down. ... (Interruptions)...

श्री प्रभात झाः आप सह नहीं पाएँगे, अभी मैं आपके पास और सच्चाई लाउँगा। ...(व्यवधान)... अभी और सच बात लाउँगा। ...(व्यवधान)... आप सह नहीं पाएँगे। ...(व्यवधान)...

श्री आनन्द शर्माः आप क्या बात कर रहे हैं? ...(व्यवधान)...

श्री प्रभात झाः क्या सहेंगे आप? आप शान्ति से सुनिए। ...(व्यवधान)... आप शान्ति से सुनिए। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: No, no. ...(Interruptions)... Don't make arguments like this. ...(Interruptions)... आनन्द जी, आप बैठिए। ...(व्यवधान)... Anand ji, let him speak. ...(Interruptions)...

श्री प्रभात झाः दो लाख लोगों को जेल में ठूंसने का काम किसने किया था? ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Please address the Chair. ... (Interruptions)... Anand ji, please ... (Interruptions)... Prabhatji, please address the Chair.

श्री प्रभात झाः सर, मैं आपसे ही कह रहा हूँ। वे तो आपसे बिना पूछे खड़े हो जाते हैं। ...(व्यवधान)...

श्री उपसभापतिः आप उनको छोड़िए, मुझसे कहिए।

श्री प्रभात झाः सर, मैं इसलिए निवेदन कर रहा हूँ किं सविधान का उल्लंघन किसने किया? इतना ही नहीं किया, लोगों के लेख पर, लोगों के संपादकीय पर, अग्रलेख पर, आप क्या लिखेंगे, यह तय करती थी उस समय की कांग्रेस सरकार। ये हमसे कह रहे हैं कि आपने धारा 356 का दुरुपयोग किया। ये किस मुँह से हमसे कह रहे हैं? हमने कुछ भी नहीं किया था। जिसकी शादी नहीं हुई, उसकी नसबंदी किसने की थी, यह हम जानना चाहते हैं?

श्री आनन्द शर्माः आप क्या बोल रहे हैं? ...(व्यवधान)... आप सदन को गुमराह कर रहे हैं। ...(व्यवधान)... हमें इस बात पर घोर आपत्ति है। ...(व्यवधान)... यह किस अदालत ने कहा है? ...(व्यवधान)...

श्री प्रभात झाः यह क्या हो रहा है? आपातकाल में यह किसने किया था? ...(व्यवधान)... क्या आपको संविधान ने अधिकार दिया था? ...(व्यवधान)... उपसभापति जी, यह क्या हो रहा है? ...(व्यवधान)...

श्री आनन्द शर्माः आपकी चर्चा का विषय क्या है? ...(व्यवधान)...

श्री मोहम्मद अली खान (आन्ध्र प्रदेश)ः ये आज की चर्चा के विषय पर नहीं बोल रहे हैं। ...(व्यवधान)...

SHRI ANAND SHARMA: Sir, the discussion is on governance in the States of Arunachal Pradesh and Uttarakhand. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Go back; go back. ... (Interruptions)...

श्री आनन्द शर्माः आप इस विषय पर अलग से बहस कर लो। ...(व्यवधान)... हम भी उस पर बहस करने के लिए तैयार हैं। ...(व्यवधान)... हिन्दुस्तान के लोग उसी इन्दिरा गांधी को हाथों पर उठाकर वापस लाएथे। ...(व्यवधान)... तक किसने वोट दिया था? ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Please sit down. ... (Interruptions)... Please sit down. ... (Interruptions)...

SHRI ANAND SHARMA: What is the matter under discussion? ... (Interruptions)... Are we discussing 1970 and 1950? ... (Interruptions)...

MR. DEPUTY CHAIRMAN: What is your point? ...(Interruptions)... All of you go back to your seats. ...(Interruptions)... Please sit down. ...(Interruptions)... All of you sit down. ...(Interruptions)... आप बैठिए। ...(व्यवधान)...

श्री प्रभात झाः उपसभापति महोदय, अभी तो मेरा समय शुरू ही हुआ है। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Sit down. ... (Interruptions)... Bhattacharyaji, go to your seat. I will go through the records. If there is anything unparliamentary, I will expunge it. That's all. It is a political subject. ... (Interruptions)... No; don't worry. It is a political subject. You please continue.

[†]Transliteration in Urdu script.

श्री मुख्तार अब्बास नक्रवीः एमरजेंसी जो है, वह एक सच्चाई है। ...(व्यवधान)... एमरजेंसी में जो जुल्म हुए, जो अत्याचार हुए, वह भी एक सच्चाई है, तो हमें लगता है कि एमरजेंसी ...(व्यवधान)... अनपार्लियामेंटरी नहीं हो सकता। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I said, it is a political subject. ... (Interruptions)...

श्री आनन्द शर्माः १९८० में इन्दिरा गांधी जी को किसने चुना था? ...(व्यवधान)... आप सच्चाई जानना चाहते हैं? ...(व्यवधान)... भूल गए कि उस समय तुम्हारा क्या हश्र हुआ था? ...(व्यवधान)... क्या आपकी याददाश्त कमजोर है? ...(व्यवधान)...

श्री प्रभात झाः जनता ने वोट करके आपको दिखा दिया। ...(व्यवधान)... आनन्द जी, अगर इसी तरह की बहस करोगे तो 44 से 6 पर आ जाओगे। ...(व्यवधान)... आप गलत बहस मत करिए। ...(व्यवधान)... आप जोर से बोलकर हमको समझा नहीं सकते हैं। ...(व्यवधान)... सुनने का साहस भी होना चाहिए। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Now, please ...(Interruptions)... Sit down. ...(Interruptions)...

श्री आनन्द शर्माः आप आज की बात करिए। ...(व्यवधान)... आप संविधान का अपमान कर रहे हैं। ...(व्यवधान)...

श्री मोहम्मद अली खानः आपने गोधरा में क्या किया था? ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Mr. Mohd. Ali Khan, Mr. Bhattacharya, go back to your seats. ... (Interruptions)... Mr. Bhattacharya, ... (Interruptions)...

श्री आनन्द शर्माः आप चाहते हैं कि सदन में इस पर चर्चा हो। ...(व्यवधान)... हम आपको आईना दिखाएंगे। ...(व्यवधान)... Sir, what happened in 1980? ...(Interruptions)... Let us debate now. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Anand Sharmaji, ... (Interruptions)...

श्री प्रभात झाः उपसभापति महोदय, क्या मैं बैठ जाऊं? ...(व्यवधान)... यह क्या हो रहा है? ...(व्यवधान)... मेरा यह समय काउंट नहीं होगा। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Now, please ... (Interruptions)... All of you sit down. ... (Interruptions)... Mr. Mohd. Ali Khan, sit down. ... (Interruptions)...

[†]Transliteration in Urdu script.

श्री प्रभात झाः उपसभापति महोदय, यह क्या हो रहा है? ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Sit down, please. ... (Interruptions)... Now, please sit down. ... (Interruptions)... It is not going on record. ... (Interruptions)... It is not going on record. ... (Interruptions)...

श्री प्रभात झाः उपसभापति महोदय ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Anand Sharmaji, ...(Interruptions)...
Mr. Anand Sharma, ...(Interruptions)... No, no. ...(Interruptions)... You leave it to me. ...(Interruptions)... Mr. Anand Sharma, ...(Interruptions)...

श्री पि. भट्टाचार्य (पश्चिमी बंगाल): ये लोग असत्य बोल रहे हैं।

MR. DEPUTY CHAIRMAN: No, no; one second. ... (Interruptions)... Listen to me. This is a discussion.

SHRI ANAND SHARMA: On which subject?

SHRI P. BHATTACHARYA: On which issue, Sir? What is the issue? This is not the issue. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: No, please. ... (Interruptions)... Mr. Bhattacharya, sit down. ... (Interruptions)... Sit down. ... (Interruptions)... This is a political subject.

SHRI P. BHATTACHARYA: It may be a political subject, but ... (Interruptions)...

MR. DEPUTY CHAIRMAN: You cannot do this. ... (Interruptions)... Please sit down. ... (Interruptions)... Now, please ... (Interruptions)... It is a political subject.

SHRI NARESH AGRAWAL: It is a true subject. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Okay; it is a true subject. ... (Interruptions)... नरेश जी, आप बैठिए। ... (व्यवधान)... I will have to adjourn the House, if you don't listen to me. ... (Interruptions)... If I cannot run the House, I will adjourn the House. That is the only way. ... (Interruptions)...

श्री नरेन्द्र बुढानिया (राजस्थान)ः सर, यह जो डिस्कशन हो रहा है ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: What I have resorted ... (Interruptions)... You cannot ... (Interruptions)... Mr. Budania, sit down. ... (Interruptions)... Mr. Budania, sit down. ... (Interruptions)... I want to tell the hon. Members ... (Interruptions)... Sit down; sit down. ... (Interruptions)... I want to tell the hon. Members, if there is anything unparliamentary

[Mr. Deputy Chairman]

that has been said, one of you can stand up and point out. I will definitely expunge. Otherwise, Members have freedom to bring in politics because it is already a political subject. It is about the role of Governor in two States. So, naturally, role of Governors will come up. ...(Interruptions)... Article 356 will come in. ...(Interruptions)... Please listen. ...(Interruptions)... What are you doing? Sit down. ...(Interruptions)... When you are questioning Article 356 in one or two States, naturally, other States will also come in. ...(Interruptions)... You cannot avoid it. What is said here on this side will be unpalatable to that side. What is said here will be unpalatable to that side. But it is our duty to listen to both and reply when your chance comes. If you continuously behave like this, I will adjourn the House. ...(Interruptions)...

श्री मुख्तार अब्बास नक्रवीः सर, कांग्रेस पार्टी से आनन्द शर्मा जी ने गवर्नर्स रोल पर जो बात की ...(व्यवधान)...

SHRI ANAND SHARMA: Sir, disparaging comments are made. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: If that is the matter, I will go through the record and expunge it. ... (Interruptions)... मंत्री जी, सुनिए। ... (व्यवधान)... If there is any disparaging remarks against any Prime Minister, that is expunged. There is no problem. One of you should have stood up and told me that ... (Interruptions)... Sit down. ... (Interruptions)... What are you doing? Who are you to do like this? ... (Interruptions)... You are creating problem. ... (Interruptions)... If there is a disparaging remark against any Prime Minister, one of you should stand up and tell me. I myself will expunge it. Instead of that, all of you are shouting. What will happen by shouting? This is very bad on your part to behave like this. It is your motion, if you don't want discussion, all right, we can go over. Now, Mr. Prabhat Jha, time of your Party is over. Please take five minutes and conclude.

श्री प्रभात झाः सर, ऐसा नहीं। प्लीज़ आप मेरे साथ अन्याय मत करिए। ...(व्यवधान)...

श्री मुख्तार अब्बास नक्रवीः सर, यह विषय बहुत लंबा चलेगा, यह लंबा चलने वाला है। ...(व्यवधान)... यह बीस साल चलेगा हमारी पार्टी के साथ। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Okay. Your Party will be for ever. Don't worry. ... (Interruptions)... Nareshji, please. ... (Interruptions)... Minister's time is separate. ... (Interruptions)... I will call him afterwards. ... (Interruptions)...

SHRI NARESH AGRAWAL: Sir, the Minister replied and Mr. Prabhat Jha also replied. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Mr. Prabhat Jha, please address the Chair. Don't provoke. ...(Interruptions)... Whatever you want to say, address the Chair. ...(Interruptions)... Don't look there. You look at me only....(Interruptions)...

श्री प्रभात झाः सर, मैं आपको ही एड्रेस कर रहा हूँ। मैंने पहले भी कहा था, यह सब्जेक्ट ऐसा है, जिसमें कांग्रेस के लोग नाराज होंगे। मैं दूसरी बात कहूंगा, उत्तर प्रदेश में ढांचा गिरता है। गलत हुआ, सही हुआ, न्यायालय ने जो किया, हमें नहीं पता। वह जाने, वहां की सरकार भी गई, लेकिन इनकी पार्टी जो कानून और संविधान की इज्जत करती है, तो उस समय के प्रधान मंत्री जी ने मध्य प्रदेश की सरकार क्यों गिरा दी? राजस्थान की सरकार क्यों गिरा दी? हम जानना चाहते हैं, बताइए कि क्या कारण था? क्या अनुच्छेद 356 उस समय सही था? क्या मध्य प्रदेश में ढांचा गिरा था? क्या राजस्थान में गिरा था? क्या हिमाचल प्रदेश में गिरा था? सवाल यह है कि *। यह आप किस को डांट रहे हैं, किस से कह रहे हैं?

श्री आनन्द शर्माः * को कह रहे हैं. * बंद कर दो।

श्री प्रभात झाः सर, अब फिर यह अनपार्लियामेंटरी बात कर दी, असंसदीय भाषा का उपयोग किया। आनन्द जी, दुर्भाग्य है ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Anand Sharmaji, let him speak. ...(Interruptions)... You can reply. ...(Interruptions)... Mr. Kapil Sibal will reply when his turn comes. Leave it to Mr. Kapil Sibal. ...(Interruptions)...

श्री प्रभात झा: आप राष्ट्रपति और न्यायालय की कितनी बातें मानते हैं? मैं उसका आपको उदाहरण देता हूँ। बोम्मई डिसीजन हुआ। उस डिसीजन के बाद 2005 में गोवा में आपकी सरकार ने क्या किया? उस समय हमारी सरकार थी, आपने क्या किया? वहां पर क्या हुआ? बोम्मई डिसीजन के बाद भी कांग्रेस ने सर्वोच्च न्यायालय के फैसले की परवाहा न करते हुए 2005 में गोवा में राष्ट्रपति शासन लगाया, मैंने नहीं लगाया, नरेन्द्र मोदी जी ने नहीं लगाया, तत्कालीन सरकार ने लगाया और कांग्रेस ने नया प्रयोग किया। कांग्रेस ने जब देखा कि विरोधी दल में विभाजन नहीं कराया जा सकता, अपने साथ मिलाने के लिए दो-तिहाई विधायक चाहिए और गोवा के मामले में बड़ी संख्या है, तो कांग्रेस ने क्या किया? उसने एक नई चाल चल दी। पैसे का लालच देकर विरोधी दलों के कुछ विधायकों से इस्तीफा दिलवाया, सदन में चार-पांच विधायकों को कम करने के बाद, संख्या 40 से घट कर कम हो गई थी और उन 15-16 विधायकों के बूते उन्होंने सरकार वहाँ पर बनाई। क्या यह संविधान का उल्लंघन नहीं था? क्या यह धारा 356 का सदुपयोग था? मैं कितनी बातें आपको गिनाऊँ? मैं यह कहना चाहता हूँ कि इतना ही नहीं, जरा भाजपा और केन्द्र की एनडीए सरकार. अभी दो सरकारों की बात आई। अपना घर सम्भालिए। उपसभापित महोदय, उस दिन राजनाथ सिंह जी ने उस सदन में

^{*}Expunged as ordered by the Chair.

[श्री प्रभात झा]

कहा था कि अपने जहाज में नाव है, उसमें छेद है, पानी उसमें से निकल रहा है। आप अपने घर को.. कितनी बड़ी बात है कि एक दल का पूर्व मुख्य मंत्री यह कहता हो कि दो साल हो गए, मैं अपने नेता से नहीं मिल पाता हूँ।

श्री आनन्द शर्माः जो भी पार्टी छोड़ कर जाता है, वह ऐसा ही कहता है। थोड़े दिनों के बाद ...(व्यवधान)...

श्री प्रभात झाः आनन्द जी आप क्यों बार-बार बोल रहे हैं? ...(व्यवधान)... आप आराम से बोलिएगा। ...(व्यवधान)... मैंने कभी डिस्टर्ब नहीं किया। आप इतने सीनियर होकर भी ऐसा क्यों करते हैं? आप सुनने का माद्दा रखिए। मैंने शिकायत नहीं की। उस नेता ने शिकायत की कि साँकल खटखटाते हुए दो साल हो गए, नेता से भेंट नहीं होती है। आपके लोग छोड़ कर गए हैं। अरुणायल में भाजपा के लोग नहीं थे, जो टूट कर आए। वे आपके लोग थे, जो 31 लोग टूट कर आए। 9 लोग कांग्रेस के थे, जो तोड़ कर आए। अपना घर सम्भालिए। यही वजह है कि मैं एक बात फिर से कहता हूँ, जिसे सुन कर आप फिर खड़े हो जाएँगे। आज जो जनता ने आपको 44 दे भी दिए हैं। अगर यही हालत रही तो 2019 में इकाई में आओगे। अगर आपकी यही हालत रही तो 4 से ज्यादा नहीं आ पाओगे। इसलिए धारा 356 पर बोलने से पहले मैं आपको कितना गिनाऊँ? क्या मैं जवाहरलाल नेहरू जी, respected first Prime Minister of India, वहाँ से शुरू करूँ? क्या धारा 370 आज भी नहीं चल रही है? क्या वह मुद्दा आज तक हल हुआ? शाहबानो का मामला न्यायालय के बाद किसने किया था, मैं जानना चहता हूँ? किस संविधान की बात करते हो? अगर भारत में संविधान के पन्ने को चीर-चीर कर फाड़ने की कोशिश की, तो वह सिर्फ कांग्रेस शासित उस समय की सरकार ने की। मैं नहीं बोलना चाहता, इतिहास गवाह है, क्योंकि आपने रूल किया है।

सर, एक गाँव में एक व्यक्ति था। उसके हाथ में लाठी थी। उससे पूछा ...(व्यवधान)... एक मिनट, एक मिनट। ...(व्यवधान)... एक मिनट, एक मिनट। ...(व्यवधान)...

SHRI ANAND SHARMA: I strongly object. ...(Interruptions)... The people of India elected. ...(Interruptions)... आप नेहरू जी की बात करते हैं। ...(व्यवधान)... इंदिरा जी को लोग चुन कर लाए थे ...(व्यवधान)... या खुद बन गए थे? ...(व्यवधान)... आप क्या बात कर रहे हैं?

श्री प्रभात झाः आनन्द जी, आप यह क्या बोल रहे हैं? ...(व्यवधान)...

श्री मेघराज जैन (मध्य प्रदेश)ः आन्ध्र की टी. प्रकाशम की सरकार किसने गिराई थी? ...(व्यवधान)... समाजवादी पार्टी की सरकार ...(व्यवधान)...

श्री प्रभात झाः उपसभापति जी, मैं आपका संरक्षण चाहता हूँ। ...(व्यवधान)...

श्री प्रमोद तिवारीः जवाहरलाल नेहरू जी का नाम सम्मान से लीजिए। ...(व्यवधान)...

श्री प्रभात झाः उपसभापति जी, मैं आपका संरक्षण चाहता हूं। ...(व्यवधान)...

श्री प्रमोद तिवारीः सर ...(व्यवधान)... क्या हो रहा है? ...(व्यवधान)... कि बैठे या नहीं बैठे। ...(व्यवधान)... इंदिरा जी और जवाहरलाल नेहरू जी का नाम सम्मान से लेना सीखिए। ...(व्यवधान)... वे देश के प्रधान मंत्री रहे हैं। ...(व्यवधान)... इंदिरा गांधी जी ...(व्यवधान)... उन्होंने बिलदान किया है। ...(व्यवधान)...

श्री प्रभात झाः उपसभापति जी, मुझे आपका संरक्षण चाहिए। ...(व्यवधान)... मैं सबका सम्मान करता हूं। ...(व्यवधान)... मैं सदैव सम्मान करता हूं। ...(व्यवधान)...

श्री प्रमोद तिवारीः इंदिरा गांधी जी का नाम लेने से पहले ...(व्यवधान)...

श्री प्रभात झाः इंदिरा गांधी और जवाहरलाल नेहरू आपके ही नहीं, हमारे भी प्रधान मंत्री थे। ...(व्यवधान)... जितने गर्व से आप कहते हैं, उतने गर्व से। ...(व्यवधान)... लेकिन मैं आपातकाल का समर्थन नहीं करूंगा। ...(व्यवधान)...

श्री शमशेर सिंह ढुलो (पंजाब): आप उनका नाम आदर से लीजिए। ...(व्यवधान)...

श्री प्रभात झाः मैं आदन से नाम ले रहा हूँ। ...(व्यवधान)... मैं तो प्रमोद तिवारी जी को भी प्रमोद जी कहता हूँ। ...(व्यवधान)...

श्री प्रमोद तिवारीः इंदिरा गांधी जी का नाम ...(व्यवधान)... उनका सम्मान करना सीजिए। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: What are you doing? ... (Interruptions)...

श्री प्रभात झाः मैं आपको भी प्रमोद जी ही कहता हूँ। ...(व्यवधान)... आप क्यों चिढ़ रहे हैं? ...(व्यवधान)... नम्बर स्कोर मत कीजिए। ...(व्यवधान)... इससे नम्बर नहीं बढ़ेगा। ...(व्यवधान)...

एक माननीय सदस्यः उन्होंने कुछ किया है, तो बोलना पड़ेगा। ...(व्यवधान)...

श्री नरेश अग्रवालः उपसभापति जी, यह बहस सुनने के लिए ...(व्यवधान)... एक घंटे से ऊपर का टाइम हो गया है। अभी दो पार्टीज ...(व्यवधान)...

श्री प्रभात झाः नरेश जी, आप तो सहयोग कीजिए। ...(व्यवधान)...

श्री नरेश अग्रवालः सर, अगर ऐसे सदन चलेगा, तो हमारी भी आपत्ति है। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: What do I do? ... (Interruptions)...

श्री नरेश अग्रवालः अगर ऐसे सदन चलेगा, तो हमारी भी आपत्ति है। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: What do I do? ... (Interruptions)...

श्री नरेश अग्रवालः सर, यह सिर्फ दो पार्टीज की बहस नहीं है। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Now, listen. ... (Interruptions)...

श्री नरेश अग्रवालः यह सभी पार्टीज़ की बहस है। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I want to ... (Interruptions)...

श्री नरेश अग्रवालः ये तो ऐसे सदन चला रहे हैं, जैसे दो पार्टीज़ ...(व्यवधान)... यह गलत है। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Naresh Agrawalji, you raised a relevant point. ... (Interruptions)...

श्री पी.एल. पुनिया (उत्तर प्रदेश)ः सर, इसका जवाब इनके पास नहीं है। इसलिए ...(व्यवधान)... सीधे-सीधे जवाब दें। ...(व्यवधान)...

श्री प्रभात झाः में सीधी-सीधी बात कर रहा हूँ। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I want to tell the Congress Member, ...(Interruptions)... I will adjourn the House. ...(Interruptions)... I will adjourn the House. ...(Interruptions)...

श्री प्रमोद तिवारीः सर, पंडित जवाहरलाल नेहरू और इंदिरा जी का नाम सम्मान से लिया जाए, इसको assure किया जाए। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: See, ...(Interruptions)... Now, listen, please. ...(Interruptions)... Tiwariji ...(Interruptions)... Sit down. ...(Interruptions)... Tiwariji, I am sorry ...(Interruptions)...

SHRI ANAND SHARMA: He is provoking repeatedly. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Anand Sharmaji, I am sorry. I will adjourn the House for the day. ...(Interruptions)... No, no. Let me say. ...(Interruptions)... Yes. If I am not allowed, what do I do? ...(Interruptions)... That is what I am saying, listen to me. ...(Interruptions)... This notice was from Shri Anand Sharma, Shri Digvijaya Singh and Shri Bhubaneswar Kalita. They are all from one party and they are breaking the discussion.

SHRI ANAND SHARMA: We are not... (Interruptions)...

MR. DEPUTY CHAIRMAN: Listen to me. ...(Interruptions)... Why do you think that for every point that he says, there should be a reply then and there? When did you start? You have got four more speakers, then, they can reply. If there is anything unparliamentary, one of you can stand up and say that it is unparliamentary, I will look into it. I am telling you, this is most disorderly. I cannot accept this behavior. Please don't do that. ...(Interruptions)...

SHRI ANAND SHARMA: They don't want to hear. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. All of you are standing up. ... (Interruptions)...

Shri Anand Shamma, if you cannot control them... (Interruptions)... You give me the book.

... (Interruptions)...

श्री मोहम्मद अली खानः सर former Prime Ministers का नाम सम्मान से तिया जाए। ...(खबधान)...

श्री शमशेर सिंह दुलोः सर ...(व्ववधान)...

MR. DEPUTY CHARMAN: I will have to ... (Interruptions)... Shri Anand Sharma, if you cannot control them, I will apply Rule 255. ... (Interruptions)... What is this? ... (Interruptions)... If any disparaging remark has been made against Pandit Jawaharlal Nehru, who was the most respected Prime Minister, one of you can stand up and say, instead of all of you shouting. How do I understand if all of you shout? ... (Interruptions)... No, no. Shri Mohd. Ali Khan, this is my first warning. Many a time, you have done like this. If you will repeat it, I will take action against you. I am admonishing you for the first time. ... (Interruptions)...

योधरी मुनव्यर सलीम (जत्तर प्रदेश): सर, मेरी एक दरख्वास्त है ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I am not allowing you also. ... (Interruptions)... No, I am not allowing you. ... (Interruptions)... Sit down. ... (Interruptions)...

योधरी मुनव्यर सलीमः सर, कृपया मेरी वात सुन लीजिए। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: You finish your speech in five minutes. There are five more minutes for you. ... (Interruptions)... Finish it in the next five minutes. ... (Interruptions)... Please. ... (Interruptions)...

श्री प्रभात झाः उपसभापित महोदय, 71 सदस्यी विधान सभा में अध्यक्ष को छोड़ कर 67 सदस्य उपस्थित थे। कहां पर? उत्तराखंड में। जिनमें से 35 सदस्य विनियोग विधेयक पर मत विभाजन चाहते थे, लेकिन विधान सभा अध्यक्ष ने अनुमित नहीं दी और बाद में न्यायालय में फैसला हुआ। जो न्यायालय का फैसला हुआ, उसे हमने माना।

अरुणाचल प्रदेश में भी 21 लोग चले गए। यह अच्छा होता कि जो आपके पूर्व मुख्य मंत्री थे, आप उन्हीं को मुख्य मंत्री रखते, फिर देखते, क्या होता? सवाल क्या है? अपनी राजनीतिक भूल को सुधारने के बजाए आप एनडीए सरकार और नरेन्द्र मोदी जी पर आरोप लगा रहे हैं, यह उचित नहीं है।

सर, मैं आनन्द जी के परिप्रेक्ष्य में, कांग्रेस के परिप्रेक्ष्य में एक कहानी सुना देता हूँ। एक आदमी ने पूछा कि दो दूनी क्या होता है? उसने कहा कि पांच। इस पर उन्होंने पूछा कि तुम गलत क्यों बोल रहे हो? उन्होंने कहा कि आपके हाथ में लाठी है न, अगर मैं चार बोल दूंगा, तो आप मुझे मारोगे, क्योंकि आप तो सुनना ही चाहते हो, दो दूनी पांच। कांग्रेस वही सुनना चाहती है, जो संस्कृति है आरती करने की कि सदैव आरती करते रहो। आप आरती करोगे, हम तो भारत माता की आरती करेंगे, इसके सिवा किसी की आरती नहीं करेंगे। इसीलिए मैं डंके की चोट पर निवेदन करता हूँ कि आप बहस में आइए। जिस मुद्दे पर आना चाहते हैं, उस मुद्दे पर आइए। आपात काल की एक-एक कहानी, संविधान के एकएक शब्द को आपने कुचला है, काला किया है। आपने लिखा नहीं। हमारा संपादकीय लिखा जाता था, तो वह अपने ज्वाइंट डायरेक्टर के पास जाता था। पहले कांग्रेस के वे व्यक्ति देखेंगे और उस पर टिक लगाएंगे, तब संपादकीय छपेगा। यह आपातकाल का समय नहीं है। देश की जनता ने नरेन्द्र मोदी को जनादेश दिया है, भाजपा को जनादेश दिया है। हम सिर ऊंचा उठा कर संविधान की रक्षा करेंगे, न्यायालय की रक्षा करेंगे, ...(समय की घंटी)... कार्यपालिका की रक्षा करेंगे, संसद और संविधान की रक्षा करेंगे, लेकिन आपकी धौंस के आगे न दबे हैं और न दबेंगे।

श्री नीरज शेखर (उत्तर प्रदेश)ः उपसभापति जी, इतनी देर के बाद मौका मिला है, यह सारा देश देख रहा होगा कि एक पक्ष और दूसरा प्रमुख विपक्षी दल, क्या कर रहे हैं? मैं आभार व्यक्त करना चाहूंगा शर्मा जी का, वेंकैया जी का और प्रभात जी का। मैं छोटा राजनीतिक कार्यकर्ता हूं और मेरे जैसे लोग जब राजनीति में आते हैं, नौजवान लोग और भी आ रहे हैं, मैं अपने को जमीन पर रखता हूं। मैं अपने व्यक्तिगत रूप में जहां हूं, वहीं अपने आपको रखता हूं। मैं यह कहना चाहता हूं कि जब मेरे जैसे लोग यहां राजनीति में आते हैं, तो वे सोचते हैं कि जो घटनाएं अभी हुई हैं, अरुणाचल और उत्तराखंड में और ज्युडिशियरी बोल रही है हमारे बारे में, उससे मुझे बड़ा दुख होता है। जैसी टिप्पणियां हमारे बारे में हो रही हैं, हम लोगों ने नहीं सीखा, बोम्मई जी के मामले में, जो 1994 में जजमेंट आया था, उसके बाद हम लोगों ने कुछ सीखा नहीं। हम लोग उसके बाद गलती करते आए। जो सत्ता पक्ष में रहता है, अनुच्छेद 356 का दुरुपयोग करता है। यह सत्यता है। चाहे कांग्रेस हो, चाहे भाजपा जिसको अभी दो साल हुए हैं, उनको 5 साल होने दीजिए ये भी सिखा देंगे। ये भी सौ का आंकड़ा पार कर जाएंगे। मैं वही कह रहा हूं। मैं अपने भाजपा के साथियों को कहना चाहता हूं कि वे गलतियां मत दोहराइए जो कांग्रेस दोहरा चुकी है, जो 415 से आज 44 पर आ गए हैं। आप दो से आज 282 हैं। इसको और बढ़ाने के लिए काम करना पड़ेगा। लेकिन जिस तरह आप चल रहे हैं, आप आगे बढ़ेंगे नहीं। जिस तरह आप चूनी हुई सरकारों को गिरा रहे हैं, आपने कहा था, "सब का साथ, सब का

विकास", आप साथ चलते सब के, तो इससे आपका और बडप्पन बढता। लेकिन जब से आए हैं तो मैंने देखा सारे गवर्नर चेंज हो गए। जो कांग्रेस करती थी, वही आप कर रहे हैं। एक-एक करके सारे गवर्नर्स आपने बदल दिए। फिर आप को नजर आया कि राज्यों में भी हम लोगों को होना चाहिए। उत्तरांचल, अरुणाचल, यहां जो घटनाएं हुई हैं, अरुणाचल में बार में असेंबली चल रही थी। इससे हमारे देश की छवि कहां जा रही है? यह मेरे को समझ में नहीं आता कि जो नौजवान साथी राजनीति में आना चाहता है तो वह आएगा कि नहीं आएगा। आप लोग सीनियर लोग हैं, मैं देख रहा हूं, आधे घंटे से देख रहा हूं। में दोनों लोगों का सम्मान करता हूं, शर्मा जी का और प्रभाज जी का, आप जैसे लड़ रहे हैं। लेकिन अगर हम लोग पीछे खड़े होकर लड़ते हैं तो ऐसा लगता है कि हम नौजवान हैं, जोर से बोल रहा हूं, बोलने दो। अगर वे लडें जिनसे हम लोगों को सीखना है, तब मुझे दुख होता है। इमरजेंसी की बात प्रभात जी कर रहे हैं, मैं भी इमरजेंसी का पीड़ित हूं। मेरे पिताजी भी 19 महीने जेल में रहे थे। लेकिन बार-बार उन्हीं चीजों को उखाड़ना, मैं नहीं मानता। ये पुरानी बातें हो गईं, अब हमको नई बातें करनी हैं। इस देश को विकास के रास्ते पर ले जाना है, अब हमें यही बात करनी चाहिए। मैं तो कह रहा हूं कि अनुच्छेद ३५६ खत्म हो जाना चाहिए। इस देश से गवर्नर खत्म हो जाने चाहिए। इसकी जरूरत है। गवर्नर की क्या जरूरत है? एक आलीशान बंगला उसको मिलता है और जो सत्ता पक्ष का होता है, उसके लिए वे प्रचारक का काम कर रहे हैं आजकल। असल में वे लोग प्रचारक हैं। आपको बुरा लगेगा, लेकिन वे लोग प्रचारक हैं। हमारे राज्य में उनको हर रोज हेलिकॉप्टर और प्लेन चाहिए। हर जगह आप राजभवन को ऐसा बना देंगे? मैं कह रहा हूं कि अगर उनको इतना शौक है राजनीति का, लेकिन आपके यहां तो 75 साल की सीमा है। लेकिन उन्हीं को बना दीजिए। अभी आपको केंडिडेट नहीं मिल रहा उत्तर प्रदेश में, तो सी0एम0 का केंडिडेट उन्हीं को बना दीजिए। मैं तो यह कह रहा हूं। अगर आप गवर्नर के माध्यम से राजनीति करना चाहते हैं तो आप ऐसा ही करिए। कहीं कोई गवर्नर खडा हो जाता है तो गाय की बात करने लगता है कि जो गाय को मारेगा उसको मारेंगे, उसको ठीक कर देंगे। क्या गवर्नर का काम यह है? गवर्नर का काम है कि जो चुनी हुई सरकारें हैं, उसको गिराएं, उसकी गलत रिपोर्ट भेजें? हमेशा हमारे गवर्नर साहब आते हैं, प्रधान मंत्री और गृह मंत्री से मिलते हैं और उत्तर प्रदेश के बारे में बुरा कहते हैं। और कोई काम नहीं है उनको। कोई अच्छा काम उनको उत्तर प्रदेश में नहीं दिखाई दे रहा है। वहां के नेताओं से उनका लड़ने का काम है। हमारे सीनियर नेता हैं आजम खां जी, उनके बारे में कोई न कोई टिप्पणी रोज होती है। क्या यह काम है गवर्नर का? उत्तरांचल और अरुणाचल की बात में नहीं कहना चाहता, क्योंकि हमारे सीनियर शर्मा जी और हम जिन सबसे सीखते हैं, सिब्बल जी अभी बोलेंगे, जो उसमें संवैधानिक बाते हैं। लेकिन मुझे दुख होता है, जब सुप्रीम कोर्ट हम लोगों को कहता है कि इनकी बातें मत सुनो। ये क्या बोलते हैं। हमें दुख होता है। रोज समाचार पत्र जब खोलता हूं, सुप्रीम कोर्ट की कोई न कोई टिप्पणी हमारे बारे में होती है। मुझे खराब लगा। मैंने अख़बार पढ़ना छोड़ दिया। रोज़ कोई न कोई कमेंट आता है। कोई हमको कुछ बोल जाए और हम लोग कुछ बोल नहीं सकते हैं। पहले मुझे लगता था कि उनको आदत है, लेकिन अब हमें लगता है कि हमारे में ही कोई कमी है। मुझे इस बात से अफसोस होता है।

गवर्नर्स का क्या रोल होना चाहिए, इस पर सरकारिया कमीशन बना था। उसकी रिपोर्ट में कई चीज़ें हैं। मैं पूरा नहीं पढूँगा। He should be eminent in some walk of life. 'Eminent' का मतलब यह नहीं है कि वह आपकी पार्टी का कोई मंत्री या नेता रहा हो। ...(व्यवधान)... He should be a

[श्री प्रभात झा]

person from outside the State. मान लीजिए यह होता है, लेकिन कुछ दिनों में हो सकता है कि इसमें भी परिवतन हो जाए। ...(व्यवधान)... He should be dedicated, a detached figure, and not intimately connected with the local politics of the State. यह सबसे महत्वपूर्ण प्वाइंट है, जो सरकारिया कमीशन की रिपोर्ट में बताया गया है कि उसको राजनीति से दूर रहना चाहिए। लेकिन, आज मैं गवर्नर्स को लेकर उत्तर प्रदेश के बारे में तो बात कर ही रहा हूँ, लेकिन आप जहाँ भी चले जाइए, जहाँ इन्होंने गवर्नर बदले हैं वहां पर यही हो रहा है। मैं मानता हूं कि वे राजनीतिक हैं और वे कई बार सांसद और मंत्री रहे हैं। वे करें, लेकिन इस हद तक तो न जाएँ कि वे वहाँ जाकर भाजपा का प्रचार करें। आप गवर्नर हैं, पोलिटिक्स से आपको दूर रहना चाहिए। आप अपने राजभवन में लोगों को बुलाकर राजनीति की बात कर रहे हैं, हमारे मंत्रियों के बारे में टिप्पणी कर रहे हैं। वहाँ का सीएम कैसे कार्य कर रहा है, उसके बारे में आप टिप्पणी कर रहे हैं। वे हमारे सीएम के बारे में टिप्पणी कर रहे हैं, जिनके बारे में कोई बुरा नहीं कहता है। आज यह हालत है। सरकारिया कमीशन की वह रिंकमडशंस मानी जाएँगी कि नहीं मानी जाएँगी, मैं यह जानना चाहता हूं। गवर्नर आज क्या कार्य कर रहा है? इसका जवाब जो देगा, उनसे मैं यह जानना चाहँगा कि गवनर्स क्या काम करते हैं? मेरी तो आप तक यह समझ में नहीं आया है कि इस देश के हर राज्य में एक गवर्नर होता है। पहले हम दिल्ली के बारे में सुनते थे। अब आप अख़बार खोलिए तो दिल्ली में लेफ्टिनेंट गवर्नर और चीफ मिनिस्टर की लड़ाई की खबर होती है। रोज़ यही हो रहा है। दिल्ली हमारी राजधानी है। हम लोगों को इसका मान है और हमें इसका सम्मान करना चाहिए, लेकिन यहाँ रोज़ लडाई हो रही है। क्या इसलिए लेफ्टिनेंट गवर्नर बनाए गए हैं? क्या इसलिए सीएम साहब भी -- अब मैं टिप्पणी नहीं करना चाहता, लेकिन ये चीज़ें हैं, जिन पर सरकार को ध्यान देना पडेगा।

अरुणाचल प्रदेश में तो कमाल की घटना हुई। इतिहास में पहली बार ऐसा हुआ कि जहाँ पहले से एक सरकार थी, उसको हटाया गया, फिर एक नई सरकार बनी और उस पर सुप्रीम कोर्ट ने यह किया कि उस सरकार को हटाकर पिछली सरकार को reinstate कर दिया। इसके लिए मैं उधर के अपने साथियों से कहूँगा कि आपको शर्मिन्दा होना पड़ेगा, आपको इसके लिए माफी माँगनी पड़ेगी। क्योंकि इसका केवल आप पर असर नहीं पड़ रहा है, बल्कि इस पूरी जमात पर असर पड़ रहा है। हम लोगों की जो छिव है, वह खराब हो रही है। मैं हर बार यह बात कहता हूँ कि बड़ा दिल किए। हर बार जब मुझे सदन में खड़े होने और बोलने का मौका मिलता है, मैं आप लोगों से यही आग्रह करता हूँ कि आप इस स्लोगन से चुनकर आए थे कि "सबका साथ, सबका विकास," इस देश का विकास करेंगे और दो साल में उसको आपने धोकर रख दिया है। मैं चाहता हूं कि आप सबका सहयोग किरए, सबके साथ रहिए। मैं यह नहीं कह रहा हूं कि विपक्ष को बढ़ाइए। आप अपना काम भी किरए। यह राजनीतिक लड़ाई है, हम लड़ेंगे। उत्तर प्रदेश मे यह आने वाला है, लड़िए, हमारे साथ आइए, लेकिन गवर्नर को इस्तेमाल किरए, पीछे से वार किरए, यह काम मत किरए, यह मैं आपसे आग्रह करूंगा। मैं बस यही चाहता हूँ कि जो भी हो, आप गवर्नर की छिव को स्वच्छ रखें। उसको जो काम निर्धारित किया गया है, वह काम वह करे।

अब मैं उत्तराखंड पर आता हूँ। हम लोगों का सौभाग्य है कि हरीश रावत जी के साथ हमें लोक सभा में काम करने का मौका मिला। मैं उनको जानता हूँ, व्यक्तिगत रूप से जानता हूँ। एक व्यक्ति जो काम कर रहा है -- मैं कांग्रेस का कभी पक्षधर नहीं था, लेकिन कुछ लोग अच्छा काम करते हैं, यह मैं मानता हूँ। हमारे पिताजी जरूर कांग्रेस में रहे हों, लेकिन मैं शुरू से समाजवादी हूँ, समाजवादी पार्टी में रहा हूँ और समाजवादी नीतियों में अपना विश्वास रखता हूँ। हम लोगों ने अपने नेता से और अपने पिता से यह सीखा कि सबका सम्मान करना चाहिए।

एक माननीय सदस्यः वे समाजवादी भी थे।

श्री नीरज शेखरः जी, वे समाजवादी थे। मैं यह कह रहा हूं कि मैं यह चाहता हूं कि हम एक-दूसरे का सम्मान करें। उन्होंने हमें हमेशा सिखाया कि लड़ाई करो, राजनैतिक सिद्धांतों पर लड़ाई करों, लेकिन व्यक्तिगत लड़ाई नहीं होनी चाहिए। आज क्या हो रहा है? खुलेआम यूपी में जो हो रहा है, उसे देखकर मुझे शर्म आती है। मैं बार-बार कह रहा हूं। हमारे एक सीनियर मत्री से किस तरह बात की जाती है? किस तरह से उनके लिए कहा जाता है? हमारे मुख्य मंत्री से कह रहे हैं कि उनका इस्तीफा दिलाइए। उनके बारे में जो उन्होंने कहा है, वह हमें भेजिए। क्या इस तरह से काम होगा? मैं तो आग्रह करूंगा कि ऐसे गवर्नर को बुलाकर किसी सभ्य व्यक्ति को भेजिए, जो वहां पर काम करे - वहां पर जो उसका काम है, वह उस काम को करे। उत्तराखंड में इस तरह के कार्यों से सभी लोगों को नाम खराब होता है, यह मैं आग्रह करना चाहता हूं। धारा 356 के बारे में कितनी बार बात की गयी। कितनी बार उस पर सरकारें गिरायी गयीं। ये साथी हैं, ये दोषी हैं, इसलिए ये लोग कभी नहीं बोल पाएंगे। प्रभात जी ने सही कहा, emergency पर लोग कभी नहीं बोल पाएंगे। इधर से जबर्दस्ती खड़े होकर बोल रहे थे। इन्होंने गलती की है, इन्हें यह स्वीकार कर लेना चाहिए। गलती मानने में क्या गलत है? गलती मानने में क्या बात है? यह देश महान लोगों का देश है। जब आप माफी मांगेंगे तो देश की जनता आपको माफ कर देगी। वह बात खत्म हो गयी, लेकिन आप लोग हर बार खडे हो जाते हैं। कोई उधर से emergency बोलता है, तो आप लोग खड़े हो जाते हैं। अगर कोई नेहरू जी का, इंदिरा जी का, राजीव जी का, गांधी जी का सम्मान नहीं करता तो हम लोग आपके साथ हैं। अगर कोई वाजपेयी जी का सम्मान नहीं करता, तो हम आपके साथ भी हैं। जब से मैं राजनीति में आया, तब से मैं उन्हें व्यक्तिगत रूप से जानता हूं, आज की राजनीति में उनके जैसा महान व्यक्ति कोई नहीं है। ...(समय की घंटी)... सर, क्या मुझे भी कुछ समय मिलेगा? समाजवादी पार्टी टाइम के लिए लड़ती रही है।

SHRI NARESH AGRAWAL: Sir, give him some more time.

MR.DEPUTY CHAIRMAN: Nobody has taken more time.

श्री नीरज शेखरः सर, मैं अपनी बात खत्म कर दूंगा। हम लोग अनुशासित हैं।

MR. DEPUTY CHAIRMAN: Please listen to me. Nareshji, i can give you more time; but they have not taken more time. They have 33 minutes, and they have taken only 16 or 17 minutes. You are counting the Minister's time. It is not possible ... (Interruptions)...

चौधरी मुनव्यर सलीमः हम दोनों से दरख्वास्त कर लेंगे, आप उन्हें बोलने दीजिए। ...(व्यवधान)...

SHRI NEERAJ SHEKHAR: I will conclude.

MR. DEPUTY CHAIRMAN: Yes, you can.

श्री नीरज शंखरः में कह रहा था कि हमारे यहां सम्मानित लोग हैं। हमने पिताजी से यह सीखा कि अगर देश को धरातल में ले जाना है तो जो सम्मानित लोग थे, जो महापुरुष थे, उनके बारे में उलटा बोले, उनके बारे में खराब बोलो। आज हम सब लोगों को यह मानना चाहिए, आपके जो नेता हैं, दीनदयाल उपाध्याय जी हैं, सबके बारे में हमें अच्छी बात कहनी चाहिए। आज विश्व में हम लोगों को एक साथ दिखना चाहिए, लेकिन ऐसा नहीं होता है। आज जो लड़ाई हो रही है, गृह मंत्री जी गवर्नर बदलते हैं। मैं उनसे यही आग्रह करूंगा कि आपसे हाथ जोड़कर विनती है कि उत्तर प्रदेश के गवर्नर को आप बुला लीजिए, कहीं ऐसी घटनाएं न हो जाएं, जो नहीं होनी चाहिए। उत्तराखंड और अरुणाचल प्रदेश की तरह से उत्तर प्रदेश में नहीं हो सकता है, मैं माफी चाहूंगा। उत्तर प्रदेश में अभी ऐसा कोई गवर्नर नहीं आया जो ऐसी घटना कर सके। हम सब समाजवादी लोग वहां खड़े हैं और ऐसी घटना वहां नहीं हो सकती, मुझे पता है। हम लोग किसी के खिलाफ लड़ाई नहीं लड़ रहे हैं, लेकिन वे एक संवैधानिक पद पर हैं, हम लोग चाहते हैं कि उस पद की गरिमा बनी रहे। कोई ऐसा कार्य न किया जाए कि उस गरिमा को खत्म किया जाए। अंत में, मैं फिर से अनुरोध करूंगा कि इस बहस का जो भी reply करें, शायद गृह मंत्री जी reply करेंगे, उस reply में बस वे माफी मांग लें, उससे बात खत्म हो जाएगी, क्योंकि दोनों जगह सरकार ने गलती की है, धन्यवाद।

SHRIMATI VIJILA SATHYANANTH (Tamil Nadu): Thank you, Deputy Chairman, Sir. After hearing the views of the hon. Members from both sides, it is my duty to put forth the views of our party, especially, the views of our hon. Chief Minister of Tamil Nadu, Dr. Puratchi Thalaivi Amma. The unilateral summoning of the Arunachal Pradesh Legislative Assembly by the Governor of Arunachal Pradesh, without consulting the Chief Minister and the Council of Ministers of Arunachal Pradesh, is a grave insult to democracy and to the Federal structure of the country. Under Article 159 of the Constitution, the Governor takes office swearing to preserve, protect and defend the Constitution. The Governor, more than any other functionary in the State, is duty bound to preserve the Constitution. Under Article 163 of the Constitution, the Governor is required to act on the aid and advice of the Council of Ministers headed by the Chief Minister in the exercise of his functions. Under Article 174 of the Constitution, the Governor is empowered to

[†]Transliteration in Urdu script.

summon the State Legislature. However, this power is to be exercised in accordance with Article 163 of the Constitution which implies that the Legislature can be summoned only on the advice of the Council of Ministers. The Governor appears to have misused and abused the provisions of Article 175(2) of the Constitution of India which relates to sending of messages to the Legislature. This provision is intended for sending special messages on the aid and advice of the Council of Ministers. It is not intended to summon the House unilaterally nor is it intended to set or tamper with the agenda for discussion in the House. These acts of the Governor clearly amount to gross abuse of provisions of the Constitution and serious infringement of the legitimate authority of the duly elected Government. In this case, the special provisions relating to Arunachal Pradesh under Article 371 H also do not empower the Governor to act in an inexplicable and brazenly partisan manner in which he has acted. The special responsibilities of the Governor under Article 371 H are limited to matters relating to law and order. Furthermore, it is understood—I have here details of what they have said—that the Governor not only issued a message for summoning the Assembly but also issued the agenda of the business to the transacted by selectively taking up pending business of removal of the Speaker, to be chaired by the Deputy Speaker and everything. We all heard that. So, I need not repeat again. The Governor is reminding us of the dark days when the Central Government and its agents including Governors acted to destabilize legitimately elected Governments in various States. After the enactment of the Anti Defection Act and judgement of the hon. Supreme Court in the S.R. Bommai case, which was referred by our hon. Minister, State Governments could breathe easy, without having to fear about their survival due to the acts of the Central agencies and partisan Governors. This action of Arunachal Pradesh Governor does not bode well for harmonious relations between the Centre and the States. This is clearly not an example of co-operative federalism. Unless this tendency to interfere with legitimately elected Governments in the States is not curbed immediately, there is a danger to democracy; there is a danger to State autonomy and there is a danger to the federal structure of India. This issue is too important—as it is referred by my leader, Dr. Puratchi Thalaivi Amma—to be confined not only to Arunachal Pradesh; not only to Uttarakhand but any action of this kind done in any part of India will have reverberations all over the country. So, there will be more anguish which will rise among the duly elected Governments' representatives. What has been done in the Eastern side or in the Western corner of India can just as easily be repeated in the Southern part or the Northern part of the country. We our Government and our hon. Chief Minister, strongly condemn the act of the Governor and call upon the President of India to remove the Governor from office and restore the legitimacy of the institution. Thank you, Sir.

SHRI SUKHENDU SEKHAR ROY (West Bengal): Sir, with the imposition of President's Rule in Uttarakhand, it became the 115th instance since 1950. All the States, excepting Chhattisgarh and Telangana, have to face President's Rule, at least, for once. According to the latest Home Ministry figures, made available through RTI application, U.P. leads the chart. In U.P., President's Rule was imposed for 10 times; followed by Bihar nine times; Kerala, Manipur, Odisha and Punjab with eight times. Sir, out of 115 times, the Congress and Congress-led Coalition imposed President's Rule for 84 times, that is, 73 per cent of the total number of such instances; and the BJP or BJP-led Government imposed President's Rule for seven times; and, interestingly, the Janata Party Government, the BJP's erstwhile outfit, the Bharatiya Jana Sangh, merged with the Janata Party, it was in power during 1977-79, and in two years' time, they imposed President's Rule for 16 times on some flimsy and unprecedented grounds.

Sir, all of us know that the makers of our Constitution, actually, to some extent, followed Section 4 of the American Constitution, while incorporating Articles 355 and 356 in our Constitution. Sir, the background was that in 1861, when Abraham Lincoln was the President of the United States, he had to face some internal disturbances on the issue of slavery, and when the South wanted to secede from the Union, he wanted some sweeping powers to checkmate the situation, to arrest the situation, and this is how Section 4 in the American Constitution came into being. But, our Articles 355 and 356 are also patterned on Section 93 of the Government of India Act, 1935; the only exception being that under the Government of India Act, it was the Governor or the Governor-General, and now the powers are vested with the President of India.

Sir, I would like to quote two lines of what was said by Dr. B.R. Ambedkar, the Chairman of the Drafting Committee of our Constitution. There is the paucity of time, I know. The way we are discussing it today, much more learned people, compared to them, we are pigmies, have also expressed their concern about the inclusion or incorporation of Articles 355 and 356 in the Constitution. Sharing their concern, Dr. Ambedkar said, and I quote, "in fact, I share the sentiments that such Articles will never be called into operation, and they would remain a dead letter. If at all they are brought into operation, I hope, the President, who is endowed with these powers will take proper precautions before actually suspending the administration of the Provinces." सर, हम लोग डा. अम्बेडकर की चेतावनी को भूल गए। We have not learnt lessons from Dr. B.R. Ambedkar.

Sir, in spite of a nine-judge Constitution Bench judgement of the Supreme Court in S.R. Bommai Case, no Governments at the Centre have abided by the ruling of the

Supreme Court, and this is how the present Government has burnt their fingers in the case of Arunachal Pradesh and Uttarakhand.

Sir, so far as the role of the Governors is concerned -- this discussion is in two parts -- one is about Article 356 and the other is the role of the Governors -- it Seems that some of them act as agents or agent provocateurs of the ruling party at the Centre against some States. Sir, the recent happenings in Arunachal and Uttarakhand have proved this once again. अभी एक महामहिम राज्यपाल ने, जब वे किसी राज्य के मुख्य मंत्री थे, उन्होंने संघीय ढांचे को नीचा दिखाया। वे अभी कहीं गवर्नर हैं। उन्होंने पब्लिकली हमारे National Anthem के खिलाफ बोल दिया। He made disgraceful remarks against our National Anthem in a public function. I made a petition to the hon. President. I preferred a substantive motion here in this House. It was listed as 'No-Day-Yet-Named Motion' twice, in two Sessions, in quick succession, in the last Budget Session and Winter Session, but the Government ran away from the discussion. That Motion was never taken up. I wanted to mention to this august House how a Governor, who took oath under the Constitution, can question our National Anthem. They have gone to that extent also. How are these people appointed as Governors? This is why my party, All India Trinamool Congress, demands that Article 157 of the Constitution, which deals with the appointment of the Governor, must be reviewed and more specific and broad criteria about eligibility and qualification must be laid down in the matter of appointment of Governors, if we at all want that this institution should continue.

Sir, to conclude, I would like to refer, with your permission, to only one short point from a consultation paper on Article 356 of the Constitution, by an Advisory Panel of National Commission, constituted to review the working of the Constitution. So, it is a Government document. From the Government document, I would refer to only one point and I will conclude: "We, therefore, think it advisable to suggest that Article 356 be amended to provide for the following:" There are so many suggestions and I will raise only one suggestion here now: "Whether the Ministry of any State has lost the confidence of the Legislative Assembly or not should be decided only on the floor of the Assembly and nowhere else. If necessary, the Central Government should take necessary steps to enable the Legislative Assembly to meet and freely transact its business. The Governor should not be allowed to dismiss their Ministry so long as it enjoys the confidence of the House. Only where a Chief Minister of a State refuses to resign after his Government is defeated on a Motion of No-Confidence, should the Governor dismiss that State Government." Therefore, even the ruling party at the Centre

[Shri Sukhendu Sekhar Roy]

did not have any uncanny respect for the provisions of Constitution and the spirit of Constitution, for what the Constitution-makers, particularly Dr. B.R. Ambedkar, while drafting the Constitution had given a warning that it should be treated as a dead letter. That dead letter has been made alive for 115 times since 1950. If you don't put a stop, it will continue for an indefinite period. A time has come when this august House must decide on this issue -- ये तृ-तृ, मैं-मैं करने से कुछ होने वाला नहीं है। कभी इधर खुशी, कभी उधर गम और कभी उधर खुशी, इधर गम - यह सिलसिला बंद होना चाहिए। इस पर stop लगाना चाहिए। इसलिए मैं आपसे और हमारे सभी ऑनरेबल मेंबर्स से निवेदन करता हूं कि इस गंभीर विषय पर आप और भी चर्चा करें, विस्तार से चर्चा करें और इसे रिव्यू किया जाए -- whether Article 356 should be there or not and whether Governors, who are essentially the agents and agent-provocateurs of the ruling party of the Centre, should be appointed in the States to curb the democratically elected Government's activities. It must come to an end. This is my humble submission to the august House, on behalf of the All India Trinamool Congress. Thank you, Sir.

MR. DEPUTY CHAIRMAN: Mr. D.P. Tripathi wanted to speak, but he is not here.

श्री राम नाथ ठाकुर (बिहार): महोदय, आपने मुझे उत्तराखंड और अरुणाचल प्रदेश राज्य में घटे घटनाक्रमों के विषय में बोलने के लिए अनुमति दी, मैं अपनी और पार्टी की तरफ से आपके प्रति कृतज्ञता प्रकट करता हूं। उपसभापति महोदय, 70 वर्षों में इस सदन में राज्यपाल के संबंध में बहुत बहस हुई होंगी, लेकिन निर्णय क्या हुआ, उस पर क्या अमल हुआ, इस बारे में हमें कुछ पता नहीं है। इस सदन के बारे में यह प्रचलित है कि यह विद्वानों का सदन है, वार्ता के बाद, चर्चा के बाद, संवाद के बाद कोई निर्णय होता है। मैंने जो आज का दृश्य देखा, उसको देखने के बाद पता चला कि यहाँ न तो कुछ सीखा जा सकता, न समझा जा सकता है। जब मैं मैट्रिक का विद्यार्थी था - उसके पहले छठी, सातवीं, आठवीं में पढ़ाया जाता था कि किस राज्य का कौन-सा राज्यपाल है, उसका क्या नाम है -उसमें क्या खूबियाँ हैं? 1966 में बिहार राज्य में एम.ए.एस. आयंगर, चौदह भाषाओं के विद्वान राज्यपाल थे, डॉ. जाकिर हुसैन, बिहार के राज्यपाल थे, उनके बारे में बहुत अच्छा कहा जाता था कि उनका निर्णय बहुत अच्छा था, वे शिक्षा प्रेमी थे, अच्छी बात बोलते थे। जनता की क्या उम्मीद है, जनता क्या चाहती है, इसको समझते थे। वे कॉलेज के प्रोफेसरों को, शिक्षकों को बुलाकर उनसे बातचीत करते थे, समस्या का भी निदान करते थे। 1952 के बाद हमने जो देखा है - कांग्रेस पहले विद्वानों को राज्यपाल नियुक्त किया करती थी, लेकिन 1966 में, एम.ए.एस. अयंगर के जाने के बाद नित्यानंद कानूनगो बिहार के राज्यपाल बनने के लिए आए। वे राज्यपाल बने, लेकिन उन्होंने क्या किया? उन्होंने बहुमत की सरकार को गिरा दिया और शोषित समाज दल के उम्मीदवार को 48 घंटे के लिए मुख्यमंत्री नियुक्त कर दिया। हम कहाँ जा रहे हैं, किस पर बहस कर रहे हैं, इस बहर के बाद क्या निर्णय होगा?

जनता को इसका क्या फल मिलेगा, राजनीतिक पार्टियों को क्या सीख मिलेगी, बुद्धिजीवी किसी समस्या के निदान की क्या रूपरेखा तैयार करेंगे?

मैं मूल समस्याओं के बारे में इस सदन को बताना चाहता हूं। हमारे नेता, डॉ. राममनोहर लोहिया ने 1966 में कहा था कि राज्यपाल की जरूरत नहीं है, राज भवन की जरूरत नहीं है, जननायक कर्पूरी ठाकुर ने 1966 में कहा था कि राज्यपाल की जरूरत नहीं है, राज भवन की जरूरत नहीं है। क्या जरूरत है? हम कांग्रेस पार्टी, भारतीय जनता पार्टी ने नेताओं से, प्रभात झा जी से सुनना चाहते थे। काँग्रेस ने बहुत खराब काम किया, लेकिन आपने भी तो उत्तराखंड और अरुणाचल प्रदेश में उसकी पुनरावृत्ति कर दी। आपने कौन-सा अच्छा काम किया? ...(व्यवधान)...

श्री भुपेन्द्र यादवः कुछ तो किया भाई।

श्री राम नाथ ठाकुरः छलनी दूसलन सूप के। आखिर हम चाहते क्या हैं? हमें क्या निर्णय लेना है? आज की बहस के बाद जनता को क्या मैसेज देना है?

[THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN) in the Chair]

श्री राम नाथ ठाकुरः हम चाहते हैं कि सर्वोच्च न्यायालय और हाई कोर्ट ने राज्यपालों के सन्दर्भ में जो निर्णय सुनाए हैं, उन पर अमल हो। हम उम्मीद करते हैं कि सत्ता पक्ष के लोग इस पर अमल करेंगे। फिर जो राज्यपाल बने हुए हैं, उन राज्यपालों के ऊपर क्या कठोर कार्रवाई की जाएगी, इस मूल बिन्दु पर बहस नहीं हो रही है और हम एक-दूसरे के ऊपर दोषारोपण कर रहे हैं। हमने देखा था कि आन्ध्र प्रदेश में एन.टी. रामाराव जी मुख्य मंत्री थे और राज्यपाल ने बहुमत रहते हुए उनको हटा दिया था। वे एक स्पेशल ट्रेन से सब विधायकों को लेकर दिल्ली आए थे और उनकी परेड हुई थी। लेकिन बहस चल रही है, निर्णय कुछ नहीं हो रहा है, अमल कुछ नहीं हो रहा है ...(समय की घंटी)... और सदन में हम लोग, political party के लोग उपहास के पात्र बनते जा रहे हैं। बहस से क्या होगा? बहस करने से क्या फायदा होगा?

THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN): Please conclude.

श्री राम नाथ ठाकुरः क्या उत्तराखंड और अरुणाचल प्रदेश के राज्यपालों को कोई सजा मिलेगी? क्या हम यह उम्मीद रखें?

उपसभाध्यक्ष महोदय, आपने घंटी बजा दी। मेरे दिल में बहुत दर्द है। मैं अपनी तरफ से और अपनी पार्टी की तरफ से दोनों तरफ, दाएँ और बाएँ बाजू के बुद्धिजीवी भाइयों से निवेदन करना चाहता हूँ कि हम बहुत पीड़ित हैं, हम बहुत छोटे हैं, हमारी पार्टी बहुत छोटी है, ...(समय की घंटी)... आप हमें सीख दो।

THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN): You have also exceeded your allotted time.

4.00 P.M.

श्री राम नाथ ठाकुर: मैं कहना चाहता हूँ कि

"नजरें बता रही हैं, तुम दूर जा रहे हो, पर दिल ये कह रहा है, तुम पास आ रहे हो। जज्बे सौ की शहादत से हमें क्या फायदा, हमने भी अपने सिर को हाथों पर कर लिया है। आखिर आपसे कब तक डर्ज मैं, कातिलों के मुहल्ले में घर कर लिया है।"

हम चाहते हैं कि...

THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN): Yes; please, conclude now.

श्री राम नाथ ठाकुर: मैं चाहता हूँ कि आज की बहस से कुछ निर्णय हो, अमल हो और जनता के बीच political parties के बारे में जो भ्रम है, वह दूर हो।

इन्हीं चंद शब्दों के साथ, मैं अपनी बात खत्म करता हूँ। जय हिन्द।

श्री वीर सिंह (उत्तर प्रदेश)ः माननीय उपसभापित महोदय, मैं अपनी पार्टी की तरफ से उत्तराखंड और अरुणाचल प्रदेश में पिछले दिनों घटे घटनाक्रम से संबंधित जो अल्पकालिक चर्चा हो रही है, उस पर बोलने के लिए खड़ा हुआ हूं। पिछले दिनों उत्तराखंड और अरुणाचल प्रदेश में जो भी हुआ, वह किसी से छिपा नहीं है और किस तरह धारा 356 का दुरुपयोग करके राष्ट्रपित शासन लगाया गया, यह भी किसी से छिपा नहीं है।

महोदय, यह घटना कोई नई घटना नहीं है। केन्द्र में किसी भी दल की सरकार बनती है, चाहे ये हों या वे हों, उनके द्वारा धारा 356 का दुरुपयोग करके राज्यपालों के माध्यम से राष्ट्रपति शासन लगाया जाता रहा है। महोदय, हमारे देश में यह परम्परा काफी पुरानी, 1967 से है, जब क्षेत्रीय पार्टीयों का उदन हुआ था। उस समय केन्द्र में बनी सरकारों के द्वारा क्षेत्रीय पार्टियों पर दबाव बनाने के लिए उनको परेशान करने के लिए, उनको अपने प्रभाव में लेने के लिए केन्द्र सरकार ने हमशा इस धारा का दुरुपयोग किया है। अपनी सत्ता, अपनी ताकत दिखाकर, जो संवैधानिक परम्पराएं हैं, उनको तोड़ कर क्षेत्रीय पार्टियों पर कुठाराघात किया है।

महोदय, उत्तराखंड और अरुणाचल प्रदेश में जो राष्ट्रपति शासन लगा और उसके बाद माननीय न्यायालय का जो निर्णय आया, हमारी बहुजन समाज पार्टी उसका स्वागत करती है। महोदय, संविधान के अनुच्छेद 356 के तहत राज्यों में राष्ट्रपति शासन लागू करने में केन्द्र में रहा कोई भी दल पीछे नहीं रहा है। इन राजनीतिक घटनाक्रमों के बाद राज्यपाल का पद केन्द्र सरकारों के लिए खिलौना बनकर रह गया है।

परम पूज्य डा. भीमराव अम्बेडकर साहेब का विचार था कि जब तक राज्य में सरकार बहुमत में है, तब तक बर्खास्तगी की कार्यवाही नहीं होनी चाहिए। इसे विपरीत दूसरे दलों से संबद्ध राज्यपालों को मनमाने तरीके से हटाने और राजनीतिक हथियार के तौर पर उनका इस्तेमाल करने के मामले में भी सभी दल एक ही थैली के चट्टे-बट्टे नज़र आते हैं।

महोदय, लोकतंत्र में शक्ति के विभाजन के साथ निगरानी और संतुलन बनाए रखने की जरूरत होती है, इसलिए राज्यपाल की भूमिका बहुत ही महत्वपूर्ण होती है। राजनीतिक दलों को सत्ता के केन्द्रीकरण की स्थिति से बचना चाहिए, यही लोकतंत्र का तकाजा है। उधर राज्यपालों को भी समझना चाहिए कि जिस राज्य के वे राज्यपाल हैं, उसके हित में काम करें, वे राज्यपाल हैं, केन्द्र सरकार के प्रतिनिधि नहीं हैं।

महोदय, केन्द्र को चाहिए कि धारा 356 का उपयोग पूरी संजीदगी से और सोच समझकर किया जाए। यदि ऐसा नहीं किया जाता है, तो केन्द्र और राज्यों के बीच के संबंधों को ठेस पहुंचेगी। परमपूज्य डा. भीमराव अम्बेडकर साहेब ने यहां तक कहा था किं सविधान के इस प्रावधान को मृतप्राय ही समझना चाहिए। अरुणाचल प्रदेश के मामले में पूर्व में जारी इन दिशानिर्देशों का पूरी तरह उल्लंघन हुआ है। अरुणाचल प्रदेश में जो कुछ हुआ है, वह हद से बढ़कर शर्मनाक है। जब राज्यपाल ने विधान सभा की तिथि एक माह आगे बढ़ा दी थी, तब स्पीकर ने विधानसभा सदन में ताला लगा दिया। ...(समय की घंटी)... उसके बाद विधान सभा का सत्र एक कम्युनिटी हाल में हुआ और बाद की बैठकें एक होटल में हुई। ऐसा हमारे देश में पूर्व में कभी किसी भी राज्य में नहीं हुआ है।

महोदय, भारतीय संविधान निर्माताओं ने रष्ट्रपित शासन से संबंधित अनुच्छेद 356 को संविधान में स्थान देते समय यह अपेक्षा की थी कि अपवाद वाली स्थिति में ही इसका प्रयोग किया जाएगा, लेकिन उनका यह उद्देश्य विफल ही रहा। स्वतंत्रता से लेकर अब तक इस अनुच्छेद का बारम्बार प्रयोग किया गया, जिससे इस अनुच्छेद का महत्व ही समाप्त हो गया है। इसका साधारण से साधारण परिस्थितियों में प्रयोग किया गया है।

महोदय, राज्यों में बार-बार राष्ट्रपित शासन लागू करने के कारण राजनीतिक अस्थिरता को बढ़ावा मिला है। अनेक राज्यों में अनेक बार मध्याविध निर्वाचन कराए गए, जिनमें किसी भी दल को स्पष्ट बहुमत नहीं मिलने के कारण पुनः राज्य में जोड़-तोड़ तथा दलबदल की राजनीति को प्रोत्साहन मिला है। ...(समय की घंटी)... सर, बस एक मिनट।

महोदय, राष्ट्रपति शासन के प्रावधान की व्यापक स्तर पर आलोचना की गई तथा संविधान से हटाने की भी मांग उठाई गई। अनेक क्षेत्रीय दलों द्वारा भी अनुच्छेद 356 को समाप्त करने की मांग की गई। महोदय, जो दल राष्ट्रपति शासन से संबंधित अनुच्छेद 356 को विपक्ष में बैठते समय हटाने की मांग करते थे, उन्होंने राजनीतिक दलों द्वारा सत्ता प्राप्त करते ही इसके समर्थन में जोरदार तर्क दिए। भारतीय राजनीति का यह सबसे बड़ा विरोधाभास ही कहा जाएगा।

महोदय, केन्द्र सरकार द्वारा राज्यों में राष्ट्रपति शासन लागू करते समय भिन्न-भिन्न मापदंडों का सहारा लिया गया। इससे काफी विकट समस्याओं का सामना करना पड़ा है।

महोदय, कितपय राजनीतिक दलों द्वारा अनुच्छेद 356 को संविधान सहित समाप्त करने की मांग की जाती रही है। वे इसे संसदीय तथा संघीय व्यवस्था के लिए घातक मानते हैं। इसके अतिरिक्त उनका यह भी तर्क है कि यह अनुच्छेद वर्तमान परिस्थितियों में असामियक तथा अप्रासंगिक हो गया है। महोदय, आपने मुझे बोलने का समय दिया, इसके लिए आपका बहुत-बहुत धन्यवाद।

श्री डी.पी. त्रिपाठी (महाराष्ट्र) : वाइस चेयरमैन साहब, इस समय जो बहस अरुणाचल और उत्तराखंड की असंवैधानिक कार्यवाही पर हो रही है, उसमें मैं ज्यादा समय नहीं लूंगा, चूंकि वेंकैया जी ने उस पर बहुत कहा, प्रभात झा जी ने बहुत कहा और बहस की शुरुआत करते हुए आनन्द शर्मा जी ने अपनी बात कही। देखिए, उत्तराखंड के विषय में तो सरकार को अपने आप पराजय स्वीकार करनी पडी। ऐसा उदाहरण भी भारतीय राजनीति में नहीं है और वहां की जनता द्वारा उत्तराखंड के लोकप्रिय चुने हुए मुख्य मंत्री हरीश रावत का नेतृत्व फिर से स्थापित हो गया है। वहां बहुत जल्दी चुनाव होने वाला है, तो आपको उस कार्यवाही का उत्तर बहुत जल्दी मिल जायेगा। जहां तक अरुणाचल प्रदेश की बात है, वह जो 331 पेज का जजमेंट 4 अप्रैल को दिया गया है, उसमें से मैं आपसे निवेदन करना चाहुंगा कि सिर्फ दो उद्धरण काफी हैं। सर्वोच्च न्यायालय का वह सर्वसम्मत निर्णय है, जिसमें उन्होंने क्या कहा है, यह सरकार को गौर से सुनने की जरूरत है। यह बात न कांग्रेस पार्टी कह रही है, न हम कह रहे हैं, न विपक्ष कह रहा है, सर्वोच्च न्यायालय कह रहा है कि जो गवर्नर का एकशन था, यहां मैं उस जजमेंट को क्वोट कर रहा हूं - It is like a thrashing given to the Constitution and spanking of governance." यह मैं उस जजमेंट से कह रहा हूं। उसी जजमेंट में गवर्नर के बारे में यह भी कहा गया है, जो बहुत ध्यान देने की बात है, मैं फिर उद्धत कर रहा हूँ - "Governor is not a overriding super-Constitutional authority." अभी तक जो यहां तर्क चल रहा था, माननीय वाइस चेयरमैन साहब, वह तर्क क्या है? इस तरफ के लोग कह रहे हैं कि आपने गलत किया। अगर हमने गलत किया, तो क्या गलत किया? यह तर्क नहीं, यह कुतर्क है। पहली बात तो इसे समझने की जरूरत है। अभी तक सत्ता पक्ष के एक सदस्य को भी मैंने नहीं सुना, जिसमें यह कहने की हिम्मत और साहस रहा हो कि हमारे राज्यपालों की कार्यवाही सही थी। यह किसी ने नहीं कहा, जो आश्चर्य की बात है। कह क्या रहे हैं कि आपने इतनी बार अनुच्छेद 356 का प्रयोग, दुरुपयोग किया, यह तो इतिहास सिद्ध बात है कि पंडित जवाहरलाल जैसे इतने बड़े प्रधान मंत्री और स्वतंत्रता संग्राम के नेता की सबसे बड़ी पहली राजनीतिक भूल थी कि ई.एम.एस. नम्बूदरीपाद सरकार को सत्ता से हटाना और अनुच्छेद 356 को लागू करना। यह बात इतिहास बन चुकी है। कांग्रेस को भी मानना पड़ेगा, नहीं तो कल मानना पडेगा।

वाइस चेयरमैन साहब, एक बात यहां बहुत हुई, जिसका जिक्र करना मैं थोड़ा जरूरी समझता हूँ, क्योंकि यह प्रश्न आपसे कांग्रेस के मित्र नहीं पूछ सकते, नीरज शेखर जी यहां हैं या नहीं, मुझे नहीं पता, वे पुछ सकते हैं। मैं बड़ी विनम्रता के साथ यह बात कह रहा हूँ और बड़े दुख के साथ आपसे सवाल भी पूछ रहा हूँ। चूंकि इमरजेन्सी के खिलाफ मैंने भी संघर्ष किया है, चार महीने से ज्यादा भूमिगत रहा, चौदह महीने जेल में रहा। मैं अपनी प्रशंसा तो नहीं करता, लेकिन इमरजेन्सी पर कोई ऐसी पुस्तक नहीं है, जो मेरे बगैर लिखी गई है, अभी नई वाली कृमी कपूर की आई है, उसको भी पढ़ लीजिए, लेकिन एक बात मैं आज बड़े दुख के साथ कहना चाहता हूँ, जो चार वर्षों तक नहीं कही। चूंकि वेंकैया जी ने, प्रभात झा जी ने, मुख्तार अब्बास नक़वी साहब ने आपातकाल का जिक्र किया, आपातकाल के उस महान लोकतांत्रिक संघर्ष का सबसे बडा अपतान भारतीय जनता पार्टी ने किया। कैसे किया, आप सून लीजिए, जिसका जवाब आपके पास नहीं है। यह बात मैं नहीं कह रहा हूँ, जिस सरकार में माननीय अटल जी, आडवाणी जी मंत्री थे, जनता पार्टी की सरकार, उसने जो शाह कमीशन बनाया था, उसके अनुसार इमरजेन्सी के दो सबसे बड़े कुख्यात अपराधियों को आपने न सिर्फ

अपनी पार्टी से चुनाव लड़वाया, उनको मंत्री बनवाया, इस सरकार में भी एक मंत्री हैं। आप वह शाह कमीशन की रिपोर्ट पढ़ लीजिए। यह नैतिक काम आप करते हैं। जब भारतीय जनता पार्टी आपातकाल के संघर्ष की बात करती थी, बड़े दुख के साथ कह रहा हूं, मुझे ऐसा लगता है, जैसे गीदड़ शास्त्रीय संगीत पढ़ रहा हो या कोई निगम बोध घाट में शादी का उत्सव कर रहा है। इसलिए आपातकाल की बात करते समय जरा इस पक्ष को आप देख लीजिए, जिसकी कोई जरूरत नहीं थी। वह आपने क्यों किया?

आखिर में, चूंकि समय का मैं हमेशा पालन करता हूँ, तो कर लेता हूँ, वैसे छोटी पार्टियों को तो कोई समय मिलता नहीं, तीन मिनट में, दो मिनट में घंटी बजा दी जाती है।

वह आखिरी बात, जिससे मैं अपनी बात खत्म कर रहा हूं, उस पर ध्यान देना भारतीय जनता पार्टी ने छोड़ दिया है, क्योंकि जो कुछ आपने उत्तराखंड और अरुणाचल में किया, वह सत्ता की अनियंत्रित भूख को प्रकट करता है और कुछ नहीं। उसको करने की आपको कोई जरूरत नहीं थी। अगर आप इतिहास को देखेंगे, तो इस तरह की दुर्लभ राजनीतिक मूर्खता का उदाहरण मैंने कहीं नहीं देखा, जो आपने इन दोनों प्रदेशों में किया, जिसकी कोई आवश्यकता नहीं थी।

इस, इसलिए मैं बहुत जल्दी अपनी बात अटल जी की चार पंक्तियों से समाप्त कर देता हूँ। मैं एक पुस्तक भी लाया हुँ, जिसका ध्यान रखिएगा। उनकी एक कविता 'सत्ता' है, जिसकी ये पंक्तियां हैं:

> "निर्दोष रक्त से सनी राजगद्दी शमशान की धूल से भी गिरी होती है। सत्ता की अनियंत्रित भूख रक्त पिपासा से भी बुरी होती है॥"

धन्यवाद।

SHRI V. VIJAYASAI REDDY (Andhra Pradesh): Hon. Vice-Chairman, Sir, we have now Seen in the House the allegations and counter allegations resulting in altercation between the Ruling Party and the main Opposition Party. Sir, whichever party is mandated, when it is mandated to sit to your left side in the Opposition Benches, they always postulate and propagate the values that are required to be enshrined in the Constitution and probity in the public life. The minute they get an opportunity and come to the right side, they exactly do the opposite of that and contrary to what they say when they sit to your right side.

Sir, whether we are in the Opposition or in the ruling side, the fact of the matter is, the only parties which are sandwiched between the Ruling dispensation and the Opposition are the parties which are sitting in front of you, in the middle of the House. Sir, the real concern should be, what is that we do here. What should be the real concern when we are sitting in the Parliament and making the laws? That is what the most important thing is.

[Shri V. Vijayasai Reddy]

When we make laws here in the Parliament, we make laws with noble intent and the best intentions and, obviously, the laws that we make here should be followed in their letter and spirit.

Sir, both the Houses of Parliament passed the Anti Defection law by way of 52nd Constitutional Amendment in 1985, adding Tenth Schedule to the Constitution of India with a noble intent of curbing the evil of political defections motivated by lure of office, which endangers the very foundation of democracy. Not satisfied with the functioning of the Tenth Schedule, further the Constitution was amended again in 2003 and brought the 91st Constitutional Amendment was brought. Thereafter, Sir, what happened, as per the existing provisions, if a Member who is elected on the ticket of a particular political party switches the sides or switches the loyalities to the other political party, he is bound to be disqualified. But what is really happening now? ... (Time-bell rings)... Two more minutes, Sir. When a political party from which a Member defects to the other political party, files a petition under anti-defection law, files a petition before the Speaker, the point here is whether the Speakers of the respective Assemblies before whom the petitions are being filed are capable of taking the right decisions at right point of time. This is the question, Sir.

To the best of my knowledge, in a majority of the cases where the disqualification petitions are filed before the Speaker — and they are all Speakers of their respective Assemblies — they are Seen either overreacting or not reacting at all, to the advantage of the Ruling Parties. Either not reacting or over-reacting depends upon the intentions of the political parties and the whims and fancies of the political parties that are in power. Sir, this is precisely what happened in the case of Arunachal Pradesh as well as in the case of Andhra Pradesh and Telangana. I wish to highlight this point. Even in the case of Telangana the same thing has happened. Sir, the Dinesh Goswami Committee, the Law Commission and also the Justice Venkatachaliah Commissions have unequivocally observed that the power to decide whether a particular Member is to be disqualified or not should be vested in the President of India and the President of India should take the appropriate decision in consultation with the Election Commission. This is what the recommendations of the Election Commission said.

Sir, why this agony? Why this anger? The YSR Congress Party is one Party that has been very badly affected because of the inaction of the Speaker of Andhra Pradesh; 20 of our MLAs from the YSR Congress Party defected and openly, in full public glare, joined the Telugu Desam Party for which we have filed a disqualification petition. But no action

has been taken till today. Even after a considerable lapse of time, no action has been taken by the Speaker of the Assembly.

THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN): Please conclude.

SHRI V. VIJAYASAI REDDY: Sir, these are the points that I wished to bring to the notice of this august House. Appropriate decisions at an appropriate time may be taken by this august House in this regard.

Thank you, Sir.

SHRI KAPIL SIBAL (Uttar Pradesh): Mr. Vice-Chairman, Sir, first of all, I would like to thank you for giving me the opportunity to participate in this Short Duration Discussion. I have been listening very carefully to the debate that is taking place this afternoon, but I am saddened by the fact that on such an important debate, when we would have expected the Prime Minister to be here, he is not there. Why President's rule was imposed in Uttarakhand, why President's rule was imposed in Arunachal Pradesh, will have to be answered, and should be answered, by the Prime Minister. हम पिछले कुछ दिनों से देख रहे हैं, कल भी प्रधान मंत्री जी यहां नहीं थे। प्रधान मंत्री जी पार्लियामेंट तो जरूर आते हैं, लेकिन सदन में कभी नहीं आते हैं। यह दुख की बात है।

एक माननीय सदस्यः जब वे आते हैं, तब आप नहीं होते हैं।

श्री कपिल सिब्बलः सर, दूसरी बात यह है कि यह वहीं बता सकते हैं कि राष्ट्रपति शासन लागू क्यों हुआ था? गृह मंत्री तो यहां हैं नहीं, क्योंकि वे सार्क की मीटिंग में गए हुए हैं, तो अच्छा होता कि प्रधान मंत्री जी यहां होते। जब-जब ऐसी बहस शुरू होती है, तो आरोप लगता है कि कांग्रेस पार्टी ने इतिहास में क्या किया? And quite frankly, if we start going into the unsavoury facts which are hidden in the pages of history of this country, it would serve no purpose. क्योंकि जब हम आगे चलते हैं और आगे चलते-चलते अगर हम पीछे देखेंगे, तो निश्चित रूप से गिरेंगे। आज हमें इकट्ठा होकर आगे चलना है और पीछे देख कर आगे नहीं चलना है कि 1975 में क्या हुआ, 1976 में क्या हुआ, 1948 में क्या हुआ, आज क्या हो रहा है? हमें देखना है कि हम आगे इकट्ठा होकर इस institution को कैसे मजबूत करें। सच्चाई तो यह है कि मैं आपको स्पष्ट रूप से कहना चाहता हूं कि भाजपा का एक गेम प्लान है और वह गेम प्लान आज मैं आपके सामने रखना चाहता हूँ। गेम प्लान यह है कि किसी भी प्रदेश में अगर कांग्रेस या किसी विपक्षी दल की सत्ता है, तो किसी तरीके से कुछ लोगों को अपने पक्ष में ले आओ। और अपने पक्ष में लाकर फिर गवर्नर के पास चले जाओ और गवर्नर को कह दो कि सरकार अब माइनॉरटी में है और साथ-साथ गवर्नर को कहो कि एक रिपोर्ट राष्ट्रपति जी को भेज दें और उस आधार पर राष्ट्रपति शासन लागू कर दो। राष्ट्रपति शासन लागू इसलिए कर दो कि इस बीच वह जो सत्ता पक्ष के लोग हैं अपनी तरफ कर लो और फिर उनको साथ लेकर असेंबली में अपना बहुमत स्पष्ट कर दो। अब आपको मालूम है और सब को मालूम है, when you imposed

[श्री कपिल सिब्बल]

President's rule in the States of Arunachal Pradesh as well as Uttarakhand, you could never pass that Proclamation in the House. You know very well that you have a majority in the Lok Sabha but you have no majority in the Rajya Sabha. So, why did you impose President's rule? The purpose of President's rule is that there is an emergency, that there is a constitutional breakdown and, then you will inform the Members of both Houses of Parliament that because of this constitutional breakdown, we had to impose President's rule. But you know, in both these cases, that you couldn't pass that Proclamation in this House. So, the Prime Minister has to answer why he imposed President's rule when he knew that he couldn't pass it in this House. There is only one reason that comes to light, that you wanted to use the Proclamation of emergency to serve your political ends. Those are the facts. Let me now tell you how the Office of the Governor has been misused, especially in the case of Arunachal Pradesh, and I will give you some facts. 3 नवम्बर, 2015 को गवर्नर साहब ने अगला सेशन Sixth Session of the Assembly 14 जनवरी को रखा। इस बीच 19 नवम्बर को 11 बी.जे.पी. के लोगों ने और दो इंडिपेंडेंट लोगों ने गवर्नर को चिट्ठी लिखी। उस चिट्ठी में यह लिखा कि स्पीकर के खिलाफ हम एक रिजॉल्युशन मूव कर रहे हैं। स्पीकर को रिमूव करना चाहिए और आप जल्द से जल्द असेंबली बूलाओ, ताकि स्पीकर का रिजॉल्यूशन असेंबली के सामने आए, ताकि हम उसको बर्खास्त करें। गवर्नर साहब लेजिस्लेटिव असेंबली को पूछते रहे कि कब आप रिजॉल्यूशन लाओगे? अब गवर्नर साहब को क्या दिलचस्पी है कि रिजॉल्युशन आएगा कि नहीं? Does the Governor have any right to ask for that? He has no right; he is not concerned with what is happening in the House. But he kept on asking, 'Please, tell us as to when that Resolution is going to come.' On the 7th of December, 2015, the Speaker of the House, because some people from the Congress Party had hobnobbed with the BJP, and not attended the functions of the Congress Party, sent a notice for disqualification. Seven days' notice was given to file a reply. Then it was realized by the BJP and the Governor that if nothing is done, these people would be disqualified and Tuki would continue to be the Chief Minister. So on the 9th of December the Governor preponed the Session from the 14th of January to the 16th of December. Preponed the Session! You know, Sir, and all of us know, that neither the President of India nor the Governor of any State can decide as to when a House would meet. That power is with the Government in consultation with the Speaker. That is why on the 3rd of November, it was decided that the House would meet on the 14th of January. But when the Governor realized that if he allowed the House to meet on the 14th of January, Tuki will not be removed; he preponed it. Once he preponed it, in the meantime, the Speaker disqualified the errant members. When he disqualified them, the BJP realized, that they could not do anything about it. So, what did they do? They held a meeting...

SHRI BHUPENDER YADAV: Sir, I have a point.

SHRI KAPIL SIBAL: I am not yielding. ... (Interruptions)...

SHRI BHUPENDER YADAV: Sir, I have a point of order.

THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN): He has a point of order. Let me listen to him. What is your point of order?

SHRI BHUPENDER YADAV: Sir, I have a point of order under Rule 258.

श्री पी.एल. पुनियाः यह प्वाइंट ऑफ ऑर्डर किस रूल में है? ...(व्यवधान)...

श्री भुपेन्द्र यादवः सर, यह रूल 258 में है। ...(व्यवधान)... सर, सदन की कार्यवाही चलने के दौरान कोई भी सदस्य अगर व्यवस्था का प्रश्न उठाते हैं तो वे सदन के नियम 258 के अंतर्गत उस विषय को उठा सकते हैं। सर, जो "Rajya Sabha at Work" है, हमारे इस सदन को चलाने और यहाँ विषयों को रखने के जो नीतिगत नियम हैं और हमारे इस सदन में कोई भी विषय सदस्य के रूप में रखने के जो एथिक्स हैं, उनके संबंध में इसके पेज नम्बर 282 में लिखा है, क्योंकि सदन में बोलने के लिए परम्परा का प्रयोग किया जाता है। इसके पेज 22 पर जो लिखा है, उसको में पढ़ता हूँ। इसमें लिखा है, "in their dealings, if Members find that there is a conflict between their personal interests and the public trust which they hold, they should resolve such a conflict in a manner that their private interests are subordinated to the duty of their public office." सर, में यहाँ विनम्रता से यह कहना चाहता हूँ कि मैं यह किसी को व्यक्तिगत रूप से नहीं कह रहा हूँ। यह में भी हो सकता हूँ अथवा और कोई भी हो सकता है। मेरे कहने का अर्थ किसी को रोकना नहीं है, बल्कि में एक व्यवस्था चाहता हूँ, जो सदन में भविष्य के लिए भी बने। अगर मैं किसी मैटर में एक प्राइवेट लॉयर के रूप में argue करता हूँ, is it not my duty to disclose before the House that I argued a matter in a court in personal capacity also? ... (Interruptions)...

DR. K. KESHAVA RAO (Andhra Pradesh): Sir, this is a known and established law that a lawyer goes and presents a case, the facts of a case, before the Judge who does not belong to any political party. So, if Mr. Sibal has a personal interest, he should declare it. ... (Interruptions)...

SHRI BHUPENDER YADAV: Sir, I am not questioning anything. I am also a lawyer. I am not questioning anything. Sir, the propriety demands that I should first disclose that I argued that matter in a court in a personal capacity also because we must have a fair argument here. I am not against anybody. Even today, it happened with me. It can happen with any other Member also. This is the highest House of this country. ... (Interruptions)...

THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN): Please allow him to speak. ... (Interruptions)... Let him conclude.

SHRI BHUPENDER YADAV: Sir, protect me from Mr. Rajeev Shukla also. Kindly tell him to sit down.

THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN): Please, sit down. Mr. Shukla, I will give you time.

श्री भुपेन्द्र यादवः यह तो उनके अधिकार में है कि वे किसको इजाज़त दें। उन्होंने मुझे इजाज़त दी है, इसके लिए मैं उनको धन्यवाद देता हूँ। इसमें किसी का कुछ पर्सनल नहीं है। ऐसा मैं बिल्कुल नहीं कह रहा हूं। इसको मैं बहुत सम्मान और विनम्रता के साथ कहना चाहता हूं, लेकिन एक भविष्य की व्यवस्था का प्रश्न हम इस सदन में उपस्थित करें। हम जो भी मैटर इस हाउस में उठाते हैं, suppose मैं कोई व्यवसाय भी चलाता हूं और उसके संबंध में पॉलिसी का कोई argument आता है, चाहे मैं उससे नहीं कमाता हूँ और उसको चैरिटी ट्रस्ट में देता हूं, लेकिन उसको argue करने से पहले सदन की जो कंवेंशंस हैं, उन कंवेंशंस में आपकी रूलिंग आए। मैं यहाँ पर किसी को interrupt करना या रोकना नहीं चाहता हूं, लेकिन सदन में नियमों की एक व्यवस्था, एक जो कंवेंशन हम देना चाहते हैं, उस पर आप अपनी रूलिंग दें, इतना ही मेरा आपसे निवेदन है।

SHRI GHULAM NABI AZAD: If we set this precedent, it will go against the Ruling Party, and my distinguished friend, colleague and the Leader of the House. He is a very distinguished lawyer, and, over a few decades, there might be hardly any case where he must not have appeared. Now, as the Leader of the House and Finance Minister, he is talking about the policies. Tomorrow, one will say, you were a lawyer for this, and you cannot make a policy and speak. I do not think it is fine. Please do not go into this. When it will start, tomorrow, it will apply to you also.

श्री भुपेन्द्र यादवः हमारे प्रतिपक्ष के नेता ने एक बहुत अच्छा विषय उठाया है। मैं general policy की बात नहीं कर रहा हूं। General policy में किसी भी मुद्दे के संबंध में हम argue कर सकते हैं। Here, I am asking about a particular case, which is the subject-matter of discussion in this House. ... (Interruptions)... I am not talking about general policy. ... (Interruptions)... मेरा व्यवस्था का प्रश्न ऐसा है ... (व्यवधान)... मेरा व्यवस्था का प्रश्न ऐसा है कि मैं अगर कोई particular ... (व्यवधान)...

THE VICE-CHAIRMAN (SHRI T.K. RANGARAJAN): No, no. Please. ... (Interruptions)... What is your specific point?

श्री भुपेन्द्र यादवः मेरा व्यवस्था का प्रश्न पॉलिसी के संबंध में नहीं है। मेरा व्यवस्था का प्रश्न है कि अगर कोई particular case है, और उस particular case में अगर इस सदन में कोई विषय चलता है, उस पर विचार रखने से पहले क्या मुझे उसे disclose करना चाहिए या नहीं करना चाहिए? ...(व्यवधान)...

(MR. DEPUTY CHAIRMAN in the Chair)

SHRI RAJEEV SHUKLA (Maharashtra): It is public knowledge that he had appeared in that case. Even, in his speech, Venkaiah ji had pointed it out. ... (Interruptions)...

SHRI BHUPENDER YADAV: I am not on public and policy issue. I am talking about a particular case. ... (Interruptions)... Here, you are narrating. ... (Interruptions)...

SHRI RAJEEV SHUKLA: That is where your personal interest is involved. ... (Interruptions)... You must have appeared in a lot many cases relating to Gujarat. ... (Interruptions)... When you are arguing about Gujarat... ... (Interruptions)...

SHRI BHUPENDER YADAV: Sir, I ask the Chair....(Interruptions)... Here, you are narrating facts of a particular case. ...(Interruptions)...

SHRI RAJEEV SHUKLA: Bhupender ji, I know you have appeared in several cases in ... (Interruptions)...

MR. DEPUTY CHAIRMAN: What is the problem? ... (Interruptions)...

SHRI BHUPENDER YADAV: I am not talking about ... (Interruptions)...

SHRI RAJEEV SHUKLA: Whenever any issue is raised about Gujarat, ... (Interruptions)...

श्री भुपेन्द्र यादवः में उपसभापति महोदय से कहना चाह रहा हूं। मैं यह कहना चाहता हूं कि ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: I did not understand it. ... (Interruptions)...

SHRI BHUPENDER YADAV: Sir, may I repeat it? ... (Interruptions)...

SHRI RAJEEV SHUKLA: It is in public domain that he had appeared. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: I thought you were speaking. That is why I came. \dots (Interruptions)...

SHRI BHUPENDER YADAV: Sir, may I again repeat the point or order? ... (Interruptions)...

SHRI RAJEEV SHUKLA: Sir, the discussion is on the role of Governor. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: So, Mr. Sibal, were you speaking. ... (Interruptions)...

SHRI KAPIL SIBAL: Yes, Sir. ...(Interruptions)... Sir, what he is saying is that I was a lawyer in the matter and I did not disclose that fact. Even Venkaiah ji himself said that Mr. Sibal would in fact, throw light on this matter. Everybody knows that I am the one who appeared in that matter. It is public knowledge. Even he knows that. ...(Interruptions)...

SHRI RAJEEV SHUKLA: Please withdraw what you said. ... (Interruptions)...

SHRI BHUPENDER YADAV: I am not withdrawing that. ... (Interruptions)... I want a ruling, Sir. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: One second. ... (Interruptions)... Kapilji, one second. ... (Interruptions)... I do not know what the problem was. I was under the impression that you were speaking. In the T.V., I saw you speaking, so, I thought that you were speaking. And, I just came here. So, Mr. Sibal, have you not completed your speech? ... (Interruptions)... Mr. Yadav, what is the issue which you are speaking about? ... (Interruptions)... Is it a point of order?

SHRI BHUPENDER YADAV: Yes, Sir. It is a point of order.

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

SHRI BHUPENDER YADAV: Sir, my point of order is under Rule 258, and, Sir, it is about the convention. Sir, the convention is that in 'Rajya Sabha At Work' Page 282 ...

MR. DEPUTY CHAIRMAN: No, no. You speak only about the Rules. ... (Interruptions)... In 'Rajya Sabha At Work', they are all opinions. I only go by the Rules.

श्री भूपेन्द्र यादवः इस opinion के ऊपर convention है।

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

श्री भुपेन्द्र यादवः Convention यह है कि अगर कोई particular matter इस सभा के सामने विचार के लिए उपस्थित है, उस particular matter के facts पर अगर हम किसी भी न्यायालय में वकील की हैसियत से argue करते हैं, तो उन्हीं facts को बिना यह disclose किए, कि मैंने न्यायालय में भी इन facts को argue किया है, चाहे वह पक्ष में हो या विपक्ष में हो, क्या हम इस सदन के अंदर argue कर सकते हैं?

कुछ माननीय सदस्यः क्यों नहीं? ...(व्यवधान)...

SHRI PRAMOD TIWARI: What prevents you from doing it? ... (Interruptions)...

श्री भूपेन्द्र यादवः बिना disclose किए? ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Let me deal with that. ... (Interruptions)...

श्री भुपेन्द्र यादवः मेरा दूसरा विषय यह है कि हम किसी विषय की पॉलिसी पर argue कर सकते हैं, बहुत सारी policies पर argue कर सकते हैं। I am not talking about in general. I am talking about a particular case. In a particular case, if I engage as a lawyer in my personal position, can I use......(Interruptions)...

MR. DEPUTY CHAIRMAN: I have got your point. ... (Interruptions)...

SHRI BHUPENDER YADAV: Sir, my last sentence is, क्या मैं जो personal capacity में argue करता हूं, उसको पब्लिक के लिए भी बिना disclose किए argue कर सकता हूं और करना चाहिए या नहीं करना चाहिए? यह एक propriety का मैटर है, आप इस पर अपनी रूलिंग दे दीजिए।

MR. DEPUTY CHAIRMAN: All right.

SHRI DEREK O'BRIEN: Sir, ... (Interruptions)...

MR. DEPUTY CHAIRMAN: That's all. I will deal with that. ... (*Interruptions*)... No need. ... (*Interruptions*)... I will deal with that. ... (*Interruptions*)...

SHRI DEREK O'BRIEN: Sir, I am on a point of order. ... (Interruptions)... I am not on the same point of order. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Then let me give the ruling on that. Then I will allow you. You are not on that subject, I believe. ... (Interruptions)...

SHRI DEREK O'BRIEN: I am not taking this side or that side. I am on a Rule, Rule 294. Just give us a ruling on Rule 294. He is talking about Rule 248; I am not finding Rule 248. ...(Interruptions)...

SHRI SUKHENDU SEKHAR ROY: It is Rule 258.

SHRI DEREK O'BRIEN: You look at Rule 294, Sir, and this is not to make a charge here....(*Interruptions*)...

MR. DEPUTY CHAIRMAN: This is what I was going to say. ... (Interruptions)...

SHRI DEREK O'BRIEN: I was listening to the debate.

MR. DEPUTY CHAIRMAN: No, no; this is what I was going to say. I know it.

SHRI DEREK O'BRIEN: Sir, look at Rule 294.

MR. DEPUTY CHAIRMAN: I know it.

SHRI DEREK O'BRIEN: Because you are bringing up Rule 258 ... (Interruptions)...

MR. DEPUTY CHAIRMAN: I am not ... (Interruptions)...

SHRI DEREK O'BRIEN: Was he impinging on Rule 294? ... (Interruptions)...

MR. DEPUTY CHAIRMAN: I got it. ... (Interruptions)... See, the only point what you are saying is this. Hon. Member, Shri Kapil Sibal, has certain information about a particular case which he is arguing in the court, and because of that, he has information. That means, he has an interest. That is the issue; the question of interest. That is what you want to raise. Isn't it? Now, let me say ... (Interruptions)... Yes, declaration of interest. That means he has a private interest. That is what I am saying. Information can be from anywhere. There is no bar for a Parliamentarian to take information from anywhere. I was a teacher. I have a lot of information, which I get from my profession, which I will use here. So, information can be from anywhere. But the important thing is, if I have a private interest in any matter being discussed here, then I am supposed to declare my interest. Only after that I can speak. So, if you are arguing a particular case, connected with this discussion, you only say that you are arguing it. That interest should be declared and then proceed. That's all. ... (Interruptions)...

KUMARI SELJA: But that is over. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Is that over? ...(Interruptions)... Let him explain. ...(Interruptions)... Are you arguing it now?

SHRI KAPIL SIBAL: No! That is what I said. What private interest can I have in a case that has been decided by the Supreme Court? ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Then no private interest is there in it....(Interruptions)...

No, no ...(Interruptions)... Sit down. I have given the ruling. ...(Interruptions)... I know it. See, at present, when this discussion is going on, if you are engaged as an advocate in a case which is related to this discussion, you have an interest. If you argued a similar case two years back or three years back, and which is over, there is no interest here, no question of interest.

SHRI KAPIL SIBAL: Thank you.

MR. DEPUTY CHAIRMAN: That's all. ...(Interruptions)... No, Any case ...(Interruptions)...

श्री मुख्तार अब्बास नक़वीः सर, आप रिकॉर्ड पर जाइए, exact उसी केस के बारे में ऑनरेबल मेम्बर ने डिस्कशन में उसे quote किया है, जिसके बारे में interest की बात की जा रही है। आप रिकार्ड पर जाइए, रिकार्ड पर जाने के बाद, जो ऑनरेबल भुपेन्द्र यादव जी ने point of order किया है, उस point of order को आप देखें और उस पर रुलिंग दें।

श्री भूपेन्द्र यादवः सर, मेरा यह भी कहना है कि ...(व्यवधान)...

DR. K. KESHAVA RAO: Sir, the Chairman has the authority. ...(Interruptions)... He has explained it two times or three times. You have said it again. The first response of the Chairman was that there are only opinions in the book. These are not the Rules. He said, "I will go by the Rule." ...(Interruptions)...

SHRI MUKHTAR ABBAS NAQVI: Dr. Keshava Rao, this issue is not related to ... (Interruptions)... Why should you ... (Interruptions)...

DR. K. KESHAVA RAO: नक़वी साहब, बैठ जाइए।...(Interruptions)... Naqvi ji, I am not yielding....(Interruptions)...

SHRI MUKHTAR ABBAS NAQVI: This point of order is not about you. ... (Interruptions)...

DR. K. KESHAVA RAO: No, no; a point of order is for all of us. Let him know the Rules. Sir, allow my point of order. This point of order relates to the House being set in order. So, everyone is interested in that. The Chair was very correct when he first said, if he was referring to the book, it was an opinion. Usually, whenever there is a rule, a lot of opinions come. That is the first judgement given by him. The second thing is, what we said before you came, Sir, he was a lawyer some time back, say, one year back.

MR. DEPUTY CHAIRMAN: Not now.

DR. K. KESHAVA RAO: He won the case. The case is over. Where is the question of personal interest in that?

MR. DEPUTY CHAIRMAN: No, no; verdict is over.

DR. K. KESHAVA RAO: Yes, verdict is over and implementation is also over, and he is no more holding the ... (*Interruptions*)...

MR. DEPUTY CHAIRMAN: Then, it is okay. ... (Interruptions)... If you extend that argument, ... (Interruptions)...

SHRI BHUPENDER YADAV: Sir, please *See* 294(1) also. ...(*Interruptions*)... I want to read that. ... (*Interruptions*)...

MR. DEPUTY CHAIRMAN: I know Rule 294. I said that if he has any private interest, he should declare it. I told that to him. But I will tell you what private interest is; I will explain to you. For example, when I was a professor in a college, I got so much information from there. That is the information I got from my profession. Now, can I not use it here? Likewise, it is about his profession. He was engaged in a particular case. That case is over. ... (Interruptions)...

SHRI BHUPENDER YADAV: That case is not over....(Interruptions)...

MR. DEPUTY CHAIRMAN: If it is not over, then you can dispute that. ... (*Interruptions*)... I will come to that. ... (*Interruptions*)... What I have been told is that the case is over and the verdict is given. ... (*Interruptions*)...

SHRI MUKHTAR ABBAS NAQVI: Case is not over. Case is pending before the court. ... (Interruptions)... Hon. Member is the advocate in this case. ... (Interruptions)... Case is already pending in the court. ... (Interruptions)...

SHRI BHUPENDER YADAV: Sir, just a minute. ...(Interruptions)... Sir, you are giving a very good example. Suppose I am a professor in a college, मैंने एक क्वेश्चन पेपर सेट किया है और वह क्वेश्चन पेपर लीक हो गया। ...(व्यवधान)... वह क्वेश्चन पेपर लीक हो गया। Now, the subject matter of leakage of that paper is subject matter of discussion in the House. ...(Interruptions)... Without informing the House that I am the person who set the paper, can I argue that? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Bhupender Yadavji, that example will not work here. ...(Interruptions)... Court is an open court. ...(Interruptions)... In court, whatever you say is open to everybody. ...(Interruptions)... It is open court. ...(Interruptions)...

SHRI ANAND SHARMA: Sir, what he is referring to and what the Minister of State for Parliamentary Affairs, Naqviji, has just said, is not a correct statement. In the morning, Sir, I quoted from a judgment of the Constitutional Bench of the Supreme Court of 13th of July. So, that matter is over. ... (Interruptions)...

SHRI BHUPENDER YADAV: But, if you are appearing as a lawyer after taking a brief, that is a pecuniary interest. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Okay. ...(Interruptions)... Mr. Bhupender Yadav, no further discussion on this. ...(Interruptions)... Mr. Bhupender Yadav, please sit down. ...(Interruptions)... All of you sit down. ...(Interruptions)... I am giving the ruling. ...(Interruptions)... Please listen. ...(Interruptions)... This matter is very simple. Rule 294 states, "Whenever a member has a personal or specific pecuniary interest (direct or indirect) in a matter being considered by the Council or a Committee thereof, he shall declare the nature of such interest notwithstanding any registration of his interests in the Register, and shall not participate in any debate taking place in the Council or its Committees before making such declaration." If you have a private interest, declare it and then you can continue. That's all. ...(Interruptions)... That is up to him now. ...(Interruptions)...

SHRI SUKHENDU SEKHAR ROY: Sir, kindly See the explanation to Rule 294. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: That is regarding vote. ... (Interruptions)... So, it is only up to Mr. Kapil Sibal to declare if he has any personal interest. If you have no interest, you say that and speak.

SHRI KAPIL SIBAL: Sir, the case has been argued, the judgment has been delivered and I have no personal interest.

MR. DEPUTY CHAIRMAN: Okay, fine. Then, you can proceed. That is the ruling. Now, you can proceed. ...(*Interruptions*)...

SHRI KAPIL SIBAL: Sir, ten minutes have been wasted on this.

Mr. Deputy Chairman, Sir, the point that I was making was that on the 9th of December, the Governor decided to prepone the Assembly session to the 16th of December. So, he preponed it. Then, what the BJP along with others did was to have a session outside the Assembly. On the 15th of December, the Congress members who had revolted were disqualified. So, the Deputy Speaker was also disqualified. On the 16th of December, the Deputy Speaker chaired that session and declared the disqualification to be bad along with his own disqualification. He declared his own disqualification to be bad. On 16th of December, he removed the Speaker and declared that the Speaker was no longer the Speaker of the House. This is what happened. And this is what happened in Arunachal Pradesh; Venkaiahji, probably, did not know the facts. On the 16th of December, he did that. On 17th of December, again, outside in a hotel, the members moved a No Confidence Motion and elected somebody else as the Chief Minister. Now, this is unheard of in the history of India. Yes, Article 356 has been

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used, misused. But this kind of machination has never happened in the history of India. This is for the first time, that the Supreme Court, after several months and after another gentleman became the Chief Minister, restored the status quo ante, which has also never happened in the history of India. This is the extent of castigation of the machinations of the BJP. They not only want a Congress-mukt Bharat, they want a North East-mukt Bharat. That is what one of the General Secretaries said. I do not want to take his name because he is not a Member of this House. That is what he said, "They want a North East-mukt Bharat". So, what did the Supreme Court do? The Supreme Court said, "What business did the Governor have to pre-pone the Assembly?" He has no Constitutional right. He is a hyphen between the Executive and the Legislature, nothing more. But you are treating your Governors as *, as *. ... (Interruptions)... You are treating them as * and you are using the post of the Governor to destabilize elected Governments in this country. And I warn you, if you are 282 today, you will be 28 tomorrow. That is what is going to happen to you. Don't do this. See what the Supreme Court has said. I just want to read a couple of lines from the Supreme Court judgment so that you are enlightened about the extent to which the Supreme Court has gone in castigating the functioning of the Governor. I am referring to paragraph 191. With your permission, Sir, I will read it. "We are of the view that it needs to be asserted as a constitutional determination, that it is not within the realm of the Governor to embroil himself in any political thicket. The Governor must remain aloof from any disagreement, discord, disharmony, discontent or dissension, within individual political parties. The activities within a political party, confirming turbulence, or unrest within its ranks, are beyond the concern of the Governor." तो जैसा वेंकैया नायडु जी कह रहे थे कि आपकी पार्टी में यह हुआ, आपकी पार्टी में वह हुआ, it has nothing to do with the Governor. The Governor has no role to play. The Governor cannot entertain Members of the BJP and decide to tell the Speaker or tell the Chief Minister to put a Resolution for removal of Government in the House. What role does the Governor have? The Governor is not interested in the proceedings of the House. Can the President of India ask this House or the Lok Sabha as to what are the proceedings and what are the items of agenda that are being debated in the House? Further, you wanted to know in which paragraph of the Supreme Court judgment this was used. "The Governor must keep clear of any political horse-trading and even unsavoury political manipulations, irrespective of the degree of their ethical repulsiveness. Who should or should not be a leader of a political party, is a political question, to be dealt with and resolved privately by the political party itself." It is the Congress Party's concern, not the BJP's concern. Why are you concerned as to

^{*}Expunged as ordered by the Chair.

what was happening in our Party. You get concerned about what is happening in yours. What is happening in yours in Gujarat is very disturbing. What is happening in Uttar Pradesh is also equally disturbing. What is happening in Muzaffarnagar and what are you doing there, is also equally disturbing. But we do not comment on it. People know what is happening. Further, "The Governor cannot, make such issues, a matter of his concern. The provisions of the Constitution do not enjoin upon the Governor the authority to resolve disputes within a political party, or between rival political parties. The action of the Governor, in bringing the aforesaid factual position to the notice of the President, in his monthly communications, may well have been justified for drawing the President's attention to the political scenario of the State. But it is clearly beyond the scope of the Governor's authority." This is what the Supreme Court has said about the actions of your Governor. And your Prime Minister has chosen not to come to this House and explain to the people of this country. It is *. Not only did the Governor do this, he also sent messages to the House. He set the agenda for the House. He said, on such and such day, on 16th of December, when you meet, the following will be the items on the agenda to discuss. The first item on the agenda would be the removal of the Speaker. Is this of the function of the Governor? The people of this country do not even know and your Prime Minister choose to remain aloof.

प्रधान मंत्री को बताना चाहिए कि वे कौन से एजेंडे पर काम कर रहे थे? वह कौन-सा आर.एस.एस. का एजेंडा था? उनके मन की मंशा क्या थी? वे मन की बात तो करते हैं, पर मन की मंशा तो बताएं। उन्होंने अरुणाचल प्रदेश में ऐसा क्यों किया? ...(समय की घंटी)... चिलए, अरुणाचल की बात खत्म हुई, मैं उत्तराखंड पर आता हूं। ...(समय की घंटी)...

MR. DEPUTY CHAIRMAN: Okay; your time is over. Now, please conclude.

श्री कपिल सिब्बलः में उत्तराखंड की बात करता हूं। Sir, give me a few minutes.

SHRI BHUBANESWAR KALITA (Assam): Sir, let him speak. I forego my time.

MR. DEPUTY CHAIRMAN: Are you withdrawing your name? ...(Interruptions)...

श्री कपिल सिब्बलः उत्तराखंड में क्या हुआ? उत्तराखंड में 18 फरवरी को, ...(व्यवधान)... वहाँ भी मैं ही वकील था। मैं आपको बता दूं कि उसकी भी जजमेंट आ चुकी है, लेकिन वहाँ भी मैं वकील था। 18 फरवरी को क्या हुआ? 18 फरवरी को Leader of Opposition के letterhead पर एक चिट्ठी लिखी गई। उसमें काँग्रेस के जो नौ बागी एमएलएज़ हैं, उनके भी दस्तख्त हैं। उसमें Leader of Opposition बीजेपी का था। सबसे विचित्र बात यह है कि जब शाम को चिट्ठी लिखी जाती है, तो चिट्ठी का पहला paragraph, मैं पढ़ना चाहता हूं, वह चिट्ठी मेरे पास है। उसमें लिखा है, "The Leader of the

^{*}Expunged as ordered by the Chair.

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Opposition met you today on 18th March, morning and requested you to forward the message to Speaker of the Legislative Assembly, to seek a division of votes on the proposed Income & Expenditure Appropriation Bill for financial year 2016-17, as introduced in the Assembly, as the Government is in minority and is being run in an unconstitutional manner." मतलब की सुबह ही बता दिया था कि Government is in minority. अभी तो session हुआ भी नहीं था और नौ बाग़ियों के इस चिट्ठी पर दस्तखत हैं। So, what happens? It is very shocking. What happens is that the Session takes place and, after the Session takes place, according to the Congress Party there, the Appropriation Bill was passed. According to the Government of India, it was not passed. In any case, on 21st March, the Governor told Shri Harish Rawat to prove his majority on the floor of the House on 28th. He was ready to prove it. In the meantime, the Speaker sent notices for disqualification; the same thing that happened in Arunachal. Those people approached the Court for stay; stay was not granted. Now, they realized that they had been disqualified. That is why on 27th March, this Government imposed President's rule. On 28th, he was to prove his majority on the floor of the House. Because the disqualified Members did not get a stay, therefore, they imposed President's rule. They knew, this Government knew that President's rule cannot succeed here because in Rajya Sabha they have no majority. Why did they do this? They did not want Shri Harish Rawat to prove his majority on the floor of the House, which he would have proved. This is the way they have circumvented elected Governments. And then what did they do? That was even more surprising and been never happened in the history of this country. Our dear Finance Minister, who is a good friend of mine, decided and this Government decided that the Appropriation Bill was not passed. Distinguished Members of this House, just imagine, can a Finance Minister of the Government of India decide that an Appropriation Bill has not been passed in a particularly Assembly, in a particular State? Does he have any authority to do that? Will Finance Ministers of this country decide whether the financial business was cleared or not in a particular House on a particular day. Is that the function of the Finance Minister of this country? The Finance Minister must explain his position and that is the ground on which they imposed President's rule and the Appropriation Bill was not passed. Under the Constitution of India, if a financial business is passed and a Money Bill is passed in the House -- which is true even here — then it has to be approved by the Governor. Governor has no choice to disagree with it. He has no choice. But the Governor didn't do that. And this Proclamation was issued before the 31st March. I can understand. By 31st March, had the Governor not given his consent, then, there would have been a Constitutional crisis.

But he had imposed President's rule on 27th of March, instead of waiting for the beginning of April. So, the point I am making is all these facts are in the public domain. All these facts were known to the Prime Minister. All these facts were known to the Finance Minister and to the Law Minister, yet, the provisions of the Constitution were misused.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI KAPIL SIBAL: I will take a few minutes and I am done. These are very important issues. What did they do? They ultimately went to the Governor's house on 18th March, and at 1 o'clock in the night, एक बजे रात को वे स्पाइसजेट की फ्लाइट लेकर सब लोगों को दिल्ली ले आए, उसके बाद राजस्थान ले गए, उसके बाद मुम्बई ले गए। They spent a lot of capital but they got no return on their capital. After all, इतना खर्च किया, आपको कुछ तो रिटर्न मिलना चाहिए था? आपको वह भी नहीं मिला। हमारी सरकार अरुणाचल प्रदेश में भी चल रही है और उत्तराखंड में भी चल रही है। यह इतिहास में पहले कभी नहीं हुआ आप जो बात कर रहे हैं, ऐसा पहले कभी इतिहास में नहीं हुआ। All these dates were in the month of March. यह पहले कभी इतिहास में नहीं हुआ।

हाँ, आप इमरजेंसी की बात करते हैं, ठीक करते हैं कि आप इमरजेंसी की बात करते हैं, लेकिन उसी जनता ने 1980 में क्या किया? वह वापस कांग्रेस पार्टी को लाई। इतना ही रोष होता, तो हम वापस कभी नहीं आते। इसलिए कहने का मतलब यह है कि आज भी आप समझ लीजिए और अपनी नीयत साफ कर लीजिए।

SHRI T.K. RANGARAJAN: Are you justifying Emergency?

SHRI KAPIL SIBAL: Who is justifying? I said, in 1980 the people of India voted the Congress back. ...(Interruptions)... Voted the Congress back. Nobody is justifying anything. They talk about the Emergency, I am telling them that the people of India yet reposed faith in the Congress Party. Come to 2019, the same thing will happen. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: Now, conclude.

SHRI KAPIL SIBAL: My request to this House is when you look, don't look back, look forward and let us walk together, make sure that the right people are appointed as Governors of the States. Let's make sure that they are not agents, they are not RSS agents, कोई कहता है किं अल्पसंख्यकों को बंगलादेश चले जाना चाहिए। कोई कहता है कि वहाँ चले जाना चाहिए। कोई मुजफ्फरनगर के बारे में कहता है। कोई कहता है कि अवार्ड्स क्यों वापस दिए। कोई कहता है कि पाकिस्तान चले जाओ। ये गवर्नर्स कह रहे हैं! कोई लव जिहाद की बात करता है। यह आप कर क्या रहे हैं? संविधान की एक मर्यादा है, एक institution की मर्यादा है। आप

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5.00 р.м.

उस मर्यादा से खिलवाड़ क्यों कर रहे हैं? हमारे गवर्नर्स ने कभी ऐसा काम नहीं किया। ठीक है, political appointments जरूर हुई होंगी, लेकिन वे आरएसएस के प्रचारक कभी नहीं रहे। अगर आप आरएसएस के प्रचारकों को गवर्नर्स बनाएँगे, तो उस संस्था का क्या होगा? हम यह माँग करना चाहते हैं कि प्रधान मंत्री यहाँ आकर स्पष्टीकरण दें कि ऐसा क्यों हुआ ...(समय की घंटी)... और इस देश से माफी माँगें, ...(व्यवधान)... इस देश से माफी माँगें और उस गवर्नर को बर्खास्त करें। यह हमारी माँग है। बहुत-बहुत धन्यवाद।

MR. DEPUTY CHAIRMAN: Shri Bhupender Yadav. ... (Interruptions)... I thought you were speaking.

SHRI BHUPENDER YADAV: Sir, can I now speak?

MR. DEPUTY CHAIRMAN: Now, you can speak.

श्री भुपेन्द्र यादवः सम्माननीय उपसभापित महोदय, अभी किपल सिब्बल जी के द्वारा अरुणाचल प्रदेश के जजमेंट का पैराग्राफ 191 पढ़ा जा रहा था। जब वे पैराग्राफ 191 पढ़ रहे थे, तो मैं यह सोच रहा था कि वे उस पैराग्राफ को शुरू से पढ़ेंगे, लेकिन उन्होंने वहाँ से, बीच से पढ़ना शुरू किया, जहाँ से वह उनको मुफीद था, लेकिन मैं उस पैराग्राफ की उस लाइन को पढ़ना चाहता हूँ, जो छूट गई है। यह सदन इस विषय पर विचार कर रहा है कि भारत में भविष्य में हमारी जो विधायिका है, उसका कार्य संचालन किस प्रकार से हो। यह सच है कि गवनर की भूमिका पर विचार करने के लिए आज हम यहाँ उपस्थित हुए हैं, लेकिन गवर्नर के साथ-साथ स्पीकर की भूमिका भी क्या हो और गवर्नर को क्या role assign करना चाहिए, इस पर भी विचार करना चाहिए।

श्री सिब्बल साहब बहुत ही वरिष्ठ वकील हैं, हम उनका बहुत सम्मान करते हैं, लेकिन अगर उनके मुंह से ये शब्द निकलते, "हमारे गवर्नर", तो यह उचित नहीं है। वे महामिहम राष्ट्रपित जी के द्वारा मनोनीत गवर्नर हैं। वे न हमारे हैं और न ही आपके हैं, वे महामिहम राष्ट्रपित जी के द्वारा मनोनीत हैं। हमारे यहां दो पद ऐसे हैं। एक तो स्पीकर का पद ऐसा है, स्पीकर चाहे किसी भी पार्टी का हो, लेकिन संसदीय लोकतंत्र में अगर एक बार कोई स्पीकर बनता है, तो वह above the party है। अगर एक बार महामिहम के द्वारा किसी को गवर्नर मनोनीत किया जाता है, तो गवर्नर मनोनीत होने के बाद कार्य और आचरण में संप्रभुता की शक्ति उनके पास आ जाती है। अगर उस पर कोई प्रमुख के रूप में कार्य करता है, तो गवर्नर करता है। लेकिन आज एक सामान्य राजनैतिक कार्यकर्ता होने के नाते, मैं उसी जजमेंट के पैरा 191 को पढ़ना चाहता हूं और एक प्रश्न भी पूछना चाहता हूं। उसमें लिखा है, "The Governor must remain aloof from any disagreement, discord, disharmony, discontent or dissension within individual political parties, the activities within a political party, confirming turbulence or unrest within its ranks are beyond the concern ... of Governor." ... (Interruptions)... Yes, I am reading.

MR. DEPUTY CHAIRMAN: No. Let him speak. You continue.

SHRI BHUPENDER YADAV: It further says, "The parameters of Governor's powers with reference to Articles 163, 174, 175, 179 and the Tenth Schedule, have been dealt with by us hereinabove and need not be repeated. We are of the view that it needs to be asserted as a Constitutional determination, that is not within the realm of the Governor to embroil himself in any political thicket," गवर्नर का पद राजनीति से ऊपर है, लेकिन संविधान का जो अनुच्छेद 181 है, जब हमारा संविधान बना, तो उस अनुच्छेद में यह कहा गया. "The Speaker or the Deputy Speaker not to preside while a resolution for his removal from the office is under consideration. जब संविधान बना, तब हम Anti-defection Law नहीं लेकर आए थे। तब कानून यह था कि संविधान बनते समय अगर स्पीकर के खिलाफ किसी भी प्रकार का कोई प्रस्ताव आता है, तो उस प्रस्ताव को स्पीकर नहीं सुनेगा, वह प्रस्ताव सदन में चर्चा के लिए आएगा। अब तो Anti-defection Law आ गया है। चूंकि अब राजनीतिक परिस्थिति बदल गई है, ऐसे में अगर राजनैतिक विचारों से अलग होने के कारण, यदि किसी राजनैतिक दल का शासन, उसके सदस्यों की एक निश्चित मात्रा में असहमति होती है, तो क्या हम उनको Anti-defection Law का डर दिखा करके स्पीकर की शक्ति का उपयोग करके एकतरफा कर देंगे? क्या ऐसे में गवर्नर चुपचाप बैठ जाएगा? हालांकि जो जजमेंट लिखा गया है, उसमें कहा है कि गवर्नर राष्ट्रपति महोदय को अपनी एक monthly report भेजेगा, लेकिन यह विषय उसके स्वविवेकाधिकार का विषय है।

महोदय, न्यायालय के निर्णय का हम सब सम्मान करते हैं, इसलिए मैं न्यायालय के निर्णय पर चर्चा नहीं कर रहा हूं, मैं उन परिस्थितियों पर चर्चा कर रहा हूं, जिन परिस्थितियों को निर्मित किया गया है। कल इस पूरे सदन में एक भी वोट विपक्ष में नहीं था, उसके बावजूद भी हमने हर क्लॉज़ के ऊपर मत लेने का कार्य किया, चूंकि वह संवैधानिक संशोधन था। उत्तराखंड के केस में भी डिवीज़न मांगा गया, यह रिकॉर्ड पर है और अब इस पर निर्णय हो चुका है, वह विषय अलग है। राज्य के धन को पारित करने का अधिकार हमने विधान सभा को ही दिया है, आखिर वहां भी सब जनता के चुने हुए प्रतिनिधि ही आते हैं। जब जनता के प्रतिनिधि के रूप में हम विधान सभा में आते हैं, ऐसे में राज्य के द्वारा जिस पैसे का उपयोग किया जा रहा है, अगर उसके ऊपर कोई मोशन देते हैं अथवा डिवीज़न की मांग करते हैं, तो क्या उस मांग को नहीं माना जाना लोकतंत्र में लम्बा चलेगा? इसलिए ...(व्यवधान)... मैं इसका जवाब मंत्री जी से ही लूंगा। ...(व्यवधान)... Mr. Deputy Chairman, Sir, I want to address you. मुझे मंत्री जी जवाब देंगे, मुझे कोई सदस्य इसका जवाब नहीं देगा। ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: No, no. He is not yielding. ... (Interruptions)... He is not yielding.

SHRI BHUPENDER YADAV: I am not asking him. I am asking the hon. Minister. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: He is not yielding. ... (Interruptions)... But he is not yielding. ... (Interruptions)...

श्री भुपेन्द्र यादवः मुझे मंत्री जी इसका जवाब देंगे। ...(व्यवधान)... मुझे मंत्री जी इसका जवाब देंगे। ...(व्यवधान)... उपसभापित जी, मैं आपको एड्रेस कर रहा हूं। ...(व्यवधान)... क्योंिक यह विषय इस देश की लोकतांत्रिक व्यवस्था को कैसे आगे बढ़ाया जाए, सदन में जो हम काम करना चाहते हैं, ...(व्यवधान)... जितनी भी अपनी विधान सभा की कार्यवाहियां हैं, विधान सभा में जितनी भी प्रकार की हमारी लोकतांत्रिक विषयों की प्रतिबद्धताएं हैं, उन सारी प्रतिबद्धताओं को हम किस प्रकार से आगे बढ़ा सकते हैं? ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: Mr. Kapil Sibal, he is not yielding. So, you cannot raise your point. ... (Interruptions)...

SHRI KAPIL SIBAL: This House has no right to discuss it. That is the rule ... (Interruptions)...

MR. DEPUTY CHAIRMAN: When he is not yielding, you cannot raise your point ...(Interruptions)...

MR. KAPIL SIBAL: Sir, I am on a point of order.

MR. DEPUTY CHAIRMAN: Mr. Bhupender Yadav, are you yielding?

SHRI BHUPENDER YADAV: Yes, Sir.

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

SHRI KAPIL SIBAL: I request my distinguished friend not to discuss what had happened in the Assembly, how financial business was transacted because that is not within the domain of this House or the Member of this House. What was done in the Assembly, whether the Appropriation Bill was passed or not, is something that the Assembly will decide. It cannot be discussed in this House. So, I request the distinguished Member not to refer to any of those things. He can not possibly say that the Appropriation Bill was not passed, the motion had to be voted. That is for the Speaker to decide and not for the distinguished Member to comment upon. This is a very serious issue. It is a Constitutional issue. Do we keep discussing whether the financial business in the Assembly was passed or not; whether the Appropriation Bill was passed or not or whether the Motion was moved or not? Can we discuss that? Can any Member refer to that? There are the proceedings of an autonomous Constitutional authority. That is the House.

श्री प्रभात झाः जो आप बोलेंगे, वह ठीक है, लेकिन वह जो बोलेंगे ...(व्यवधान)...

श्री कपिल सिब्बलः नहीं, मैंने नहीं बोला। मैंने कोई नहीं बोला।

श्री भूपेन्द्र यादवः सर, हम विनम्रता से यह निवेदन कर रहे हैं कि हमारी भाषा हिन्दी हो सकती

है, जो समझ में न आती हो, क्योंकि जो मैं कहना चाह रहा हूँ, उसमें मैं विधान सभा की कार्यवाही की चर्चा नहीं कर रहा हूँ, मैं देश के विधान मंडलों में हमारी क्या भविष्य की बुनियादी चीज़ें हो सकती हैं, वह बोल रहा हूं। मेरा यह कहना है कि लोकतंत्र में जो हमारे विधायक चुन कर आते हैं और जब कभी सदन में ऐसी स्थिति आएगी कि बजट रखा जाएगा, उस बजट में कोई कट मोशन लाया जाएगा, उस कट मोशन को बिना किसी मत-विभाजन के, क्या स्पीकर केवल अपने अधिकार से मत-विभाजन का प्रयोग न करने देकर, उसे पास कर सकता है? ...(व्यवधान)... क्यों? क्या हमारा यह संविधान नहीं है, क्या इस संविधान के अंतर्गत इन अनुच्छेदों में नहीं लिखा गया है? क्या भारत के संविधान की चर्चा नहीं हो सकती? मैंने प्रारंभ में यह कहा कि सविधान में जो अनुच्छेद 181 बना था, उस अनुच्छेद 181 के अंतर्गत यह कहा गया था कि अगर राज्य के विधान मंडल में स्पीकर के खिलाफ कोई मोशन मूव होता है, रिजॉल्युशन मूव होता है, तो फिर उस स्पीकर को उसको चेयर नहीं करना पड़ेगा।

श्री कपिल सिब्बलः जी, आर्टिकल 179 में है।

श्री भुपेन्द्र यादवः धन्यवाद, निश्चित रूप से आपके ज्ञान का लाभ हमें मिलेगा। इसको तो हम सौभाग्य मानते हैं। मैं अपने आर्टिकल को सुधारता हूँ।

SHRI PRAMOD TIWARI: That is like a good boy.

SHRI BHUPENDER YADAV: Thank you. I am really a boy before Shri Kapil Sibal. इसलिए मैं यह कहना चाहुंगा कि यह जो बड़ा विषय खड़ा हुआ है, इस पर राज्यपाल ने स्वविवेक के अधिकार का प्रयोग किया, लेकिन न्यायालय के जो निर्णय हैं, उन निर्णयों पर आगे भी विचार करते समय देखना होगा कि भविष्य में हमारे विधान मंडलों की रचना में किसी प्रकार से जनता की आवाज को दबाया न जाए। हम किसी पोलिटिकल कॉस्पिरेसी के शिकार नहीं हो सकते, गवर्नर की भूमिका कोई अलग रहकर नहीं हो सकती, लेकिन गवर्नर के अपने निर्णय हैं, चुंकि वे राजनीतिक क्षेत्र को डील करते हैं, गवर्नर जिस व्यवस्था को डील करते हैं उसमें एक अच्छा शासन स्थापित हो। वे वहां पर महामहिम के प्रतिनिधि हैं और एक बार कोई व्यक्ति गवर्नर के पद पर आता है तो उस पर पोलिटिकल तरीके से छींटाकशी करना, यह भी राजनीतिक लोगों को बंद करना पड़ेगा। उस पद की गरिमा का महत्व है, इसलिए गवर्नर के जो निर्णय हुए, उन्होंने राजनीतिक परिस्थितियों का आकलन किया। मेरा अब भी यह मानना है कि निर्णय आने का विषय अलग है, लेकिन विधान मंडलों में अगर हम इस प्रकार वॉयस वोट को करते हुए, बिना मत-विभाजन को किए बजट पास करेंगे, तो क्या हम लंबे समय तक उन बुनियादी विषयों को और उन बुनियादी बातों को मजबूत करने का काम कर सकेंगे, जिसकी आज आवश्यकता है? मैं यह कहना चाहता हूँ, मैं इतिहास की बात करना नहीं चाहता। हमारी पार्टी से लगातार... क्योंकि 1952 में जब हमने इस यात्रा को शुरू किया, इस भारत को बनाने की यात्रा को शुरू किया था, आज़ादी के आन्दोलन में जिस सांस्कृतिक आन्दोलन को बनाने की ध्वनि को, लोकमान्य बाल गंगाधर तिलक से लेकर श्री अरविंद तक ने जिस सपने को देखा था, उसको आप लोग मार्क्सवादी समाजवाद की ओर ले गए थे। आप लोग मार्क्सवादी समाजवाद से यात्रा करते हुए कभी समाजवाद, कभी बाजारवाद तो कभी लाइसेंसवाद, इस तरफ लगातार अपनी विचारधारा को लेकर चलते गए। लेकिन हम यह जानते थे कि अगर भारत को बनाना होगा, तो भारत की मूल सांस्कृतिक

[Shri Bhupender Yadav]

आत्मा के आधार पर बनाना होगा, जिसमें सह-अस्तित्व है, जिसमें विश्वास है, जिसमें सम्मान है, जिसमें सौहार्द है, जिसमें विकास है और जिसमें 'सबका साथ, सबका विकास' है। हम हर उस विषय को लेकर आगे बढ़े हैं। इसलिए लोकतंत्र में भारत में जिसका सबसे बड़ा महत्व है, वह सहकारी संघवाद का महत्व है और सहकारी संघवाद का मतलब है कि राज्यों को अपने-अपने तरीके से निर्णय लेने का अधिकार दिया जाए। लेकिन राज्यों में गवर्नर की जो भूमिका है, गवर्नर की भूमिका हमेशा ऐसी रहेगी कि वह राज्यों में किसी भी प्रकार से... हम राज्यों में सरकार के द्वारा किसी भी प्रकार से... जो कार्य उत्तराखंड में हुआ, जो कार्य अरुणाचल में हुआ, कांग्रेस के आंतरिक विभाजन के कारण भी शायद हुआ था। इसलिए वहाँ की जो राजनीतिक परिस्थिति थी, उसमें केन्द्र सरकार ने निष्पक्षता से कार्य किया। आज भारतीय जनता पार्टी केन्द्र में सरकार में है। चूँिक यह विषय गवर्नर के विषय का और राज्यों के अधिकारों के विषय का चल रहा है और इस सदन में भी यह विषय चल रहा है, इसलिए विधान मंडलों में स्पीकर को जो एक निष्पक्ष निर्णय लेने की बात हमारे अनुच्छेद में कही गई है, उस पर लगातार विषय चलता रहता है, लेकिन हमारी लोकतांत्रिक प्रक्रिया में से वह आवाज़ आनी चाहिए। अगर किसी प्रकार की असम्बद्धता, यह नया जो परिवतन anti-defection का आया है, उसके कारण कहीं ऐसा न हो कि कोई विधायक स्पष्ट बात न कह जाए, तो उससे पहले विधान सभा में इस प्रकार की कार्रवाई कर दी जाए। यह मूल विषय है, जिसके बारे में चर्चा करनी चाहिए। इसलिए इस सदन में में यह कहना चाहता हूं कि हमारी पार्टी पूरे तरीके से लोकतंत्र में, संघवाद में और देश के शासन-व्यवस्था की गरिमा में विश्वास करती है। हमारी पार्टी के द्वारा किसी भी प्रकार से किसी राज्य सरकार के साथ कोई पक्षपात या भेदभाव नहीं किया गया है। निश्चित रूप से जब तक देश में प्रधान मंत्री श्री नरेन्द्र भाई मोदी जी के नेतृत्व में सरकार है, देश के सभी राज्यों में एक रचनात्मक तरीके से और एक निष्पक्ष तरीके से शासन-व्यवस्था जारी रहेगी, धन्यवाद।

 $MR.\ DEPUTY\ CHAIRMAN:\ Now,\ Shri\ Dilip\ Kumar\ Tirkey.\ Are\ you\ speaking?$

SHRI DILIP KUMAR TIRKEY (Odisha): Yes, Sir.

MR. DEPUTY CHAIRMAN: But Shri Raja is in a hurry. I will call Rajaji first and then I will call you.

श्री दिलीप कुमार तिर्कीः ठीक है, सर। मैं उनके बाद बोलूँगा।

MR. DEPUTY CHAIRMAN: Now, Shri D. Raja.

SHRI PRAMOD TIWARI: Sir, I have a point of order.

MR. DEPUTY CHAIRMAN: Why a point of order? Let us conclude this.

श्री प्रमोद तिवारीः मैं सिर्फ एक बात कहना चाहता हूँ। ...(व्यवधान)... उस पर आपकी ruling आ जाए। ...(व्यवधान)...

सर, क्या इस सदन के अन्दर लोक सभा की प्रक्रिया को या राज्य सभा की प्रक्रिया को लोक

सभा में या किसी विधान सभा की प्रक्रिया को यहाँ पर discuss किया जा सकता है, condemn किया जा सकता है? मैं इस पर आपकी रूलिंग चाहता हूँ। Every House is supreme. The proceeding and the decision taken in any House cannot be challenged.

MR. DEPUTY CHAIRMAN: No, I understood. Sit down. Every House is supreme. You should not criticize the proceedings of the other House but what is in the public domain, what been reported about what happened in a House, anybody can say. That is in the public domain.

SHRI PRAMOD TIWARI: Sir, Shri Yadav said, it is the Speaker....

MR. DEPUTY CHAIRMAN: Only if it is a direct criticism, but this discussion, as you know, is a special discussion. This is a separate discussion where you are forced to discuss the role of the Governor and naturally.....(Interruptions)...

SHRI PRAMOD TIWARI: Not the Speaker, you cannot discuss.

MR. DEPUTY CHAIRMAN: No, let me say. The Governor acted upon the action of the Speaker. So, indirectly, it will also come.

SHRI MUKHTAR ABBAS NAQVI : Sir, it is a Short Duration Discussion and generally, Short Duration Discussion is for two hours or two-and-a-half hours. अभी सवा पाँच बज गए हैं। मेरी आपसे रिक्वेस्ट है कि ७ बजे तक अगर यह Short Duration Discussion पूरा हो जाए ...(व्यवधान)...

MR. DEPUTY CHAIRMAN: That is the problem.

श्री मुख्तार अब्बास नक्रवीः क्योंकि उसके बाद तो कोई और बिजनेस नहीं है।

MR. DEPUTY CHAIRMAN: But I will tell you my problem that there are fifty-three minutes left.

श्री मुख्तार अब्बास नक्रवीः सर, अभी जो डिस्कशन हुआ, वह बहुत अच्छा हुआ है, healthy discussion हुआ है, सभी स्पीकर्स ने बहुत अच्छा बोला है। अच्छा होगा कि जो remaining speakers हैं, वे दो-दो या तीन-तीन मिनट में conclude करें।

MR. DEPUTY CHAIRMAN: I agree with you, but the point is, both main Ruling Party and the Opposition Party have taken more time. Therefore, others will also expect a little more time. That is the point.

SHRI MUKHTAR ABBAS NAQVI: It is ail right, Sir. Try to conclude it by that time.

MR. DEPUTY CHAIRMAN: You have taken more time and they also have taken more time. They will say I cannot control you. So, now Shri D. Raja.

SHRI T.K. RANGARAJAN: Sir, we are all affected parries. ... (Interruptions)...

SHRI PRAMOD TIWARI: Sir, first clarify that.

MR. DEPUTY CHAIRMAN: I have already said that. Now, Shri D. Raja. ... (Interruptions)... I have given the ruling.

SHRI T.K. RANGARAJAN: Sir, we are all affected parties.

MR. DEPUTY CHAIRMAN: Yes, I am allowing you also. ... (Interruptions)...

SHRI T.K. RANGARAJAN: Sir, we are affected parties because they dismissed our Government. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Yes, I will allow you; don't worry. Now, Shri D. Raja.

SHRI BHUBANESWAR KALITA: Sir, it is not about this side or that side. It is a very important issue.

MR. DEPUTY CHAIRMAN: I know that. Now, Shri D. Raja.

SHRI BHUBANESWAR KALITA: Sir, this issue should be discussed for hours and for days and we want a serious discussion on this.

MR. DEPUTY CHAIRMAN: Sit down, sit down. That I know. Now, Shri D. Raja.

SHRI BHUBANESWAR KALITA: Since this discussion is in progress, let us give more time to it. Sir.

MR. DEPUTY CHAIRMAN: That I know. I agree. Now, Shri D. Raja. You will take five minutes, do you agree? ... (Interruptions)... Okay.

SHRI D. RAJA (Tamil Nadu): Thank you, Sir. We are discussing a very serious political and constitutional matter. It is not an issue between the BJP and the Congress. It is an issue concerning our democracy, concerning our Constitution. Sir, as a citizen primarily, as a Member of this House, I am extremely concerned that our democracy is at the cross-road. There are forces which have gained courage in the given situation to challenge the very Constitution, to challenge the very parliamentary democracy in our country. In such a situation, we are discussing this matter. The House should give

its serious thought how we can preserve our democracy, how we can safeguard our Constitution. It is nice to hear that our Prime Minister goes to the U.S. Congress and says that the Constitution is the holy book. But when he comes to India, the holy book is undermined, and it is being questioned. That is why I say, our democracy is at the crossroad. Sir, you are from Kerala, and the Communist Government in Kerala was one of the first Governments which became the victim of Article 356.

[THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY) in the Chair.]

Sir, after that, several times, Article 356 was used. The Governments have been toppled, dismissed.

Sir, now I come to the case of Arunachal Pradesh and Uttarakhand. When Shri Venkaiah Naidu was speaking, referring to Arunachal Pradesh and Uttarakhand, he said that it was not the first time. It means, it is not the last time also.

SHRI PRAMOD TIWARI: He said it.

SHRI D. RAJA: Yes, he said it. So, this is the situation, Sir. It is nice to hear Shri Bhupender Yadav, when he was speaking about 'सबका साथ, सबका विकास' but what the Union Government, the BJP Government did in Arunachal Pradesh and Uttarakhand was to dismantle all the established practices of parliamentary democracy, constitutional practices, conventions of our country by imposing President's rule in both these States. And the Government should regret; the Government should admit that it was a violation.

It was not in accordance with the practices which have been established. When I say 'practice', everybody refers to the Bommai case judgment in 1994. The majority of Government, any Government, should be tested on the floor of the House. Leave it to the Members of the House to decide and come to a certain conclusion whether the Government enjoys majority or not. You did not allow that. That is the charge against the present Government. You should regret for it.

Sir, the other thing is, Uttarakhand and Arunachal Pradesh are border- States, very sensitive States. Why did you encourage Constitutional and political disruptions in these States? They are very sensitive border-States. Why did you encourage Constitutional and political disruptions? Here, I question the role of Governors. How come Governors become catalysts and agents to promote such Constitutional and political-disruptions?

[Shri D. Raja]

Now, a time has come to discuss the role of Governors, whether we need Governors or not. That is one question raised by several parties. In Tamil Nadu, I know that major political parties raised that issue long back. Why do we need a Governor? The DMK said that goat does not need beard and State does not need Governor.

Sir, this is one issue we need to discuss. Now, everybody talks about Article 356. It is extremely important to go through the Constituent Assembly debates to understand, to comprehend the vision of our Constitution-makers. Actually, it was Article 278 in the draft Constitution. It became Article 356 in the new Constitution. The Constituent Assembly discussed these Articles on 3rd and 4th August, 1949. There were fourteen Members who actively participated in the discussion. Out of fourteen Members who prominently participated in the discussion, nine opposed even at that point of time. Only five supported. One Member who supported, Mr. Gupte, said, "In extraordinary cases, it can be used; otherwise, it should remain a dead letter." While replying to the debate, Dr. Ambedkar stated, "In fact, I share the sentiments expressed by my hon. friend, Mr. Gupte, yesterday that the proper thing we have to expect is that such Articles will never be called into operation and that they would remain a dead letter." This is Dr. Ambedkar. We celebrate the 125th Anniversary of Dr. Ambedkar. When this Article was incorporated in the Constitution, we should understand the historic background also. We won Independence in 1947. In 1949, the debate took place and the country was partitioned. In such a background, it was brought in just to preserve the unity and integrity of the country, not to gain political advantages by any political party.

That is why, while paying tribute to Dr. Ambedkar, while we discuss a serious political and Constitutional matter, I urge upon all political-parties that we should now resolve to stand up and say that Article 356 will remain a dead letter and democracy has to be preserved. This Constitution has to be upheld. Otherwise, I feel very sad and very concerned, our democracy will be in peril. Thank you, Sir.

श्री दिलीप कुमार तिर्कीः महोदय, आज आपने गवर्नर रूल पर हो रहे हेल्दी डिस्कशन में मुझे भी अपनी बात कहने का मौका दिया, इसके लिए आपका बहुत-बहुत धन्यवाद। सर, सबसे पहले मेरा आपसे यह निवेदन है कि छोटी-छोटी पार्टीज़ का टाइम न काटा जाए।

महोदय, आज जो चर्चा हो रही है, यह हमारे देश के संविधान की सुरक्षा के लिए, हमारे देश के हित के लिए बहतु ही अच्छी है। हम चाहेंगे क इस पर व्यापक रूप से चर्चा हो, क्योंकि 1950 से लेकर आज तक, जब से आर्टिकल 356 आया है, तब से लेकर आज तक जितनी भी छोटी-छोटी पार्टीज़ हैं, वे इसकी शिकार हुई हैं। महोदय, हमारे संविधान में यह क्लियर लिखा हुआ है कि सेंटर के राइट्स क्या हैं और स्टेट्स के राइट्स क्या हैं? हमारे संविधान का बेसिक स्ट्रक्चर फेडरल है। मैं कांग्रेस स्पीकर्स के

भाषण सुन रहा था और बीजेपी स्पीकर्स के भाषण भी सुन रहा था, लेकिन आज जो चर्चा हो रही है, उसमें मैं अपने तथा अपनी पार्टी बीजेडी के views देना चाह रहा हूँ।

महोदय, उत्तराखंड और अरुणाचल प्रदेश में जो कुछ हुआ, उससे वहाँ फेडरल स्ट्रक्चर पर सवाल खड़ा हो गया है। आप यह देखिए कि गवनर की रिपोर्ट को कोर्ट ने भी रिजेक्ट कर दिया। सरकार का जो डिसीज़न था, उसको वहाँ पलट दिया गया। इससे ऐसा लगता है कि कहीं न कहीं गवर्नर की रिपोर्ट में कुछ कमी रही होगी। सर, ऐसे राज्यों में जहाँ चुनी हुई सरकार है, जहाँ बहुमत की सरकार है, यदि वहाँ गवर्नर्स इस तरीके से तोड़-मरोड़कर सरकार बनाने की कोशिश करेंगे, तो हम definitely भारत के संविधान के नियम-कानून को तोड़कर बाहर जा रहे हैं। साथ ही साथ, हमारे देश का जो फेडरल स्ट्रक्चर है, उसको भी हम धूमिल और खराब करने जा रहे हैं। इससे future में यह होगा कि ऐसा आज अरुणाचल प्रदेश में हुआ, कल उत्तराखंड में हुआ, तो परसों ओडिशा में होगा, फिर वैस्ट बंगाल में होगा। यदि इसी तरीके से होता रहा, तो छोटी-छोटी पार्टीज़ डर-डरकर काम करती रहेंगी।

उपसभाध्यक्ष (श्री सुखेन्द्र शेखर राय)ः आपके ओडिशा में भी हुआ है और वैस्ट बंगाल में भी हुआ है। ...(व्यवधान)...

श्री दिलीप कुमार तिर्कीः जी हाँ, काफी बार हुआ है। सर, आपको अच्छी तरह मालूम है कि हमारे ओडिशा में भी ऐसा काफी बार हो चुका है। आज हम गर्व के साथ यह कहते हैं कि हम एक प्रजातांत्रिक देश में रहते हैं, लेकिन हमारे संविधान के जो रखवाले हैं, जो संविधान को सही दिशा में ले जाने वाले हैं, वे संविधान को बचाना छोड़कर पोलिटिकल पार्टी के लिए एक सुंदर संविधान को तोड़ने का काम कर रहे हैं। सर, यह काफी दुःख की बात है। सर, गवर्नर पोस्ट की एक गरिमा होती है और वह एक संवैधानिक पोस्ट होती है। इसलिए मैं सरकार से यही कहना चाहूंगा कि भविष्य में चाहे कहीं का भी गवर्नर हो, वह इस तरीके से काम न करे जिससे वहाँ की चुनी हुई सरकार को तोड़ा जाए और एक नई सरकार बनाने की कोशिश की जाए।

सर, यदि गवर्नर के डिसीज़न और सरकार के डिसीज़न को कोर्ट बार-बार इसी तरह से रिजेक्ट करता रहा, तो उससे हमारी जनता में एक खराब मैसेज जाएगा। आज भी आप देख लीजिए कि सिर्फ देश में ही नहीं, बल्कि विदेश में भी सुप्रीम कोर्ट के डिसीज़न का खराब मैसेज जा रहा है। इसलिए, महोदय, मैं यही कहना चाहूँगा कि हमारी जितनी भी छोटी-छोटी पार्टीज़ हैं, उनकी बात भी सुनी जाए। आखिर में, मैं यही कहूँगा कि गवनर संविधान की लक्ष्मण-रेखा को पार न करते हुए काम करे, तािक राज्य में जो भी सरकार चल रही है, वह अच्छे तरीके से चल सके, धन्यवाद।

SHRI T.K. RANGARAJAN: Sir, we are discussing, today, a very important Article 356 and how it is applied in Arunachal Pradesh, Uttarakhand and the role of the Governor. Even in the Constituent Assembly, as mentioned by other speakers who have spoken before me here, one of the much discussed subjects by Dr. Ambedkar was Article 356.

[Shri T.K. Rangarajan]

Sir, you have correctly pointed out, when you had spoken, Article 356 is to remain as a 'dead letter.' But it never died; it is alive right from the beginning. It is always active. First, it was used in 1953, not against Kerala Government. It was first used against Patiala East Punjab and the Government was dismissed. The second one is the much discussed dismissal, under Article 356, was in 1959 of the Communist Government headed by late Shri E.M.S. Nambudiripad. It was the first Communist Government elected in the world. It was dismissed.

As Shri Kapil Sibal correctly said that the Prime Minister knows it. In those days, the Prime Minister of India, the then Congress President and, according to the newspaper reports, the CIA was very much interested to topple that Government.

Now, Sir, let me go through the score card. Sir, late Smt. Indira Gandhi Government dismissed 50 Governments; late Shri Morarji Desai did this on 16 occasions; Dr. Manmohan Singhji used this on 12 times; late Shri P.V. Narasimha Rao used it 11 times; late Shri Jawaharlal Nehru used this Article 6 times; and, Shri Vajpayee and Shri Chandrasekhar used this five times each. And, Sir, Shri Narendra Modi, within two years, used this three times! This is the score card. Nobody wants to understand the meaning of Article 356. It is totally misused. We celebrated Ambedkar Jayanti. This Parliament had discussed about it. But, in practice, every Government misused this Article. Now, they wanted to have cooperative federalism. What is cooperative federalism? The God only knows.

Sir, I would like to point out one thing. After 1994, almost all States which were in opposition faced dismissal. The Sarkaria Commission Report was discussed at length. I objected when Venkaiahji was quoting a portion from here and a portion from there. I asked him as to why he was quoting in bits and pieces. Sir, Sarkaria Commission has given a lot of ways to scrutinize.

Sir, the Nine Member Bench in Bommai case went into the details and it is well-known for having a compulsory floor test. If the Center, sometimes, feel that something unconstitutional is going on in any State, you have to warn them first and then give one week time for floor test. All these things have been said in the Bommai judgment and also in Sarkaria Commission. Now, I come to one very important point. Sir, after the Bommai judgment, some Governor wanted to dismiss his Government. The first major impact, after the Bommai judgment, was felt in 1997 when hon. President K.R. Narayanan returned the United Front Government's recommendation for imposing President's Rule in Uttar Pradesh. He, again, a year later, returned the recommendation from the then Prime Minister Shri Atal Bihari Vajpayee when his BJP Government

imposed President's Rule in Bihar. Shri Vajpayee wanted to impose President's Rule in Bihar. Shri Narayanan, in minutes, opposed the recommendation. It was reported. The condition precedent for invoking Article 356 is that there has to be a failure of constitutional machinery in the State and it has not been adequately made out by the Governor. Secondly, it is imprudent to take action under Article 356 in Bihar when preliminary steps such as warning, directing and other things have not been taken by the Union. Thirdly, it said that the Government headed by Smt. Rabri Devi enjoys the majority support in the Legislative Assembly has to be born in mind as per the Sarkaria Commission and Bommai judgment. This is not followed by the present Government. ... (Time-Bell rings)... You do not want the Congress in this country. Your famous slogan is "कांग्रेस मुक्त भारत"। That is your agenda. That is why you send the RSS people. You have only one agenda that there should remain only one party, that is, the BJP; there should not be any opponent.

The State of Tamil Nadu has been affected thrice. The State of Kerala was affected. The State of Andhra Pradesh was affected. Tell me which State has not been affected. Tell me any State where Article 356 has not been used. The worst example of unconstitutional efforts of the present Government is the State of Arunachal Pradesh where Article 356 was misused. ... (Interruptions)... It was an assault on the federal structure. The Governor had acted in violation of all norms. But they still talk about cooperative federalism! Please make India a truly federal State. If democracy has to prevail, such a misuse of constitutional provisions has to be stopped. I think, the Government will take an appropriate lesson from this discussion. Thank you very much.

श्री प्रदीप टम्टा : सर, मैं आपका आभारी हूं कि...

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY): One second, please. Mr. Deputy Chairman has allowed you three minutes. ... (Interruptions)...

श्री प्रदीप टम्टाः सर, मेरी मेडन स्पीच है, मेरी पहली स्पीच है।

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय)ः इसमें तो मेडल स्पीच होगी नहीं।

श्री प्रदीप टम्टाः सर, मैं आपका आभारी हूं कि आपने मुझे इस विषय पर बोलने का मौका दिया। जिस विषय पर चर्चा हो रही है, मैं उसी राज्य से हूं। इस पूरे घटनाक्रम से हमारा पूरा उत्तराखंड राज्य कैसे प्रभावित हुआ, उसकी तरफ मैं पूरे सदन का ध्यान दिलाना चाहूंगा। मार्च के बाद अप्रैल, मई और जून, ये तीन महीने हमारे उत्तराखंड के लिए बहुत ही महत्वपूर्ण हैं। हमारी लाइफलाइन तीन महीने है। चारधाम यात्रा शुरू होती है, 15 जून के बाद बरसात का सीज़न शुरू होता है। इन तीन महीनों में ही उत्तराखंड के लोगों को सब कुछ करना होता है, अपनी कमाई करनी होती है। अर्थव्यवस्था के लिए सरकार को चारधाम यात्रा से लेकर आने वाली आपदा से निपटने की तैयारी भी करनी होती है। मैं

[श्री प्रदीप टम्टा]

आदरणीय वेंकैया नायडु जी को सुन रहा था, उन्होंने का कि यह हमारा संकट नहीं था, यह कांग्रेस का संकट था। मैंने शुरू से ही कहा है कि जो उत्तराखंड में हुआ, वहां पर आर्टिकल 356 का प्रयोग किया गया, उसकी स्क्रिप्ट न देहरादून में लिखी गई थी, न उत्तराखंड में लिखी गई थी, उसकी स्क्रिप्ट यहीं दिल्ली में लिखी गई थी और जो आप नारा दे रहे थे कि "कांग्रेस मुक्त भारत बनाएंगे", उस स्क्रिप्ट के सारे लिखने वाले, सारे एक्टर इसी दिल्ली में बैठे हुए थे।

उपसभाध्यक्ष महोदय, ९ मार्च को प्रदेश असेम्बली का विधान सभा सत्र राज्यपाल के अभिभाषण से शुरू होता है। हमारी सरकार राज्यपाल के अभिभाषण में अपना बहुमत सिद्ध करती है। 17-18 मार्च को बजट आता है और सब को मालम है कि एप्रोप्रिएशन बिल, विनियोग बिल सत्र के अंत में आता है, वह विभागीय बजटों को कंसॉलिडेटिड फंड से पैसा निकालने के लिए होता है। 17 तारीख को विभिन्न विभागों के बजट पास हो रहे थे और 18 तारीख को 11.00 बजे विधान सभा का अधिवेशन शुरू होता है। सारें लोग सदन में बैठते हैं। प्रतिपक्ष को मालूम है, अगर उनको किसी भी तरह से डिविजन की मांग करनी थी, तो वे सुबह 11.00 बजे स्पीकर के सामने कर सकते थे। पूरा सदन चलता है, हर विभाग का बजट पास होता है। मंत्री जी अपने विभाग का बजट पास करवा लेते हैं, जो आज इनके हमराही हैं। सरकार की तारीफें करते हैं कि किस तरह से कांग्रेस की सरकार अच्छा काम कर रही है, किस तरह से कृषि विभाग आगे बढ़ रहा है। बजट पास होता है और जब सारे बजट पास हो जाते हैं, उसके बाद ध्विन मत से सदन में सारे बिल पास हो रहे हैं, उसी तरह से एप्रोप्रिएशन बिल भी ध्विन मत से पास होता है। यह सभी जगह संसदीय परम्परा है। सदन का मूड क्या है, सदन की राय क्या है और सदन के मूड को देखकर स्पीकर निर्णय लेते हैं और उसी आधार पर Appropriation Bill पास हुआ और स्पीकर चले गए। उसके बाद यह सारा दृश्य पैदा होता है। मैं कहना चाहता हूं कि वे तथाकथित 9 विधायक और बीजेपी के विधायक अचानक कहते हैं कि हमें डिविज़न चाहिए। जब विधान सभा की कार्यवाही समाप्त हो चुकी है, तो उसके बाद ये डिविज़न मांगते हैं। बाहर chartered बस खड़ी होती है, AC बस खड़ी होती है, उसमें बैठकर वे गवर्नर के यहां जाते हैं और कहते हैं कि सरकार अल्पमत में आ गई है। वहां 9 विधायक आते हैं, वहां हंगामा करते हैं। उसके बाद वहीं पर रात के डेढ बजे chartered विमान आ जाता है और वे chartered विमान से दिल्ली आ जाते हैं और गुड़गांव के 5 स्टार लीला होटल में रुकते हैं। क्या यह AC बस अचानक आ गई? क्या यह chartered विमान अचानक आ गया? यह एक साज़िश थी और इसी साज़िश का नमूना है कि भारतीय जनता पार्टी के नेता, चाहे वे प्रभारी हों या मध्य प्रदेश से इनके राष्ट्रीय सचिव हों, वे आते हैं और इनको गवर्नर के यहां ले जाते हैं, दिल्ली लाते हैं और यहां तमाशा करवाते हैं। गवर्नर के सामने सारी रिपोर्टें थीं, जब ये उनके पास गए और कहा कि सरकार अल्पमत में आ गई है। दूसरे ही दिन गवर्नर विधान सभा से सदन की सारी कार्यवाही मंगाते हैं। हमारे मुख्य मंत्री भी गवर्नर से मिलने जाते हैं। सारी बात समझने के बाद जब गवर्नर संतुष्ट हो जाते हैं, तो सरकार को 28 मार्च को बहुमत सिद्ध करने के लिए कहते हैं। गवर्नर राष्ट्रपति महोदय को अपनी रिपोर्ट 19 तारीख को देते हैं और इस बात का कहीं जिक्र नहीं करते है कि सरकार अल्पमत में आ गई है। उन्होंने खुद कहा है कि Appropriation Bill पर स्पीकर का निर्णय फाइनल होता है, यह परम्परा है, यह कोर्ट है और यह न्यायालयों के निर्णय हैं। उसके बाद राज्यपाल महोदय हमें 28 तारीख को सरकार को बहमत सिद्ध करने का अधिकार देते हैं। उसके बाद सरकार गवर्नर के ऊपर दबाव डालती

है और कहती है कि हमने तो आपको इसलिए भेजा था कि कांग्रेस की चुनी हुई सरकार को गिराओ, आप हमें यह क्या रिपोर्ट दे रहे हो? उसके बाद गवर्नर पर दबाव बनवाकर फिर गवर्नर की तरफ से चिट्ठी लिखवाई जाती है कि जल्दी करो, जल्दी करो। जबिक स्पीकर महोदय ने विधान सभा को अनिश्चित काल के लिए स्थिगत नहीं किया था। स्पीकर ने 28 मार्च को विधान सभा सत्र स्थिगत करते समय दोबारा सत्र बुलाने का निर्देश दिया था और माननीय मुख्य मंत्री ने गवर्नर साहब से कहा कि 28 मार्च को विधान सभा बैठ रही है और मैं उसी दिन अपना बहुमत सिद्ध करूंगा तथा राज्यपाल महोदय ने भी उसको माना।

उसके बाद जिन विधायकों को निकाला गया, वह सुप्रीम कोर्ट का निर्णय था, किस Appropriation Bill के defection के आधार पर स्पीकर ने उनको नहीं निकाला। यह देश के सुप्रीम कोर्ट का निर्णय है, यह दल विरोधी विधेयक का 10th शैड्यूल का निर्णय है, जो इसी देश की संसद ने निकाला है कि चुनी हुई सरकारों को धन बल के दम पर गिरा सकें, यह स्पीकर को अधिकार दिया था। उसमें disquaification का यह आधार है कि अगर कोई आदमी स्वेच्छा से पार्टी छोड देता हे, वह भी anti-defection के दायरे में आता है। इस स्वेच्छा के निर्णय में कहा है कि रिज़ाइन नहीं और इसी आधार पर यह स्वेच्छा से था। कांग्रेस के 9 विधायक बीजेपी के 27 विधायकों के साथ गवर्नर के पास जाते हैं, उनके पैड पर अपने हस्ताक्षर करते हैं कि सरकार अल्पमत में आ गई है, इसको बर्खास्त करो। क्या ये कांग्रेस के विधायक हैं, जो कहते हैं कि हमारी पार्टी को बर्खास्त करो? यही सुप्रीम कोर्ट का निर्णय था कि अगर व्यक्ति गवर्नर के एक्शन द्वारा अपनी पार्टी छोड देता है, वह भी anti-defection के दायरे में आएगा। हमारी पार्टी ने स्पीकर से अनुरोध किया और इसी आधार पर कि ये लोग स्वेच्छा के आधार पर पार्टी छोड़ चुके हैं, इसलिए ये दल विरोधी कानून के दायरे में आते हैं और इनकी सदस्यता भंग की जाए। स्पीकर ने तमाम संवैधानिक परम्पराओं के आधार पर अपना निर्णय दिया है, लेकिन मुझे तो बहुत आश्चर्य हुआ कि 28 तारीख को सरकार विधान सभा में अपना बहुमत सिद्ध करने जाती है, तो 26 तारीख की रात को कैबिनेट की मीटिंग बुलाई जाती है। प्रधान मंत्री जी किसी दूसरे राज्य से आते हैं और रात में बैठक होती है। यह कहा जाता है कि स्पीकर ने दोहरा आचरण किया कि कांग्रेस के विधायकों की सदस्यता समाप्त कर दी और बीजेपी के दूसरे विधायक की सदस्यता समाप्त नहीं की। यह इश्यू ही नहीं था। मैं आपके सामने और देश के सामने यह बात कह देना चाहता हूं कि इन के एटॉर्नी जनरल ने भी हाईकोर्ट में कहा कि स्पीकर के दोहरे मापदंड थे। उन्होंने कांग्रेस के विधायकों की सदस्यता समाप्त की और बीजेपी के विधायकों की सदस्यता समाप्त नहीं की। महोदय, फैक्ट यह था कि बीजेपी के अपने विधायकों की सदस्यता समाप्त करने के लिए स्पीकर के पास कोई प्रत्यावेदन भी नहीं दिया था। वे उसे 5 अप्रैल को देते हैं और देश की संसद और देश की कैबिनेट 26 तारीख को एक आधार यह भी लेती है कि यह स्पीकर का partition है। मैं पूछता हूं कि यह कैसी सरकार चल रही है? ये कैसे एटॉर्नी जनरल हैं जो हाइकोर्ट में कहते हैं और जब हमारे लॉयर ध्यान दिलाते हैं, तो वे हाईकोर्ट से माफी मांगते हुए उसे withdraw करते हैं। इस तरह आर्टिकल 356 का जिस तरह से दुरुपयोग किया गया है, उसे पूरे देश ने देखा है। हमें उसके बाद 28 तारीख को मौका नहीं दिया गया और राष्ट्रपति शासन लागू कर दिया गया। हम हाईकोर्ट में गए और डिवीजन बेंच ने हमें 31 तारीख को फिर मौका दिया। वहां पर फिर जब केन्द्र की सरकार को मुंह की खानी पड़ी और ये डबल बेंच में गए, डबल बेंच ने भी कहा कि यह गलत हुआ है। आर्टिकल 356 का दुरुपयोग हुआ है। यह केन्द्र सरकार के

[श्री प्रदीप टम्टा]

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अंदर बने Judicial review का review हो सकता है कि यह पूरी तरह से न्यायसंगत नहीं है। उसके बाद सुप्रीम कोर्ट से भी फैसला हुआ, लेकिन मित्रों, इस तरह वहां धन, बल का दुरुपयोग हुआ और आज हम से कहते हैं कि हमारी पार्टी में छेद था। हमारी पार्टी में छेद नहीं था। आप लाए थे धनपतियों को जिसे 3-4 दिन तक लोगों ने देहरादून के होटलों में देखा। आपके बड़े-बड़े अधिकारी लाए थे, आपकी चार्टर्ड बसें आयी थीं, आपके चार्टर्ड प्लेन आए थे जिस में ९-९ दिन विधायक लोग यहां घूमे। उसके पीछे कौन था? क्या ये हमारी पार्टी के लोग थे या भारतीय जनता पार्टी के लोग थे, जो कह रहे थे कि हमें हर हालत में इस सरकार को गिराना है। हमने कौन सा दरुपयोग किया? माननीय मंत्री जी ने स्पीकर के निर्णय पर कहा कि गवर्नर का रोल होता है, लेकिन उत्तराखंड में तो गवर्नर ने पहली रिपोर्ट में भी राष्ट्रपति शासन लागू करने की बात नहीं की थी। यह सब खुलेआम हुआ और उसके बावज़द जब हम सुप्रीम कोर्ट के निर्णय के आधार पर हम फ्लोर टेस्ट में पास हो गए, हमारी सरकार आयी और हमारे हाथ-पांव खोल दिए गए। यह कौन सा निणर्य है? महोदय, मनी बिल पर हाउस के नेता ने कहा कि मनी बिल पर फैसला लोक सभा के स्पीकर का होगा। उस पर कोई discussion नहीं होगा और वही सदन के नेता उत्तराखंड के स्पीकर के फैसले पर सवाल उठाते हैं। ये दोहरे मापदंड क्यों? देश की तमाम विधान सभाएं कहती हैं, देश का संविधान कह रहा है कि स्पीकर का फैसला सदन के अंदर होने वाली तमाम कार्यवाहियों के लिए अंतिम होगा। राज्यपाल की पहली रिपोर्ट भी कह रही है कि इस संबंध में मैं कुछ नहीं कह सकता हूं। यह स्पीकर ने कहा है। उत्तराखंड के स्पीकर का फैसला आपके अनुकूल नहीं होगा, आप उस पर आरोप लगा देंगे और Appropriation Bill पास होगा। उन्हें कटघरे में खड़ा करेंगे। वही दिल्ली के अंदर लोक सभा में आएंगे और यहां पर उसी की आड़ में अपने मनी बिल्स को बचाएंगे। तो संविधान की धज्जियां कौन उड़ा रहा है? आर्टिकल 356 को कौन तोड-मरोड रहा है? यह मोदी की सरकार है, जिस ने कहा था कि हम देश के अंदर कांग्रेस मुक्त भारत बनाना चाहते हैं। महोदय, यह सिर्फ यहां नहीं हो रहा है। यह हिमालय के दूसरे छोटे राज्यों के साथ हो रहा है। यह दलितों के साथ हो रहा है, यह अल्पसंख्यकों के साथ हो रहा है। महोदय, जब से यह सरकार आयी है, देश के तमाम वे लोग जो पीडित हैं, वंचित हैं, उनके ऊपर तरह-तरह से हमले हो रहे हैं और हमारी उत्तराखंड की सरकार पर भी यह हमला हुआ है।

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय)ः अब समाप्त कीजिए।

श्री प्रदीप टम्टाः महोदय, मैं एक मिनट में समाप्त कर रहा हूं। हमारी सरकार जब सुप्रीम कोर्ट के आदेश से पुनर्जीवित हुई, लेकिन वहां के गवर्नर ने दिशा-निर्देश के लिए कहा था। गवर्नर ने यह नहीं कहा था कि Appropriation Bill पास नहीं हुआ है। गवर्नर ने अपनी रिपोर्ट में Appropriation Bill के संबंध में कहा था कि दिशा-निर्देश दिया जाए। दो महीने तक वहाँ के बजट को पास नहीं माना गया। दो महीने, जून के अंत तक, हमें विधान सभा का स्पेशल सत्र बुलाना पड़ा। इसके लिए कौन जिम्मेदार है? उत्तराखंड का जो दो, ढाई महीने तक विकास रुका, आपदाओं से लड़ने के लिए सरकार जो तैयारियां कर सकती थी, वे रुक गईं। ...(समय की घंटी)... उसके लिए उत्तराखंड की जनता इनको आने वाले समय में सबक सिखाएगी। देश की जनता देखेगी कि आर्टिकल 356 का जो दुरुपयोग वे कर रहे हैं ...(समय की घंटी)... उसके लिए उनको न इतिहास माफ़ करेगा ...(यवधान)...

(MR. DEPUTY CHAIRMAN in the Chair.)

MR. DEPUTY CHAIRMAN: All right. Now, sit down. Time over.

श्री प्रदीप टम्टाः न देश की जनता माफ करेगी, न उत्तराखंड की जनता माफ करेगी। उपसभापति जी, आपने बोलने का समय दिया, आपका बहुत-बहुत धन्यवाद।

MR. DEPUTY CHAIRMAN: Your time is over; sit down. ... (*Interruptions*)... Now, Shrimati Kanimozhi. She is the last speaker. Kanimozhiji, take three minutes.

SHRIMATI KANIMOZHI (Tamil Nadu): One minute, Sir.

MR. DEPUTY CHAIRMAN: One minute!

SHRIMATI KANIMOZHI: Okay, Sir; two minutes!

MR. DEPUTY CHAIRMAN: Take three minutes.

SHRI GHULAM NABI AZAD: She is a lady Member and she is the last speaker. Please allow her five minutes. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: The LoP says, give five minutes. Okay; five minutes!

SHRIMATI KANIMOZHI: Thank you, Sir.

Sir, what has happened in Arunachal Pradesh and Uttarakhand is a shame on our democracy. Our Prime Minister is going all over the world, meeting people, meeting Heads of nations, addressing people there. But when this is happening in our country, it is definitely bringing much shame to our democracy and to the people who have actually elected these Governments.

Sir, Article 356 has been, time and again, used as an instrument, as a weapon, against Opposition Parties and voices that are against the Central Government. Our Party, the DMK, and our Leader, Dr. 'Kalaignar Karunanidhi, and other Party leaders have consistently been fighting against the use of Article 356. And we have been fighting to remove Article 356 from the Constitution. Our founding-fathers would not have thought that this Article would be misused to this extent. Dr. Ambedkar actually wanted it out of the Constitution and he had said that it should remain a dead letter.

Sir, out of the 115 times that this Article has been used, 107 times it has been used by the Government and the principal Opposition Party. And we, the people in between here, in the middle....

MR. DEPUTY CHAIRMAN: We, the people of India!

SHRIMATI KANIMOZHI: No, Sir, the people who are sitting in between the main Opposition Party and the Ruling Party, are the ones who have been affected time and again by it. We are the ones who are actually fighting against this, because it has been mostly our Governments which have been dismissed. The DMK Government has been dismissed twice. ... (Interruptions)...

SHRI A. NAVANEETHAKRISHNAN (Tamil Nadu): Even the AIADMK Government was dismissed. ... (Interruptions)...

SHRIMATI KANIMOZHI: Yes. I am not denying that. ... (Interruptions)... Sir, three Governments in Tamil Nadu. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: At least in this matter, both the parties are related. ...(Interruptions)...

DR. V. MAITREYAN (Tamil Nadu): Sir, they got us dismissed. ... (Interruptions)...

SHRIMATI KANIMOZHI: Sir, we did not get anybody dismissed. ...(Interruptions)...

Sir, out of the 115 times that this Article was use, 107 times they have been dismissed by the Government and the principle Opposition Party. I think this Article is against democracy. When a State elects its representatives, its Government, to rule it, what right does the Central Government, or the Governors, have to overrule what the people have decided? This is against democracy. It is against the people of this country. The DMK would continue to fight to remove Article 356 from the Constitution.

Sir, it is time that we thought whether we need the post of Governors for the States. It is time we did a rethink on this. At least, we must think about the powers that they are going to hold. I think this is a very important juncture and we have to really sit and redraft what the powers of the Governors in the States are going to be.

MR. DEPUTY CHAIRMAN: Thank you. Now, Shri Swapan Dasgupta. Please take only three minutes. I got your name late.

SHRI SWAPAN DASGUPTA (Nominated): Thank you, Mr. Deputy Chairman, Sir, for giving me some last-minute time.

Sir, I was a bit confused. You suggested that this was a political debate, whereas my good friend, whom I refer to as the elder brother, Venkaiah Naiduji, said it is above

politics. Now, between these two positions of whether it is politics or it is not politics, comes the other complicating factor of a very powerful intervention by Mr. Kapil Sibal, my good friend.

Now, he lamented, and he is quite right to lament the absence of the Prime Minister. But he is mystified as to why the Prime Minister promulgated Article 356 in Arunachal knowing very well that it couldn't pass muster in the Rajya Sabha. His very words, his logic! At the same time, he gave a graphic description why what took place in Arunachal was fundamentally flawed. Now, Sir, there is a problem. Does it imply that, if the Prime Minister was to have a majority, a wrong decision can be right, and just because a decision rests in the fact that he doesn't have a majority, does it become wrong? Sir, this is, I think, at the heart of the problem today when we talk about this Article 356 and the role of the Governors; You show me the person and I will show you the law. There have been enough cases, where just on the strength that someone has a majority, you have been able to bulldoze various wrong decisions. ... (Interruptions)...

SHRI ANAND SHARMA: That is happening in Lok Sabha. ... (Interruptions)...

SHRI SWAPAN DASGUPTA: Anand Sharmaji, I am not going unnecessarily into the merits or demerits of this. I am talking about a larger constitutional issue, not about particular pieces of legislation in that. There was certainly no RSS pracharak in sight when the Communist Government in 1959 was dismissed. He certainly didn't occupy the post of the Governor, nor is the RSS ... (Interruptions)...

SHRI T.K. RANGARAJAN: CIA was there. ... (Interruptions)...

SHRI SWAPAN DASGUPTA: Yes, Sir CIA might have been there, and I am sure you are very right in knowing what the CIA thought. But the point is, to blame it only on one section or one particular type of belief is, to my view, wrong. The British have a system whereby all politicians, whose use is no longer there, are kicked upstairs into a place called the House of Lords. Now, in India, we have never evolved it. Have we used the Governor's post to actually decide that anyone who is otherwise redundant is put up to that position? The Governor, once he or she becomes Governor, has to forget his or her pre-history. They have to start afresh and with that, owe loyalty to the Constitution, and that loyalty to the Constitution and their responsibilities are also now very well defined. Since there have been various cases, Anand Sharmaji, not merely of this Government, including preceding governments, where the provisions of the Anti-Defection Act, where the Bommai judgment, have not been taken into account, I think, it is very, very important that a code of conduct, Sir, ...(Interruptions)... Anand Sharmaji, you are a veteran parliamentarian; I am a complete novice in this matter. ...(Interruptions)...

6.00 р.м.

SHRI ANAND SHARMA: Since he has taken my name, please allow me. ...(Interruptions)... I am not joining the issue. Just to tell you, you say that those who are occupying the Raj Bhawans should actually detach themselves from their past and be committed to the Constitution. Now, the present occupants of Raj Bhawans support Gau Raksha vigilante, support and give statements in favour of those who are accused in communal riots. Please go by the statements which have been made by, at least, six Governors asking for Army training to Bajrang Dal. Please go by the statements. Which Constitution allows this? Forget about what their past was? ... (Interruptions)... Can they... (Interruptions)...

SHRI SWAPAN DASGUPTA: Anand Sharmaji, I take your point very well. ...(Interruptions)... The point which I was saying was that, and it is important in the context, if there are ethical and political transgressions by any individual who sits in the Governor's chair, it is now necessary and it has become necessary that a certain code of conduct be actually stipulated and defined which will govern how Governors can and cannot behave because if this goes on as it is, there is the question of Article 356, which has a large element of subjectivity in it.

It is not merely the law; it is also a very powerful element of how the law is interpreted, or how a particular rule is interpreted. So, application of mind is very important, and if that is coupled with complete non-partisanship, then, I think, the problem will be no more. Therefore, all I am suggesting is that we should also go along and consult with the States in a spirit of 'pooled sovereignty' which the Finance Minister spoke about yesterday. I think it is necessary for consultation. It is necessary also for a complete sense of political detachment on the part of the individuals. And finally, just to make it doubly sure, taking into account various strictures and observations by the Supreme Court, I would suggest that a Code of Conduct for Governors is very necessary.

MR. DEPUTY CHAIRMAN: That's a good suggestion. Now, hon. Minister to reply.

SHRI GULAM NABI AZAD: Sir, before the hon. Minister replies, I would like to raise one question. Leaving aside the party politics, I have a great respect for the hon. Minister of State from the North-East. He is one of the efficient Ministers. He replies to most of the questions and also supplementaries and even otherwise. I do not doubt his capacity and capability as a Minister. But we are discussing Arunachal Pradesh, and the hon. Minister is also a Member of Parliament from Arunachal Pradesh. Besides that, he

is also the MoS in the Ministry of Home Affairs. And, it was his involvement, I allege. I won't say I don't have any proof. He was also a party to the ongoing events in Arunachal Pradesh during the process which was started for removing the Speaker and mustering the majority from this side to that side. He had an advantageous position being a Member of Parliament and knowing everybody, and he was also in the Ministry of Home Affairs. So, keeping in view his efficiency and intelligence, I think, he should have chosen himself not to reply to the debate. Let the Cabinet Minister come back and reply. My submission would be that let us wait. We can have the reply tomorrow from the Union Home Minister. We can even wait till Monday to have the reply. That would be my advice to the hon. Minister of Home Affairs knowing well that it is the joint responsibility of the Council of Ministers. Keeping the fact whether he was the architect of those events or not aside, there were doubts and we were also told by our people that the hon. Minister was also a party to what was happening there. So, my submission to the hon. Chair is, let the Union Home Minister come back from Pakistan and reply. If he is ready to reply tomorrow, he can do that. Even if he is not ready to reply tomorrow, we can wait till Monday. Heaven is not going to fall. We have waited so far. So, that is our Party's position, and I am sure, other hon. Members from other opposition parties will also feel on the same lines.

श्री मुख्तार अब्बास नक्रवीः सर, hon. Leader of the Opposition ने जो बात कही, hon. Minister of State in the Ministry of Home Affairs अरुणाचल प्रदेश से ही elected Member of Parliament हैं और एक बार नहीं बल्कि तीन बार वहां से मेम्बर चुने गए हैं। इसके साथ ही साथ Hon'ble Leader of the Opposition जानते हैं कि श्री राजनाथ सिंह जी आप पाकिस्तान में हैं। ...(व्यवधान)... पाकिस्तान में सार्क कंट्रीज़ के होम मिनिस्टर्स की मीटिंग चल रही है, वे वहां पर गए हैं।

महोदय, मुझे लगता है कि hon. Minister of State in the Ministry of Home Affairs की जो efficiency है, capacity है, उसके बारे में hon. Leader of Opposition ने पहले ही कह दिया है कि हमें इसमें किसी तरह का कोई एतराज़ नहीं है। जहां तक आरोप की बात का सवाल है, तो मुझे लगता है कि वह आरोप बिल्कुल गलत है। गृह मंत्रालय में जो गृह मंत्री और गृह राज्य मंत्री हैं, इन दोनों ने ही इसमें बहुत ही निष्पक्षता और बहुत ही ईमानदारी के साथ काम किया है और इनका इसमें किसी भी रूप में, किसी भी तरह का कोई इन्वॉल्वमेंट नहीं था। इनका कसूर या दोष केवल इतना ही है कि ये अरुणाचल प्रदेश से हैं और अरुणाचल प्रदेश की जनता ने इनको एमपी के रूप में चुनकर यहां भेजा है, लेकिन केवल इसी बात के लिए इनके साथ भेदभाव नहीं होना चाहिए। जो आपके सवाल हैं, ये उनके जवाब देंगे। ...(व्यवधान)... उसके बावजूद भी ...(व्यवधान)... एक मिनट, तिवारी जी। इसके बावजूद भी अगर आपको लगता है कि आज उत्तर नहीं होना चाहिए, कल होना चाहिए, परसों होना चाहिए, तब तक गृह मंत्री जी आ जाएंगे, उसमें भी हमें कोई आपित नहीं है।

SHRI BHUBANESWAR KALITA: Why don't you promote him? There is no Cabinet Minister from the North-East. ... (Interruptions)...

SHRI PRAMOD TIWARI: Mr. Deputy Chairman, Sir, I have a point of order. ... (Interruptions)... Sir, Mr. Bhupender Yadav is sitting in front of me. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: You address the point of order to me, not to Mr. Bhupender Yadav. ... (Interruptions)...

SHRI PRAMOD TIWARI: Okay, Sir. I want to raise the same issue which he raised. The interest of the Minister with Arunachal cannot be denied. ... (Interruptions)...

SHRI MUKHTAR ABBAS NAQVI: It is already ruled out. ... (Interruptions)...

SHRI PRAMOD TIWARI: Listen to me. ... (Interruptions)... Kindly read Rule 294.

MR. DEPUTY CHAIRMAN: Yes, I know Rule 294.

SHRI PRAMOD TIWARI: Sir, I know that you are aware of every section. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: No, no. Not every section but I know Rule 294.

SHRI PRAMOD TIWARI: Can he say here that he is not interested in Arunachal? Let him make a statement that he is not interested in Arunachal. Let him say that his interest is not with Arunachal. That he has to declare in this case.

Sir, Mr. Rijiju is a very capable Minister, and I recommend that he should be made the Cabinet Minister. It is my recommendation but he will not be I, know. He is very capable.

MR. DEPUTY CHAIRMAN: It is all right. ... (Interruptions)... I have understood it. ... (Interruptions)...

SHRI PRAMOD TIWARI: Let me complete. My question is with regard to the interest of Mr. Rijiju. As I know, he was the architect of Arunachal debacle. For what happened there, the Government of India is now ashamed of. They should apologize to the nation for committing the *. He is the main architect. Should we hear the reply from a person who has * This is my point of order. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Let me deal with this. ... (*Interruptions*)... No, I don't need your help. I heard the point of order. I would like to give a ruling on that.

^{*}Expunged as ordered by the Chair.

See, the fact that the Minister belongs to Arunachal Pradesh, or, for that matter, if any Minister belongs to a particular State, does not disqualify him from replying a question, which Is related to that particular State because every Minister is expected to reply and act in the interest of the nation, and not in the interest of the particular State. The moment.....(Interruptions)... Let me say....(Interruptions)...

See, all of us, including the Prime Minister, are from one State or the other. Once they are elevated to the Cabinet or the Council of Ministers, they are expected to, and, they should drop the tag of their particular State interest. That is expected of everybody including me. I am the Deputy Chairman here. I should not have the Kerala tag when I am sitting here. Outside, I may be having it, but not in the House. In the House, it is expected of every Minister. Therefore, I have no reason to presume otherwise. ... (Interruptions)... No, let me complete. ... (Interruptions)... No, that is a different matter in politics. ... (Interruptions)... Ministers will be involved in so many things, that is a different matter. But I have no reason to presume that the Minister, because he is from Arunachal Pradesh, will mislead or distort any fact, or, that he is not capable of giving a proper reply. So, the matter that he cannot reply, I rule out.

But regarding the second point and the suggestion that the reply may be postponed, if there is a consensus in the House, I have no problem. I have no problem if there is a consensus in the House. What do you say, Mr. Minister? ... (Interruptions)... He is qualified to reply but if you want to postpone the reply, that is another matter.

श्री मुख्तार अब्बास नक्रवीः सर, इसमें कोई आपत्ति नहीं है। बेहतर है कि यह रिप्लाई अभी हो जाए। चूंकि आपने जो इनको मेन आर्किटेक्ट कहा है, तो मेन आर्किटेक्ट तो ज्यादा अच्छा बता सकते हैं। आपके हिसाब से, जैसा आप लोगों ने एक्युज़ किया है, इसलिए कम से कम इनकी बात आप सुनिए।

MR. DEPUTY CHAIRMAN: What is your suggestion? ... (Interruptions)...

SHRI ANAND SHARMA: Sir, please hear me. ... (Interruptions)... I raised this matter. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: No; if you want to postpone the reply, we can do it with consensus.

SHRI ANAND SHARMA: Sir, I want to make a submission just for one minute. As the LoPhas said, and, as you have also said, none of us are saying anything personal. We are not saying that as a Minister of the Union, he cannot intervene. He could have intervened in the discussion. He can speak on any subject. But this particular subject is about what? It is about Central Government, in a planned manner, toppling an elected Government,

[Shri Anand Sharma]

using Governor as the political agent. Now, the Constitution Bench of the Supreme Court has censured the Governor. He is the Minister of State for Home. It is alleged and widely reported that he was directly involved. The Home Minister...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, no; I have given ruling on that. ... (Interruptions)...

SHRI ANAND SHARMA: I said, "it is alleged". I am not levelling any allegation. It is there in the media. But since there is ... (Interruptions)... आप क्यों बीच में बोल रहें हैं? Sir, the only submission which we are making is this, and we are not levelling any allegation, neither LoP, nor me, nor my colleagues, Mr. Pramod Tiwan nor Mr. Kalita. We say he is a good Minister. Let him be elevated. There is no Cabinet Minister from North-East.

MR. DEPUTY CHAIRMAN: But you know it is the joint responsibility. The Government can ask any Minister to reply. ... (Interruptions)...

SHRI ANAND SHARMA: No, Sir. The issue is different. The issue is about the Constitution Bench judgement censuring the Governor. To whom does the Governor report? Only the Home Minister should come. You postpone the reply.

MR. DEPUTY CHAIRMAN: No, no; I will not postpone on the question that this Minister is not competent or not qualified to reply.

SHRI ANAND SHARMA: We are not saying that. We never said this.

MR. DEPUTY CHAIRMAN: I can postpone it on the basis of a consensus. What do you say?

श्री मुख्यार अब्बास नक्रवीः सर, मेरा तो यडी कडना है कि अगर अभी रिप्लाई हो जाए, तो better होगा, बेहतर होगा। डाउस का consensus क्या है? लेकिन उस कारण से कि वे अरुणाचल से हैं ...(खवान)... अगर यह उस कारण से हैं, तो इसलिए आपने कलिंग दी हैं कि उसमें इनकी कोई involvement नहीं हैं। ...(खवान)...

श्री गुलाम नवीआज़ाद: सर, Minister of Parliamentary Affairs politics करते हैं।

श्री मुख्तार अब्बास नक्रवीः यह आप थोड़े ही तय करेंगे। ...(व्यवधान)...

श्री गुलाम नबी आज़ादः सर, ये politics करते हैं कि अरुणाचल प्रदेश.... तो let it be very clear that we are proud of Arunachal Pradesh. We are proud of his being from Arunachal Pradesh. Please don't play politics. Arunachal Pradesh is so dear to us that you cannot imagine. And we wish him to be a Cabinet Minister. Let him come as the Home Minister. But this is ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Yes, Mr. Sukhendu Sekhar Roy, what is the solution?

SHRI GHULAM NABI AZAD: This is simply on his alleged involvement in this horse-trading. That is the only reason. Let us not say that it is because he is from Arunachal Pradesh or that I am from Kashmir, I cannot speak. Had he not been a party to it, as has been alleged, we would have had no objection. After all, he replies every day to the questions concerning the Home Ministry. We never raised any such objection.

MR. DEPUTY CHAIRMAN: Yes, Mr. Sukhendu Sekhar Roy, what is your advice? What is your suggestion?

SHRI SUKHENDU SEKHAR ROY: We have sat beyond the time-limit. Therefore, let the matter be concluded today itself. Moreover, since some serious allegations have been made against the hon. Minister, he has a right to go for a personal explanation also. So, he should not be deprived of that right. If he so wishes, he can give his personal explanation also under the rules. Therefore, this discussion should be concluded and let us hear the Minister.

SHRI ANAND SHARMA: Sir, on a matter of principle, there is nothing personal. ... (Interruptions)... Sir, if this has been said about Arunachal Pradesh, let me make it very clear, then this Government, ... (Interruptions)... Naqviji, .. (Interruptions)... If you are referring to Arunachal, it is an integral part of India and very dear to us. If you were conscious of that, the Prime Minister and your Government should not-have tried to destabilize, create instability ... (Interruptions)...

MR. DEPUTY CHAIRMAN: No, no; that discussion is over. ... (Interruptions)...

SHRI ANAND SHARMA: You have been exposed and condemned by the Constitution Bench of the Supreme Court. ... (Interruptions)... Therefore, we will not hear him. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: What is your view, Mr. Tirkey? ... (Interruptions)... What is your view? ... (Interruptions)...

श्री दिलीप कुमार तिर्कीः सर, यह डिस्कशन काफी हेल्दी रहा। हम लोगों ने काफी long time तक डिस्कशन किया। मेरे ख्याल से यह डिस्कशन आज ही conclude किया जाए।

MR. DEPUTY CHAIRMAN: Yes, what is your view, Mr. Javed Ali Khan?

SHRI JAVED ALI KHAN (Uttar Pradesh): It should be finished today itself.

MR. DEPUTY CHAIRMAN: Yes, Mr. Rangarajan, what is your view?

SHRI T.K. RANGARAJAN: Sir, if the Minister thinks that he can reply, he can reply. ... (Interruptions)... It is up to the Government. ... (Interruptions)... We can Seek clarifications on that.

MR. DEPUTY CHAIRMAN: Okay. Mr. Navaneethakrishnan, what is your view? Do you want the reply today or on Monday?

SHRI A. NAVANEETHAKRISHNAN: Sir, today itself, he can reply. ...(Interruptions)... They have very fairly stated that they do not doubt his integrity. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No discussion on that. ... (Interruptions)...

SHRI A. NAVANEETHAKRISHNAN: If there is a suspicion, let him make a statement now itself.

MR. DEPUTY CHAIRMAN: So, there is no consensus. ... (Interruptions)... I can postpone the reply only on consensus. There is no consensus. So, the Minister will reply now. ... (Interruptions)...

SHRI ANAND SHARMA: No, Sir. We are very clear that we will not listen to him on Arunachal. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: I am helpless. ... (Interruptions)... There is no consensus. ... (Interruptions)... Minister can reply. ... (Interruptions)...

SHRI ANAND SHARMA: He is the co-author of the plot. ... (Interruptions)... We are not in a position to hear him. ... (Interruptions)... We are making it clear. ... (Interruptions)... This would set a wrong precedent. ... (Interruptions)... He himself should withdraw. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: I have no difference between Minister and Minister. ...(Interruptions)... For me, every Minister is equal. ...(Interruptions)... Cabinet is joint responsibility. Therefore, I am allowing him to reply. ...(Interruptions)... I also have no reason to doubt his integrity. ...(Interruptions)... So, he is replying. ...(Interruptions)...

श्री मुख्तार अब्बास नक्रवीः सर, जब आपने इनको allow कर दिया है, तो ये कैसे रोक सकते हैं? ...(व्यवधान)...

SHRI ANAND SHARMA: The Government of India has been censured. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: That is all correct. ... (Interruptions)... You argued it. ... (Interruptions)... Both sides argued it. Now, you listen to the reply. ... (Interruptions)...

SHRI MUKHTAR ABBAS NAQVI: Sir, most of the Members want reply today. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Now, you listen to the reply. ... (Interruptions)...

SHRI ANAND SHARMA: Not from him. ...(Interruptions)... We will not allow him. ...(Interruptions)... Home Minister will reply. ...(Interruptions)... We will not allow him. ...(Interruptions)... Sir, we are very clear. ...(Interruptions)...

MR. DEPUTY CHAIRMAN: No, you cannot make this argument. ... (Interruptions)... He is the Minister of State for Home Affairs. ... (Interruptions)... You were a Cabinet Minister. Weren't you? ... (Interruptions)... Now, listen to me. ... (Interruptions)... Cabinet works on joint responsibility. If he has responsibility, every Minister has responsibility. There is no difference. ... (Interruptions)... Cabinet works on joint responsibility. ... (Interruptions)... You should listen to him. ... (Interruptions)... This is unfair. ... (Interruptions)... Anand Sharmaji, can you listen to me? ... (Interruptions)... You were Cabinet Minister. ... (Interruptions)... पुनिए ... (व्यवधान)... Let me say something. ... (Interruptions)... You were in the Cabinet of Dr. Manmohan Singh. ... (Interruptions)...

SHRI ANAND SHARMA: What are you equating me with? ...(Interruptions)... Which Government did I topple? ...(Interruptions)...

MR. DEPUTY CHAIRMAN: I never said that ... (Interruptions)... You listen to me. ... (Interruptions)... I said that you were Cabinet Minister. ... (Interruptions)... You were Cabinet Minister. If in your Government, Dr. Manmohan Singh's Government, one Minister had done a good thing or a bad thing or whatever it is, because of joint responsibility, every Minister had a responsibility for that. You know that. ... (Interruptions)... Likewise, if he cannot reply, it implies that no Minister can reply because everybody has that responsibility. ... (Interruptions)... So, at least, to me, that argument is not convincing. ... (Interruptions)... I cannot use somebody else's brain, put here and take a decision. For me, this argument is not convincing. So, I am allowing him to reply. You please do not disturb during the reply. ... (Interruptions)... I am allowing him to reply. ... (Interruptions)...

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJIJU): Mr. Deputy Chairman, Sir, ...(Interruptions)... the hon. Members, who belong to the Congress Party, ...(Interruptions)... are not interested in the facts of the case. ...(Interruptions)... The Congress Party themselves raised this matter in the House. ...(Interruptions)... And the hon. Chair has permitted the discussion. ...(Interruptions)... Which has been disallowed by the hon. Chair,...(Interruptions)... they are trying to disrupt the proceedings of the House. ...(Interruptions)... This is very, very unfortunate. ...(Interruptions)... It exposes the hollowness. ...(Interruptions)... on the basis of which the Congress Party tried to make this as an issue. ...(Interruptions)... The whole nation is watching and, ...(Interruptions)... barring the Congress Party, hon. Members of all other political parties. ...(Interruptions)... have agreed to continue with this discussion and conclude it today itself. ...(Interruptions)...

First of all, Sir, our Government...(Interruptions)... has been accused of toppling democratically elected Governments. ... (Interruptions)... In the last two years, there have been three instances of President's rule. ... (Interruptions)... invoking of Article 356 in the country in the three States, that is, the Union Territory of Delhi, the State of Uttarakhand and the State of Arunachal Pradesh. ... (Interruptions)... Some of the hon. Members from the Congress Party tried to mislead the House. ... (Interruptions)... that I term as misleading to themselves. ... (Interruptions)... If you try to mislead this House, it amounts to misleading yourselves. ... (Interruptions)... You should not mislead this House and the nation. ... (Interruptions)... You have said that we have appointed RSS workers as Governors in these three States. ... (Interruptions)... The Lieutenant Governor of Delhi was appointed by the previous Government, Mr. Najeeb Jung, who was a former bureaucrat. ... (Interruptions)... The Governor of Uttarakhand was the Police Commissioner of Delhi and.....Qnrterruptions)... he was also appointed by the previous Government. ... (Interruptions)... We have not appointed those Governors. ...(Interruptions)... The Governor of Arunachal Pradesh was the former Chief Secretary of Assam....(Interruptions)... He is a career bureaucrat, who never allied with any of the political parties or any ideology. ... (Interruptions)... So, three instances of the President's rule being accused. ... (Interruptions)... All the three Governors have an excellent track record in performing their duties when they are serving this nation. ... (Interruptions)... How could you mislead this nation? ... (Interruptions)... How could you mislead this august House?...(Interruptions)... This is quite unfair not only to the House but to those people who are occupying high constitutional positions. ... (Interruptions)... You must come with facts, which must be correct. ... (Interruptions)... Then only, you should speak in this

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House. ... (Interruptions)... You cannot mislead. ... (Interruptions)... All three bureaucrats were never a member of BJP Party or Congress Party. ... (Interruptions)... Two of them were appointed by your own Government. ... (Interruptions)... And we continued with them. ... (Interruptions)... I remember, when I was a Member of the other House in 2004, ... (Interruptions)... the Congress Party came to power and gave a public statement, 'We will not allow any of the Governors appointed by the previous Government, who carry a particular ideology; he will be dismissed.' ... (Interruptions)... We never made such a public statement. ... (Interruptions)... Our Prime Minister has never made this kind of a statement. ... (Interruptions)... that anybody who does not toe the line of our ideology, ... (Interruptions)... will be removed from the office of the Governor. ... (Interruptions)... We have never made such statements. ... (Interruptions)... People of this country know it. ... (Interruptions)... That is why, Sir, this-kind of misleading statement in this august House is very, very unfortunate. ... (Interruptions)...

Sir, I will not go into the details of the entire points made by the hon. Members. ... (Interruptions)... But I will definitely mention some of the key points.... (Interruptions)...

The number of times of President's rule, that means invoking of Article 356 in this country. ... (Interruptions)... The Congress Party is directly involved in 83 cases, where the Congress Party had its Prime Minister; in 11 cases, Congress-supported Government; and 13 cases, in the Union Territories. ... (Interruptions)... That makes it 107 times, the Congress Party was involved in invoking of Article 356. ... (Interruptions)... In justifying those cases, ... (Interruptions)... In trying to justify those cases, they have. ... (Interruptions)...

Mr. Kapil Sibal and other Members had tried to justify that they imposed emergency, and after the emergency was imposed ...(Interruptions)... the people voted Congress back to the power. ...(Interruptions)... So, they have tried to justify the imposition of emergency in this country. ...(Interruptions)... That is very unfortunate. ...(Interruptions)... Sir, let me briefly come to the gist of the case. ...(Interruptions)... The Central Government was not part of the entire case. ...(Interruptions)... In both the cases, in the case related to Arunachal Pradesh and in the case related to Uttarakhand, with regard to the imposition of President's rule, it is being challenged in the Supreme Court and it is pending. ...(Interruptions)... The case is pending. ...(Interruptions)... It is sub judice. ...(Interruptions)... That is why I will not make any comment with regard to the imposition of President's rule. ...(Interruptions)... But there is one very important fact which the hon. Members of this House must know. ...(Interruptions)... The problem in Arunachal Pradesh emanated from differences within the Congress party. ...(Interruptions)... The dissident Congress Party came to Delhi....(Interruptions)... For four months, they camped

[Shri Kiren Rijiju]

in Delhi. ... (Interruptions)... 21 MLAs of the Congress Party from Arunachal Pradesh sought appointment with their Congress Party President. ... (Interruptions)... and for four months, they were never given any audience. ... (Interruptions)... Then only they came out in the Press and said, 'we are not against the Congress Party, but, we are against the current Chief Minister', ... (Interruptions)... They said, 'the moment the leadership will be changed, they will resolve the differences within no time.' ... (Interruptions)... Thereby, when the hon. Supreme Court made a verdict, the five-member constitutional Bench gave the judgement and put the status quo ante, thereby, putting the clock back, as it existed on 15th December, 2015 ... (Interruptions)... Thereby, the Chief Minister was reinstated ... (Interruptions)... The Congress Party should answer when the former Chief Minister was reinstated, then why did he resign? ... (Interruptions)... Why did he not ... (Interruptions)... One of the dissident leaders was immediately installed as the new Chief Minister and the matter was resolved there. ... (Interruptions)... That shows that all the drama being created was unnecessary. ... (Interruptions)... It was the question of change of leadership within the Congress Party. ... (Interruptions)... We have nothing to do with their leadership, it is an internal matter...(Interruptions)... Once the leadership matter was resolved, then, the matter was over. ... (Interruptions)... This should not have been brought in this august House. ... (Interruptions)... With the installation of the new Chief Minister, we thought that the matter was over ... (Interruptions)... And everything was smoothened. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: Please try to conclude. ... (Interruptions)... Please try to conclude. ... (Interruptions)...

SHRI KIREN RIJIJU: And, Sir, as I was saying, the Central Government is not a party to the case ... (Interruptions)... The Supreme Court ruling has ... (Interruptions)... anything about the action of the Government of India because we are not party to that. ... (Interruptions)... But, unfortunately, the Congress party is saying that Central Government is involved and is the architect of the whole thing. ... (Interruptions)... How can they make such a wild allegation? ... (Interruptions)... It is very unfortunate, and I request you, Sir, to tell the hon. Members of the Congress party, who have made their points. ... (Interruptions)... I have not objected to their points. ... (Interruptions)... I have not disrupted them. ... (Interruptions)... But when the Minister is here to speak and reply to the queries raised by them... (Interruptions)... why are they doing this kind of a thing? ... (Interruptions)... I wish, I could make more elaborate points, ... (Interruptions)... thereby, justifying that we are not involved either in Uttarakhand or Arunachal Pradesh, but, it is the internal matter of the Congress Party... (Interruptions)... If anybody has to apologise to the nation, it is the Congress Party... (Interruptions)... by creating unnecessary issue out

of whole situation, when it is the internal matter of the Congress party ... (Interruptions)... They have misused the very valuable time of this House. ... (Interruptions)... By putting unnecessary issue, and not allowing me to reply ... (Interruptions)... With this, I thank all the hon. Members of all the political parties, except the Congress Party, for supporting our cause and for making my reply audible in this august House. Thank you very much.

RECOMMENDATIONS OF THE BUSINESS ADVISORY COMMITTEE

MR. DEPUTY CHAIRMAN: I have to inform Members that the Business Advisory Committee at its meeting held on the 4th of August, 2016, allotted time for Government Legislative Business, as follows:-

	BUSINESS		TIME ALLOTTED
1.	Consideration and passing of the Mental Health Care Bill, 2013		Two and a half hours
2.	Consideration and passing of the following Bills, after they are passed by Lok Sabha:-		One hour
	(a)	The Central Agricultural University (Amendment) Bill, 2016	One hour
	(b)	The Employees' Compensation (Amendment) Bill, 2016	One hour
	(c)	The Transgender Persons (Protection of Rights) Bill, 2016	Two hours
	(d)	The Citizenship (Amendment) Bill, 2016	Three hours

SPECIAL MENTIONS*

MR. DEPUTY CHAIRMAN: Now Special Mentions. I will call the names and hon. Members can lay them on the Table. Shri Narendra Budania, not present.

Demand to take steps for laying Kochi-Kuttanad-Mangalore-Bangalore gas pipeline by GAIL without affecting agricultural lands in Tamil Nadu

SHRIMATI KANIMOZHI (Tamil Nadu): Sir, the Kochi-Kuttanad-Mangalore-Bangalore Gas Pipeline Project was initiated in 2007 to connect the Southern States of

^{*}Laid on the Table.