

STATUTORY RESOLUTION

**#Disapproving the Government of National capital territory of Delhi (Amendment)
Ordinance, 2023**

&

GOVERNMENT BILLS

**# The Government of National Capital Territory of Delhi (Amendment) Bill, 2023
and**

**# Amendments for reference of the Government of National Capital Territory of Delhi
(Amendment) Bill, 2023 to a Select Committee of the Rajya Sabha - *Contd.***

MR. CHAIRMAN: Now, Prof. Manoj Kumar Jha. You have nine minutes.

प्रो. मनोज कुमार झा (बिहार) : सभापति महोदय, आपका शुक्रिया। मैं एक छोटी सी कहानी से अपनी बात शुरू करना चाहता हूँ। हमारे विश्वविद्यालय में एक शिक्षक थे, वे कह रहे थे कि राजस्थान में एक सेठ थे। वे अचानक सांप-सांप चिल्लाने लगे, तो लोगों ने आकर पूछा कि क्या हुआ? वे बोले कि देखो, अभी पेट पर से सांप चल कर चला गया, तो लोगों ने कहा कि काटा तो नहीं, तो वे बोले कि काटा नहीं, लेकिन रास्ता देख गया है।

MR. CHAIRMAN: Professor, this is my quote. Everybody in the House knows, not of your university. यह तो मैंने कहा है।

PROF. MANOJ KUMAR JHA: Sir, I would want all of you to give me uninterrupted time. I will not speak anything, which is going to prick you or disturb your rhythm. What I wanted to say is कि असल में कई वर्ष पूर्व इस देश में देखा और आज भी देख रहे हैं कि जब बहुत बड़ी सत्ता आती है, तो कई खयालात आते हैं। कुछ अच्छे होते हैं और कुछ वे होते हैं, जिनको हम lowest hanging fruit कहते हैं। मैं और मेरी senior colleague जया जी, हम लोग बात कर रहे थे कि इतनी पावर का क्या करेंगे! क्या यह कम है कि इतने राज्यों में सरकार है! केन्द्र में सरकार है, 303 का बहुमत है, उसके बावजूद किसी निर्वाचित सरकार को लेकर यह आपकी कार्यप्रणाली है, जहां 11 मई को सुप्रीम कोर्ट का ऑब्जर्वेशन हुआ, उसके बारे में मेरे कई colleagues कह चुके हैं। संभवतः हमारी सरकार ने सोचा होगा कि वैकेशन में जाने से पूर्व उनको

Discussed together

कुछ ऐसा पकड़ा दो कि वे अवकाश में भी इसके बारे में सोचते रहें। वे 19 मई को यह ऑर्डिनेंस लेकर आए। तब जजों का यह काम था कि लगातार इस पर सोचते रहें।

सर, इससे पहले मैं कुछ बिंदुओं पर आऊँ, मेरे कुछ साथी, जिन्होंने लोक सभा में वोट किया है, most likely they will do the same here. हालांकि मैं लोक सभा के बारे में जिक्र नहीं करना चाहता था। महोदय, आप diversity शब्द का बहुत जिक्र करते हैं और हम सब उसमें rejoice करते हैं, वह हमारा pride है, लेकिन एक मंत्री महोदय diversity बोलते-बोलते यह बोल गई कि 'INDIA' is complicated. सर, बचपन से लेकर आज तक इंडिया कभी complicated नहीं लगा। यह पार्लियामेंट के रिकॉर्ड में है, इसलिए मेरी चिंता है। इंडिया complicated नहीं है। इंडिया का बड़ा सहज स्वभाव है, महासागर के जैसा है। उसमें सब कुछ समा जाता है- चाहे मजहब हो, धर्म हो, जाति हो, कौम हो, लेकिन इसको जब तालाब बनाने की कोशिश करते हैं, तो महासागर तालाब नहीं बनना चाहिए। For all those friends, जिन्होंने equidistant के बारे में बड़ी अच्छी-अच्छी बात कही। सर, Equidistant का मतलब Neutrality होता है। जब चूहे की पूंछ पर हाथी का पांव पड़ा हो, तो neutrality के बारे में उस चूहे से पूछिए कि उसको कैसा लग रहा है! सर, आज बहुत शेर पढ़े गए हैं। सुधांशु जी ने पढ़ा, तो मैं भी एक शेर अर्ज करना चाहता हूँ। यह पड़ोस के मुल्क से आया है "तुम तकल्लुफ़ को भी इख़्लास समझते हो 'फराज़'। इख़्लास का मतलब 'true friendship' है।

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दोस्त होता नहीं हर हाथ मिलाने वाला।"*

महोदय, मैं यह कहना चाह रहा था कि at a historical juncture, उस दिन मुझे एक चीज़ अच्छी लगी, हमारे माननीय गृह मंत्री जी ने जवाहरलाल नेहरू जी को क्वोट किया था। एक पल मुझे यह लगा कि शांति वन में अस्थियां कसमसा गई होंगी कि यह हुआ क्या! फिर अम्बेडकर साहब को भी क्वोट किया, राजाजी को क्वोट किया, लेकिन उन्होंने कन्हैयालाल माणिकलाल मुंशी जी को क्वोट नहीं किया, एच.डी. कामथ को क्वोट नहीं किया, जो शायद ज्यादा उनके पक्ष में तर्क आ जाता। सर, मैं विश्वविद्यालय में पढ़ाता हूँ। हम लोग पीएचडी के स्टूडेंट्स को citation सिखाते हैं, जिसको 'Ethical citation' कहते हैं। 'Ethical citation' का मतलब यह नहीं होता है कि सेमीकॉलन के बाद का ले लिया और शुरू वाला छोड़ दिया। मैं उदाहरण के लिए कहता हूँ कि आज तक सबको इस देश में लगता है कि मार्क्स ने कहा था कि धर्म अफीम है। Religion is the opium for masses. The entire quote is, "Religion is the sight of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the opium of the people". इसमें हमने क्या किया? सिर्फ opium वाली लाइन निकाल ली और मार्क्स को कह दिया कि धर्म विरोधी था। इसलिए मैं कहता हूँ कि citation बहुत इम्पोर्टेंट चीज़ है। बहरहाल, शांति वन में जवाहरलाल नेहरू जी की अस्थियों को मज़ा आया होगा। मूलतः मैं यह इसलिए नहीं कह रहा हूँ कि मैं बीजेपी की कार्यप्रणाली का विरोधी हूँ, वह एक पोलिटिकल रिएलिटी है, हम भी एक पोलिटिकल रिएलिटी हैं। हमें शत्रुता की जुबान से एक-दूसरे को संबोधित नहीं करना चाहिए, न सदन में और न सदन के बाहर। साहब, हम इंडियन मुजाहिदीन

नहीं हैं, हम ईस्ट इंडिया कंपनी नहीं हैं, हम वह भारतवर्ष हैं, जिसे मैंने महासागर कहा और उस महासागर में आप भी हैं और हम भी हैं। हम और आप एक-दूसरे की कीमत पर नहीं हैं। सर, मैं यह कहना चाहता था कि यह प्रतिगामी बिल है। सर, आपको घंटी नहीं बजानी पड़ेगी। मैं प्रॉमिस करता हूँ कि मैं अपनी बात समय पर खत्म कर दूंगा। सर, मैंने प्रतिगामी क्यों कहा - दुनिया देख रही है कि हम कितना प्रोग्रेसिव लेजिस्लेशन लाए हैं। मुझे इसमें यह चिंता हो रही है कि माननीय सर्वोच्च न्यायालय ने एक निर्णय दिया। सर, कुछ सोचकर दिया होगा न! आप अकसर कहते हैं कि नेहरू जी नहीं चाहते थे। नेहरू जी 1956 में नहीं चाहते थे। 67 वर्ष बीत गए हैं, तो क्या हकीकत नहीं बदलती! नेहरू जी के टाइम में हम सार्वजनिक क्षेत्रों में कितना ध्यान देते थे और आज हम बेचने में ध्यान दे रहे हैं! सर, यह फर्क आया है। चूंकि यह फर्क आया है, तो हर हकीकत में फर्क होता है। 1956 की दिल्ली और आज की दिल्ली वही नहीं है। सर, मैं तो अरविंद केजरीवाल जी का बिल ही नहीं मानता हूँ, दिल्ली गवर्नमेंट का बिल ही नहीं मानता हूँ। मैं तो यह मानता हूँ कि अगर यह प्रयोग सफल हुआ, अगर सांप ने रास्ता देख लिया, तो कल उन पर भी गाज गिरेगी, जो आज neutrality or equidistant के नाम पर न जाने क्या-क्या सोच रहे हैं। सर, हम तब भी आपके साथ होंगे - यह गारंटी है। हमारे पास कोई विकल्प ही नहीं है। हम परेशान, हताश लोगों के पक्ष में खड़े होते हैं। जब कश्मीर का विषय चल रहा था, उस वक्त आम आदमी पार्टी ने कोई और पोजिशन ली थी। आज उनको समझ में आ रहा होगा कि उस वक्त वह पोजिशन क्यों ली। आज मैं यह कह रहा हूँ कि कल किसी राज्य के साथ होगा, पर हम आपके साथ होंगे।

सर, Separation of powers के बारे में मेरे कई colleagues कह चुके हैं। मैं कुछ नहीं कहना चाहता हूँ, मैं केवल ये तीन चीजें कहूंगा। सर, अगर ब्यूरोक्रेट्स मिनिस्टर के प्रति उत्तरदायी नहीं हैं, तो क्या यह अराजकता को जन्म नहीं देगा? अगर मैं दिल्ली सरकार हूँ, तो मैं दिल्ली की जनता के लिए उत्तरदायी हूँ - जैसा राघव जी कह रहे थे और अगर कहीं कोई विसंगति आती है, तो क्या मैं एलजी साहब के पास जाऊँ? क्या वे चुनाव जीते हैं? हालांकि मैं जानता हूँ कि इस देश में गवर्नर्स और लेफ्टिनेंट गवर्नर्स की भूमिका में विस्तार हो गया है। अब तो वे राज्यों के नाम बदल देते हैं। सर, आपकी मुस्कुराहट कुछ इंगित कर रही है। सर, 239AA के बारे में जो बातें कही गई हैं, मैं उनको दोहराना नहीं चाहता हूँ। मैं सिर्फ एक चीज़ पर आऊंगा - कोरम। सर, यह कमाल का कोरम हुआ - तीन में से दो होंगे। मुख्य मंत्री बेचारा चेयरमैन है। लेकिन उन्होंने बहुत अच्छी बात कही - Chairman without Chair. मुख्य मंत्री चेयरमैन हैं, अगर वे दो मिनट लेट भी पहुंचेंगे, तो कोरम डिसाइड कर लेगा कि दिल्ली के लिए क्या करना है। Sir, it is not quorum; it is, actually, an instrument to decimate the very idea of an elected Government. ...**(समय की घंटी)**... सर, घंटी मत बजाइए। मैं डा. के. केशव राव जी की श्रेणी में से डेढ़-दो मिनट और ले लूंगा। सर, एक सोल डिस्क्रीशन का मामला आया है। इस संबंध में मैं माननीय गृह मंत्री जी से आग्रह करूंगा। हमारी महामहिम राष्ट्रपति जी के लिए भी जो संदर्भ आते हैं, a Council of Ministers to aid and advice the President. सर, उनका भी सोल डिस्क्रीशन नहीं होता है। यह तो मुझे एक तरह से soulless discretion दिख रहा है, आत्मा विहीन discretion. सर, यह उसमें फिट नहीं बैठता है।

सर, मैं कल फेडरलिज़्म पर गूगल कर रहा था। मुझे इंटरेस्टिंग लोगों के दो बहुत महत्वपूर्ण क्वोट मिले - एक चंद्रबाबू नायडू जी का और एक नवीन पटनायक जी का। मैं उन क्वोट्स को पढ़ना नहीं चाहता हूं, बस बता देना चाहता हूं।

सर, आखिर मैं यह उन तमाम लोगों के पेश-ए-नज़र है, जो अपील करते हैं कि साहब इस बिल पर मदद करो। **...(समय की घंटी)...** दुष्यंत जी कह कर गए थे कि,

*"उनकी अपील है कि हम उन्हें मदद करें,
चाकू की पसलियों से गुज़ारिश तो देखिए"।*

सर, ये चाकू पसलियों से कह रहा है, हमारी मदद करो। सर, यह आसान मामला नहीं है। जय हिंद!

MR. CHAIRMAN: Now, Shri Elamaram Kareem.

SHRI ELAMARAM KAREEM (Kerala): Sir, Shri Bikash Ranjan Bhattacharyya is speaking. I have given his name. He is speaking from the CPI(M).

MR. CHAIRMAN: Shri Bikash Ranjan Bhattacharyya. Bikashji, you have seven minutes.

SHRI BIKASH RANJAN BHATTACHARYYA (West Bengal): Sir, I will finish before that.

MR. CHAIRMAN: Yes.

SHRI BIKASH RANJAN BHATTACHARYYA: The seven minutes start from here.

MR. CHAIRMAN: They end here.

SHRI BIKAS RANJAN BHATTACHARYYA: Sir, we are all rational animals. Human is a rational animal. The difference is rationality and animality. This rationality has driven us to move forward. The human civilization has advanced step-by-step. We had never seen that the civilization has gone backwards. When the Constituent Assembly was discussing about the Constitution, you are well aware, the 'Role of Governors' was discussed. It was decided upon discussion that the Governor cannot be another source of power. The Governor should act following the advice of the elected representatives and the representative Government. This is a settled principle, and,

on that basis, we have advanced to a people's Government where the Governor was an ornamental Constitutional Head to keep liaison with the Centre. The basic principle was that the federal principle and federal governance, as per our Constitution, is carried forward. When the Constitution was adopted, the Delhi was not a State. That was a Union Territory like many others. I am not going to give examples. That rationality has driven us to go forward and advance to the stage that Delhi would be a State with certain restrictions, and the people will have the right of governance through their representatives. This was the advancement of the Constitution. That is why, through the Constitution Amendment, Article 239AA, was incorporated. Now, what do we see? We find today that we are going backwards. The Governor or the bureaucrats are bound by the constitutional principle and constitutional morality, to be answerable to the elected representatives. That is the Republic. That is the Democratic Republic the Constitution-makers thought of; no question of this party and that party. That was the result of Independence struggle. ...*(Interruptions)*... I know some people did not have the legacy of Independence struggle. They might have a different outlook, different thought. ...*(Interruptions)*... But this representative Government is the outcome of Independence struggle which the people fought, giving their lives, sacrificing their lives, not surrendering their own rights at the behest of the British mercy. ...*(Interruptions)*... Sir, what this Rule is, what this Bill is for? The Bill is sought to replace the Ordinance. Why did the Ordinance come for? Let us analyze it stage-by-stage. I am not going to have a quarrel with this Party or that Party. The House is for discussion on the constitutionality of this Bill. Nobody questions the power of Parliament. Having power is one thing. But exercise of power is wisdom. Unless you have the wisdom, the power gives you absolute autocratic authority which is against the basic principle of our Constitution. Sir, have you noticed it? You were the Governor and you felt that in spite of the best of your desire, you have to be bounded by the aid and advice of the Government. That was your practical frustration that 'without the aid and advice of the Government, I cannot do anything because the Constitution thought of, again I repeat, the representation of the people.' 'People' is the last word. They have chosen it. It might be 'X', 'Y' or 'Z'; to your liking or not liking. Have you seen the Delhi Bill? I have never seen such a thing. The Constitution of India and the Supreme Court had said that 'even the President of India doesn't have unguided discussion.' Here, by a law, the Parliament will say, you have a sole discretion. Would the Parliament invite the autocracy? This law invites autocracy. This law speaks of, 'Throw-away the people's Government; I appoint a bureaucrat; I appoint somebody of my choice; he will dictate.' 'You will be subservient to this.' Have you gone

through this Bill? This Bill would take us completely to the stage of animality, not the stage of advanced humanity for which we feel proud of. We, the people of India, thought of governance by people's representatives. I was reading this Bill. It reminded me of the 1926 Act of Kolkata Corporation where the Executive was the superior. The Mayor was just a subservient force. That was thrown away by the people. Now here also, we have, under the Constitution created a third tier of Government. Democracy means distribution of power. Democracy means not centralization of power. Sir, this Bill only empowers a particular individual. This Bill, Sir, only empowers a particular individual. He may be a wise man, but maximum power without any guidance would lead to his *

Sir, I have already submitted, and everybody here has said, that the * Is this how you respect constitutional principles and morality? I would not read into the clauses of the Bill, but this Bill is a total abdication of governance by the people's representatives. I would request all not to be guided by their petty political feelings. This would lead to a situation where tomorrow I can say, * Where will you go? The Home Minister's praise in the meetings would not give you results. They would say, there is a precedent; the Parliament has passed such a law!

Sir, you have already cautioned me and I said, I would finish within seven minutes. I would finish with an appeal to everyone, even Treasury Benches -- don't be trapped into such a Bill which could ultimately kill you. Don't make democracy an absolute farce. Let the representative Government survive and the principle be extolled by the Constitution principles. With this, I appeal through you, to all to reject this Bill.

DR. SASMIT PATRA (Odisha): Sir, I have got a point of order, under Rules 235 and 238. There are a couple of references that have been made to our hon. Chief Minister, Shri Navin Patnaik. He is not a Member of the House. So, any remarks thereof may kindly be examined and dismissed. ...*(Interruptions)*...

MR. CHAIRMAN: I will look into it. ...*(Interruptions)*...

DR. SASMIT PATRA: I am not done, Sir. ...*(Interruptions)*... Sir, I am not yielding; I am not yielding. ...*(Interruptions)*... The second is with reference to the Odisha

* Expunged as ordered by the Chair.

Government as well. We are open to discussions on that. We can talk about Article 239AA and why it only serves the Delhi Government. That is because Delhi has a special place. It is *sui generis*, which has been provided by the Supreme Court. Therefore, to talk about any other State Government is not appropriate. The same may kindly be examined, Sir.

MR. CHAIRMAN: I will examine and take a call. ...*(Interruptions)*... Shri Aneel Prasad Hegde; seven minutes.

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I have a point of order. ...*(Interruptions)*... Sir, anything can be discussed in this House. Kindly allow me. ...*(Interruptions)*...

MR. CHAIRMAN: When there was time for you to say so, Mr. Siva, you did not say so and now you are saying so. I pleaded with everyone to say so. Mr. Hegde, seven minutes.

SHRI ANEEL PRASAD HEGDE (Bihar): Mr. Chairman, Sir, I rise on behalf of my Party to strongly oppose this Bill.

At the outset, I want to make it clear that this Bill, which seeks to ratify an Ordinance, has dealt a severe blow to democracy and cooperative federalism. The Union Government is usurping the powers of the State by blatantly bulldozing through laws on subjects in the State List. The Government is also bartering the sovereignty of this country, Sir. यह विधेयक दिल्ली के मुख्य मंत्री और दो अधिकारियों को मिला कर नेशनल कैपिटल सिविल सर्विसेज अथॉरिटी की स्थापना करेगा, जिसमें सिर्फ दो लोगों के कोरम से इस अथॉरिटी की मीटिंग संभव है। इसका मतलब दिल्ली की चुनी हुई सरकार को काम करने और निर्णय लेने के लिए दिल्ली के लोगों ने जो अधिकार दिया है, इस अधिकार को दो अधिकारी एलजी की सहमति से छीन लेंगे। यह कैसे अनडेमोक्रेटिक है? सर, पिछले सप्ताह इसी सत्र में बायोडायवर्सिटी एक्ट और फॉरेस्ट कंजर्वेशन एक्ट संशोधन बिल्स पास हुए। यह संशोधन बायो-पाइरेसी को बढ़ावा देगा। बायोडायवर्सिटी एक्ट में जेपीसी द्वारा की गई 21 रिकमेंडेशंस में से 20 को दरकिनार करके इसे पास किया गया है। Sir, the Forest Conservation Act is opening up precious forest resources to the exploitation of private companies. To illustrate my point on sovereignty, पर्यावरण कानून के उल्लंघन के लिए जो जुर्माना लगता था, उसको समाप्त करने के लिए एक लम्बे अरसे से अमरीका की Environment Protection Agency और बहुराष्ट्रीय कम्पनियों की मांग थी, जिसके बारे में मेरे पास प्रमाण हैं। पिछले सप्ताह यहां पर Biological Diversity (Amendment) Bill, 2023 पास करके उनकी मांग को पूरा किया गया है। ...*(व्यवधान)*... सर, मैं दिल्ली के बारे में ही बोल रहा हूं। ...*(व्यवधान)*... यह किस तरह undemocratic है, मैं उसी पर बोल रहा हूं।

सर, विडम्बना यह है कि *जहां पर दिल्ली में सब कुछ ठीक चल रहा है, यहां की Constitutional machinery में संशोधन लाना विडम्बना है।...**(व्यवधान)**... सर, मैंने अभी बताया कि स्टेट लिस्ट...**(व्यवधान)**...

MR. CHAIRMAN: Hon. Member ...*(Interruptions)*... Hon. Member, you are a senior person and a knowledgeable person. You have to confine to the issue at hand.

SHRI ANEEL PRASAD HEGDE: I am saying how this Bill is undemocratic. ...*(Interruptions)*... I am trying to drive home my point how the Bill is undemocratic. ...*(Interruptions)*... I am giving an example. ...*(Interruptions)*...

MR. CHAIRMAN: Confine yourself. ...*(Interruptions)*...

श्री अनिल प्रसाद हेगडे : सर, मैंने अभी बताया, इस बिल के माध्यम से स्टेट लिस्ट में राज्य के अधिकारों को छीना जा रहा है। कृषि स्टेट लिस्ट में आती है। उदाहरण के लिए, मेरे दल के मुख्य मंत्री, श्री नीतीश कुमार और दिल्ली की आम आदमी पार्टी की सरकार ने GM mustard and GM crop का विरोध किया है। उन्होंने जैविक परिवर्तन की फसल का विरोध किया है, लेकिन खाद्य क्षेत्र में पहली बार GM food crops में Delhi University की DMH-11 GM Mustard को 25 अक्टूबर, 2023 को केन्द्र सरकार ने अप्रूवल दिया है। विदेशी कम्पनियों के द्वारा खाद्य क्षेत्र में जैव परिवर्तन की फसलों को लाने के लिए, Delhi University ने Trojan horse बन कर रास्ता साफ किया है। सर, ...**(व्यवधान)**...

MR. CHAIRMAN: Go ahead.

श्री अनिल प्रसाद हेगडे : सर, अभी मैंने आपको जो sovereignty के बारे में बताया, मैं उसके बारे में एक लाइन पढ़ कर बताता हूं। सर, यह US Environment Protection Agency की रिपोर्ट है, जो मिनिस्ट्री के बराबर है। यह रिपोर्ट बताती है, "This dialogue should be preceded by an analysis, to be developed by EPA, of India's current and relevant statutory provisions, with a discussion of their interpretations and application in civil cases, as well as specific recommended changes to the Constitution..." देश के संविधान को बदलने के लिए अमरीका हमें कह रहा है। "... or environmental statutes/regulations that are necessary to establish civil judicial authorities." सर, मेरी पार्टी इस बिल का विरोध करती है, धन्यवाद।

* Expunged as ordered by the Chair.

5.00 P.M.

MR. CHAIRMAN: Shri Jose K. Mani; you have four minutes.

SHRI JOSE K. MANI (Kerala): Sir, I rise to oppose strongly the Government of National Territory of Delhi (Amendment) Bill, 2023. As stated by my colleagues, it is anti-democratic, anti-federal and it is aimed to distract the proper functioning of the democratically-elected Government of Delhi. When you talk about democracy, it is centred around the people and it is for the people but this Bill is formulated 'by the bureaucrats', 'of the bureaucrats', and 'for the Union Government', which means that the people are eliminated and the essence of democracy is vanished. The Bill is nothing short of a disgraceful attempt to snatch the powers from the hands of the people. The way the Ordinance was sneaked in without any valid justification is nothing short of abuse of power. What is the objective of this Bill? What was the emergency of issuing the Ordinance? Sir, this politically motivated Bill undermines the very essence of parliamentary democracy and the rights of its citizens. It undermines the State's rights and authority turning Delhi into a mere puppet under the control of the Central Government. The provision of hon. Lieutenant Governor's sole discretion on matters recommended by the National Capital Civil Service Authority is a cruel joke on the concept of autonomy and self governance. The Bill is another betrayal of our democracy and the federal system.

Sir, the Bill is systematic death blow to the democracy, which is what is achieved by this legislation. The Central Government with majority, which they gained by decisive strategies, is now chopping the branch they are sitting. We can cite a number of cases. Various Bills, which have been passed in the Parliament, for example, the Multi-State Cooperative Societies Bill and the Agriculture Bill, intruding upon the sovereign domain of the States, try to crush the federal system of our country. It is being done through the Bill and also the list of actions undermining the federalism in the country. Basically, we understand that because BJP is not able to come to power in the NCT of Delhi democratically, that is, through election, they are trying to curb the powers of the State Government. I have a simple question. Had the BJP been in power in Delhi, would they have accepted such kind of a Bill? I am sure they would never have done so. Let me conclude by saying that this Bill and the Ordinance is an insult to the spirit of the Constitution. I will vehemently oppose this legislation until justice prevails. Thank you.

MR. CHAIRMAN: Shri Abdul Wahab; not present. Shri P. Chidambaram; not present. Shri Mahesh Jethmalani.

SHRI MAHESH JETHMALANI (Nominated): Hon. Chairman, Sir, I rise to support this very, very important Bill. ...*(Interruptions)*...

SHRI JAIRAM RAMESH (Karnataka): Sir, Mr. Chidambaram has come. ...*(Interruptions)*...

SHRI MAHESH JETHMALANI: I am not in court and I am surrounded by you. ...*(Interruptions)*...

MR. CHAIRMAN: Can I persuade you to yield in favour of Mr. Chidambaram?

SHRI MAHESH JETHMALANI: Yes, of course. I was actually to speak after him. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: Sir, let him speak first. ...*(Interruptions)*...

MR. CHAIRMAN: Call has been taken by the Chair. ...*(Interruptions)*... Please speak. You have nine minutes. There is a request from your party... ...*(Interruptions)*...

SHRI P. CHIDAMBARAM (Tamil Nadu): Thank you, Sir. Sir, my good friend, Dr. Abhishek Manu Singhvi has marshalled the legal arguments and placed the facts before this House and appealed to the House and also to the Treasury Benches not to proceed with this Bill because this Bill is unconstitutional. I can understand the full-throated support given by the BJP but what I do not understand is half-hearted support extended by two of my learned friends representing the BJD and the YSRCP. They know that this is unconstitutional. I think the Law Ministry knows that this is unconstitutional. It is like a moth which burnt once, when it approaches a fire, again approaches the same fire and again approaches the same fire because it is a moth. Now, this Government tried it once; they failed. They tried it a second time; they failed. Now, you are trying it a third time and what you will get is a spectacular failure when this Bill is taken up to the Supreme Court. Be that as it may, I am not getting into the legal arguments because we are not a court of law, nor, I am sure, anyone in the Chair wants to be a judge. We are the Council of States. We are duty-bound to

protect the rights of States, the rights of Union Territories. We are not representing an individual parliamentary constituency. I am representing a State. Each one of my learned friends is representing a State. And, collectively, we should represent all the States of India. What are we? Are we a Union of States? Or, are we going to become a union of moths-eaten States, or a union of moths-eaten Union Territories, or a union of municipalities? Please remember the old dictum, 'no taxation without representation'. That is the fundamental premise of a representative and parliamentary democracy. Delhi has, according to the figures I sourced today, 3.17 crore people. Now, the 3.17 crore people elect a Government. They elect a Government to govern them, to take decisions on their behalf. The underlying premise is, we are a representative and parliamentary democracy. You may ask me: Where are those words in the Constitution? Those words are in the Constitution. The magic words are, 'there shall be a Council of Ministers, with the Chief Minister at the head to aid and advise the Lieutenant Governor.' The words 'aid and advise' are not some kind of a friendly advice. 'Aid and advise' has a long constitutional history. 'Aid and advise' means the real power is in the Council of Ministers and the LG exercises formal power. The real power is with the Ministers of a Government and the formal power is with the President of India. 'Aid and advise' are magical words. What we are doing today is subverting the three magical words, 'aid and advise'. People are watching us. It is not only the 200 and odd Members in this House, people of Delhi are watching us. They will watch us today on television, on YouTube. They will know that this Government is attempting to take away the real power of the elected representatives and put it in the hands of bureaucrats. Now, I asked this in a tweet and I will ask this question: What is the merit that you find in the Bill, leave alone the constitutional aspects? What is the merit you find in it? Is there merit in a three-member authority where two officers will constitute a majority and overrule the Chief Minister? Is there merit when two members of the three constitute a quorum, they can even call a meeting, hold a meeting without the Chief Minister? Is there merit that even if a decision is taken unanimously, the LG can overrule it? Is there merit that the Member (Secretary), who is the Principal Secretary of Home, will convene a meeting with or without the Chief Minister? What is the merit? I heard you on television. I heard the hon. Member on television. I didn't find you mention any merit in any Clause of the Bill. ...*(Interruptions)*...

AN HON. MEMBER: You heard me? ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: I heard you also. And I was even more disappointed. ...*(Interruptions)*... Therefore, what is the merit? ...*(Interruptions)*...

MR. CHAIRMAN: Take your seat. ...*(Interruptions)*...

SHRI P. CHIDAMBARAM: What is the merit in this Clause? ...*(Interruptions)*... What is the merit in any Clause? ...*(Interruptions)*... Which Clause has any merit in it?

MR. CHAIRMAN: I would urge the hon. Member to get into the groove.

SHRI P. CHIDAMBARAM: We are not getting into the constitutionality.

MR. CHAIRMAN: That does not invite...*(Interruptions)*...

SHRI P. CHIDAMBARAM: I am saying, irrespective of the constitutionality, which Clause has any merit in it?

MR. CHAIRMAN: You went off on a tangent, physically and thoughtfully. Therefore, the hon. Member had an occasion to be on his feet. I would urge you to confine to that. It is expected of you.

SHRI P. CHIDAMBARAM: Very well. This is my view. I have great respect for their view. All I am saying is that I didn't find them point out the merit in the Clause of the Bill irrespective of the Constitution. So, we have a Bill today which the Government thinks is the model -- model for Delhi. They had invented a model for Jammu and Kashmir. And that is in court today. Please remember, we always talk about breakdown of the Constitution of India, breakdown of constitutional governance. Articles 355 and 356 speak about breakdown of the constitutional machinery. What are we doing today? We are breaking the constitutional machinery. ...*(Interruptions)*... By passing this Bill, we are breaking the constitutional machinery as envisaged. We broke it on 5th of August 2019 in Kashmir when we divided a State into two Union Territories and sent a chill down the spine of every State that any State can be broken into Union Territories. What are we doing today? ...*(Interruptions)*... We are breaking the constitutional machinery. ...*(Interruptions)*...

MR. CHAIRMAN: Hon. Member...*(Interruptions)*...

SHRI P. CHIDAMBARAM: Sir, let me end by saying this. ...*(Interruptions)*... While I endorse whatever my good friend Dr. Singhvi said about the constitutionality, and there is another forum for that to argue, please remember, you have no constitutional authority to pass this Bill. Be that as it may, you have not even the moral authority to pass this Bill. Treasury Benches...*(Interruptions)*... When did they last win an election in Delhi? For fifteen years, Mrs. Sheila Dikshit was Chief Minister. I think there were two or three Lt. Governors. *(Time-bell rings.)*

MR. CHAIRMAN: Please conclude.

SHRI P. CHIDAMBARAM: One minute. There were two or three Lt. Governors and I was Home Minister for a while. Never once did the present arrangement come in the way of Mrs. Sheila Dikshit functioning as perhaps one of the best Chief Ministers of this country.

MR. CHAIRMAN: Now, Shri Mahesh Jethmalani.

SHRI P. CHIDAMBARAM: Sir, I asked you before I started and you said, 'ten minutes.' Therefore, I am speaking. It is not ten minutes yet.

MR. CHAIRMAN: Nine minutes. ...*(Interruptions)*...My problem is everyone needs the support of Mr. Jairam.

SHRI P. CHIDAMBARAM: When did the BJP last win an election? They won an election before 1998. From 1998 to 15 years, the Congress Government was there. And after 2013, it's the AAP Government. You won an election 25 years ago. What moral right do you have to speak for the people of Delhi and say that this is what the people of Delhi want? This is not what the people of Delhi want. This Bill must be rejected.

SHRI MAHESH JETHMALANI (Nominated): Hon. Chairman, Sir, I rise to support this Bill. In his opening remarks, Dr. Singhvi made a lot of uncharitable comments like यह Bill * का नतीजा है। Those are the exact words. He also said that it was Alice in

* Expunged as ordered by the Chair.

Wonderland, constitutional^{*}, etc. He used all those words but in his speech, I found very little regarding the legality or the constitutionality. I may remind him. Your Lordship! ...*(Interruptions)*... It is very difficult to wear two hats on the same day. Hon. Chairman, with all his eminence at the Bar, may recall that there is an old saying.

MR. CHAIRMAN: You are the third Senior Advocate I am listening to for the day. And trust me, I will go home and read every word each one of you have spoken and privately get back to you. Go ahead.

SHRI MAHESH JETHMALANI: Sir, it will be a *déjà vu* moment for you. ...*(Interruptions)*... We have an old saying in courts that when a lawyer is strong on the law, he hammers the law; when he is strong on facts, he hammers the facts; when he is strong on neither, he hammers his opponents. ...*(Interruptions)*... A lot of that has happened today. Mr. Chidambaram has said that he would not deal with the law in this matter. I don't blame him. For some time now, he has forgotten about law and compliance. So, I don't blame him. ...*(Interruptions)*...

Now, Sir, let us come to the constitutionality of this Bill. The constitutionality of this Bill is to be found in the Constitution itself and that is Article 239AA. I will just read one provision. It may be a little pedantic for most people, but I will just read. After all, the Union Territory of Delhi is *sui generis*. The Supreme Court has said so in the judgment of May, 2023. But when it said that it was *sui generis*, which means unique, it meant that it was a *sui generis* Union Territory because it was the only Union Territory which had the privilege of having both a State Legislature and a Council of Ministers. It is not a full-fledged State. That may be unfortunate. It is *sui generis*, i.e., an escalated Union Territory with more powers than other Union Territories. Now, the provisions of the Constitution reflect that. I may read just one sub-clause. It is Article 239AA (3)(b). It is the power of the Union Territory of Delhi to legislate. It says, "Nothing in sub-clause (a) shall derogate from the powers of Parliament under this Constitution to make laws with respect to any matter for a Union territory or any part thereof." This is wide; this is widespread; this is all encompassing. It covers Union List, State List and Concurrent List. The Union Government can make laws notwithstanding that there is a vacuum on any matter in

* Expunged as ordered by the Chair.

any of the three Lists. So, the ultimate power of the Union Territory of Delhi still vests, notwithstanding the fact that it is a *sui generis* Union Territory, in the Union. That is point number one.

Now, Sir, what does the Bill do? This really is a battle about control of Services. It never arose in the past when Mrs. Sheila Dikshit was the Chief Minister of Delhi, a reign which Mr. Chidambaram proudly flaunts. There was no question that she never thought that it was necessary to give Delhi full statehood in all her ten years that she was in power. She never got Delhi full statehood. Apart from that, she never thought that it was necessary to have a provision like this because since time immemorial, and particularly since 1991 when Delhi got that *sui generis* status under Article 239, it was almost acceptable; it became a matter of convention that the powers of control over the Services would vest in the Union. And it did, in fact, happen. That was because the seat of the Union Government is New Delhi. The Parliament is here, foreign diplomats are here and embassies are here. So, the seat of power being in Delhi, control over services in Delhi vested in the Union Government and it pass muster over successive administrations. It was never questioned. Now, what does this Bill do? This Bill actually reflects the *sui generis* Union Territory status of Delhi and I will just read one provision. 45E is crucial. In the matter of postings and transfer of the services, Section 45E creates a new body. It creates a body, an Authority known as the National Capital Civil Service Authority, to exercise powers conferred on and discharge the functions assigned to it under this Part. Now, constitution of that body reflects the *sui generis* nature of the Union Territory of Delhi as also the fact that the ultimate control vests in the Union Government. So, the Authority referred to in sub-Clause (1) shall consist of the following members, namely, the Chief Minister of the Government of National Capital of Delhi, who shall be the Chairperson of the Authority, *ex officio*. So, the Chief Minister of the Government of National Capital Territory of Delhi is the *ex officio* Chairperson of the Authority that will deal with postings and transfers. The Chief Secretary of the Government of National Capital Territory of Delhi, will be Member, *ex officio* and the Principal Home Secretary, Government of National Capital Territory of Delhi, will be the Member-Secretary to the Authority. So, the three-member Authority will consist of the Chief Minister and two high ranking bureaucrats from the Centre. This Authority fully reflects the nature and the relationship between the Union Territory of Delhi and the Union Government. This is reflective of that. Now, what is the reason from this departure, if I may say so? This has been going on, as I said, since 1991. Control, posting of services is within the jurisdiction of the Union Government. I see

none, whatsoever. The only change of circumstances that seems to have taken place -- if I may use an analogy from cricket with the respective parties who are chiefly concerned with the change, AAP, Congress and the BJP -- is that the Congress, which never had any problem with this issue about control of services, is now, like a batsman who has lost form and hasn't scored a half century for ten years, is now seeking an alliance so that it can inch towards its first fifty. The AAP is like a cricket team whose captain has been caught ball-tampering! A vigilance report exists and suddenly they want to become vigilant about the vigilance report. The BJP, the present Government, is the third umpire. We want to stop this nefarious practice. A convention, a wholesome convention, for better administration and for effective administration of the Union Territory of Delhi by the Union Government, now needs to be made into law, lest people subvert the services and hide the corruption. I wholeheartedly and with all the vigour at my command, support this Bill. Thank you, Mr. Chairman, Sir.

MR. CHAIRMAN: Shri Abdul Wahab, you have four minutes.

SHRI ABDUL WAHAB (Kerala): Sir, four minutes is more for me.

Respected Chairman, Sir, my colleagues have spoken about this Delhi Bill. I don't have much to add. My only wish is: this is only eight months' business, as the next Government is of 'INDIA'. So, everything what is happening will be negated. Shri Amit Shah is thinking that he will always be the Home Minister only and he does not want to be the Prime Minister also. So, the current Prime Minister has already announced that for the third term, "I am the Prime Minister". Modi ji has already told so. What is the need of this Bill thinking that he will always be the Home Minister? So, my request is to take this Bill and anyway, it is going to be negated by the next Government of ours. It is for sure. So, 'INDIA' will be ruling and all this be null and void. My request to Shri Amit Shah, at this point of time, in the history, don't be a *, instead of a hero.

MR. CHAIRMAN: This word is not good. Using a word '*'.

SHRI ABDUL WAHAB: Sir, I am sorry. I myself take it back. I am withdrawing it.

* Expunged as ordered by the Chair.

MR. CHAIRMAN: You see, all of us have to exemplify our conduct so that it could be emulated by others.

SHRI ABDUL WAHAB: Yes, I take it back.

MR. CHAIRMAN: It is good of you to take snipe shots but in the process, maintain decorum and dignity. It is expunged. Go ahead.

SHRI ABDUL WAHAB: Sir, I didn't mean that. My request to Shri Amit Shah that it has happened in Kashmir, here and maybe in Punjab tomorrow, I don't know. So, whatever is happening, our immediate solution should be in Manipur, Haryana and other places. ...*(Interruptions)*... I request Shri Amit Shah to interfere in Manipur more than in Delhi affairs, small, small affairs like changing some officers, etc. But, this gentleman, our Chief Minister came, what I was telling, as a hero. I was thinking that they are the 'B' team of BJP. I was thinking it before. But, now only, I came to know that they are not the 'B' team of BJP; they also want to rule Delhi as a Chief Minister. I stop myself from requesting again Shri Amit Shah to repeal this Bill. Thank you.

MR. CHAIRMAN: Now, Shri Ranjan Gogoi. Hon. Members, it is the maiden speech of the hon. Member.

SHRI RANJAN GOGOI (Nominated): I thank the hon. Chairman, Sir, for the opportunity. It is a great day to give maiden speech on a subject that is very dear to my heart and a subject that is as related to law as possible. In a maiden speech, I believe that the Chair is a little indulgent and gives a little more time, but I won't take much time. A maiden speech also has the protection of the House. It is freedom of speech in an absolute form. The Member has the right to say on the first day whatever he wants. I would confine myself to the legality of the proposed legislation. I will address the House and the Chair, of course, from three standpoints, that is, *sub judice*, over-reaching the Supreme Court's Order and the constitutional validity. There is some faint voice about impropriety *sub judice*. As a layman, it is not *sub judice*. What is pending before the Supreme Court is the validity of the Ordinance. What the House is debating is the validity of a law. ...*(Interruptions)*...

SHRI SHAKTISINH GOHIL (Gujarat): Sir, in respect of Ordinance, what the hon. Member is saying... *...(Interruptions)...*

MR. CHAIRMAN: Would you please take your seat? *...(Interruptions)...* Absolutely not. *...(Interruptions)...* Don't force me. *...(Interruptions)...* The House was going well. *...(Interruptions)...*

SHRI SHAKTISINH GOHIL: Sir, what the hon. Member is saying is not correct. This is the replacement of that Ordinance. So how can he say... *...(Interruptions)...* on record that there is no relevance of that Ordinance? *...(Interruptions)...*

MR. CHAIRMAN: Do you want me to go further? *...(Interruptions)...* Please take your seat. *...(Interruptions)...*

SHRI SHAKTISINH GOHIL: Sir, what I am saying is... *...(Interruptions)...*

MR. CHAIRMAN: No, I will not allow. *...(Interruptions)...* This is not good. *...(Interruptions)...* No one was interrupted. *...(Interruptions)...* You suddenly rise. *...(Interruptions)...* The House is getting enlightened, trust me, mark every word. *...(Interruptions)...* The House is getting enlightened as was enlightened by others also. Please go ahead.

SHRI RANJAN GOGOI: Mr. Chairman, Sir, what is pending before the Supreme Court is the validity of the Ordinance and, specifically, two questions referred to the Constitution Bench. That has nothing to do with what is being debated in the House; number one. Number two, this is for all the Members of the House and it has some importance so far as the relation between the Judiciary and the Executive is concerned. I would request all the hon. Members of the House to have a relook at Articles 105, 121 and 122. There is absolute freedom of speech in Parliament and whatever a Member says in Parliament cannot be questioned in a court of law. I do not find a similar constitutional provision restricting the debates in courts. What the courts cannot do under 121 is, question the conduct of a judge in relation to a pending matter. The restriction that the House imposes on its own speech is self-imposed by the rules and what do the rules provide? Sir, the rule says that a Member shall not discuss a matter of fact which is pending before a court of law. It is not a matter of fact, that is what is being debated. It is a question of law, it is not even interpretation

of law, it is on a debate on law. So far as *sub-judice* is concerned, the Bill takes away 3A from the Ordinance. To my mind--it is a perception and I may be wrong--when 3A has been taken out of the Ordinance and it is not there in the Bill, the questions referred by the Constitution Bench stand self-answered because if you read the order of the Supreme Court referring the matter to the Constitution Bench, a copy of which I have got and I have read, my view is that the entire reference has been necessitated by the provision of 3A of the Ordinance which no longer exists. Therefore, it is the prerogative, the right of the Members of the House to debate; the question of *sub-judice* does not come. So far as over-reaching or outreaching the order of the Supreme Court is concerned, very shortly put, the position in my perception is this; the State legislatures make laws for the States, Parliament makes laws for the Union Territories. For the National Capital Region of Delhi, which has a special status, the State legislature or the legislature of Delhi makes the laws on the State subjects except three. But as Mr. Jethmalani read out, by virtue of 239(3)(b), the Parliament has a power to frame laws beyond these three and that is exactly what the Bill is seeking to do. Therefore, there is no question of over-reaching and what has the Supreme Court repeatedly said, Paragraph 164 has two conclusions. These are the two conclusions. May I read out these two conclusions? ...*(Interruptions)*... Paragraph 164(c), "The Legislative Assembly of the NCTD has competence over entries in List-II and List-III, except for the expressly excluded entries. In addition to entries in List-I, in addition to entries in the Union List, Parliament has legislative competence over all matters in List-II and List-III, in relation to the NCTD." This is the conclusion in paragraph 164(C). In paragraph 164 (F) it states, "The executive power of the MCD with respect to entries in List-II and List-III shall be subject to the executive power expressly conferred upon the Union by the Constitution or by a law enacted by Parliament." So, this is the conclusion of the Supreme Court. ...*(Interruptions)*... Now, what the Supreme Court has repeatedly held in the 2018 Judgment and the 2023 Judgment is precisely this, and I am very grateful for the fairness shown by the first speaker, Dr. Singhvi. If I am not mistaken, Dr. Singhvi said, "The power of Parliament is not in dispute" He said it very fairly. The legislative competence of Parliament is not in dispute. Then, why would this law be void? This law would be void if it violates the fundamental rights. This is number one. Number two, if it violates any other provision of the Constitution and if it violates the basic structure of the Constitution... ...*(Interruptions)*...

MR. CHAIRMAN: Hon. Members, I don't have to remind hon. Members, it is a maiden speech. ...*(Interruptions)*... Yes, please. ...*(Interruptions)*... And, the hon. Member is making his points very rationally. It is one point of view. The Chair has taken a call. ...*(Interruptions)*...

SHRI RANJAN GOGOI: Sir, I will take two minutes to finish my speech. ...*(Interruptions)*... So far as violations of fundamental rights is concerned... ...*(Interruptions)*...

MR. CHAIRMAN: Just a minute. This House should not set an example that the hon. Member, with huge experience in his maiden speech, is making a point and every time you rise and tell me, time is over! ...*(Interruptions)*... It is my authority on a maiden speech. ...*(Interruptions)*... Hon. Members, I have given adequate time to every Member on the maiden speech and I had, every time, pleaded with you to show respect. ...*(Interruptions)*... Whatever be the point being made, it is required not to be resisted but to be digested. And you will have an opportunity to deal with it. We are getting input in this House from a very experienced legal mind. We got it from Dr. Singhvi; we got it from Mr. Chidambaram; we got it from Mr. Mahesh Jethmalani; We have to get also from Mr. Gogoi.

SHRI RANJAN GOGOI: In any case, hon. Chairman, Sir, I have come to the end of it. Regarding violation of fundamental rights, the only fundamental right that can be violated is, perhaps, Article 14 and that too, the limited part of Article 14 that the law is arbitrary. Is this law arbitrary? This doesn't appear to be so. The law may not be to my liking. That doesn't make it arbitrary. Sir, my next point is: Does it violate the basic feature of the Constitution? I have to say something about the basic feature. There is a book by Mr. T.M. Andhyarujina, former Solicitor General of India on the Kesavananda Bharti case. Having read the book, my view is that the doctrine of the basic structure of the Constitution has a debatable, a very debatable jurisprudential basis. I would not say anything more than this. I would not say anything more. The doctrine of basic structure has a very debatable jurisprudential basis. In any case, hon. Chairman, Sir, what the Bill provides is diluted form of federalism because it is a Union Territory, not a full-fledged State. Therefore, what you have is a diluted form, an asymmetrical form of federalism. Third thing is, does it violate any other part of the Constitution? The hon. Supreme Court has mentioned about triple autonomy. What do you have under the Bill is a modified form of triple autonomy. The bureaucrat is

responsible to a Lieutenant Governor, who is responsible to the Home Ministry, who is responsible to the House. You have a modified form. If you want a full-fledged federalism, which today is a basic feature; though, I have my own perceptions there, you can go for a constitutional amendment and make Delhi a full-fledged State. ...(*Interruptions*)... The most important thing is Article 239AA, starting from Clauses (1) to (7) is not under challenge before the Supreme Court; challenge it, but, it is not under challenge. Therefore, in my respectful submission and my contention, the Bill is perfectly and legitimately valid. But, I fully support Shri Bikash Ranjan Bhattacharyya who has been a very close associate of mine; 'what is permissible need not necessarily be right'. In the House today, Parliamentary democracy compels Members to vote according to party dictats; fine, I cannot quarrel with that. It is a small section of people to whom you appeal to their conscience. To me, the Bill is correct, right. My conscience tells me to do something, I will do it. But, if somebody disagrees, his conscience must be left free. Thank you, Sir, I am honoured; I am privileged.

MR. CHAIRMAN: We have one thing in common. Shri Bikash Ranjan Bhattacharyya is also my good friend and known to me for long. I remember when he was the Mayor of Kolkata Municipal Corporation. The next speaker is Dr. Fauzia Khan; you have nine minutes.

DR. FAUZIA KHAN (Maharashtra): Thank you very much, Sir. I wish to express my profound concerns and my vehement opposition to the Bill. This Bill as said by many of my colleagues raises many constitutional apprehensions and threatens the very foundation of democratic principles and federal structure. Sir, as already spoken by many, disrupting the triple chain of accountability jeopardises the very essence of our democratic system and erodes the trust that the people repose in their elected representatives. Sir, I think, the most important aspect in a democracy is the people. We must never, never forget that. Everything that we do here, everything that we do, is only for the people. If we talk about people, my question is, can the electorate be betrayed? If you are betraying the electorate, isn't it a betrayal of democracy? When the people of Delhi have laid their trust on a particular Government, couldn't we even have waited till the tenure to get over so that we wait legitimately for that Government to finish the tenure till we make it toothless? Why do we have to make a Government toothless? It is here, Sir, that we are laying a crack on democracy, on the timelines of history. सर, एक दिन आप भी नहीं रहेंगे और हम भी नहीं रहेंगे। हम और आप यहां के कुछ भी

نہیں رہیں گے، لیکن سر، جو ڈیسیجمنس ہم لے گے، آگے کی جنریشن کے لیے وہ ڈیسیجمنس ہمیشہ
یہاں پر رہیں گے۔

سر، سوبھاش ٹریویدی جی اور ڈریجری بینچ کے بہت سارے सदस्यों نے श्री केजरीवाल जी के
ऊपर वैयक्तिक टिप्पणियां की हैं। मैं यह पूछना चाहती हूँ कि अगर हम ऐसा मान कर भी चलते हैं
कि केजरीवाल जी से कोई गलती हो रही है, तो क्या हमें उसके लिए Constitution Amendment
लाना चाहिए? मुझे यह बात बिल्कुल भी समझ में नहीं आती है।

†سر، ایک دن آپ بھی نہیں رہیں گے اور ہم بھی نہیں رہیں گے۔ ہم اور آپ یہاں کے کچھ بھی نہیں رہیں
گے، لیکن سر، جو فیصلے ہم لیں گے، آگے کی جنریشن کے لیے وہ فیصلے ہمیشہ یہاں پر رہیں گے۔
سر، سودھانشو تریویدی جی اور ڈریجری بینچ کے بہت سارے सदस्यों نے श्री केजरीवाल जी के
ऊपर ذاتی تبصرے کیئے ہیں۔ میں یہ پوچھنا چاہتی ہوں کہ اگر ہم ایسا مان کر بھی چلتے ہیں کہ کیجریوال جی سے
کوئی غلطی ہو رہی ہے، تو کیا ہمیں اس کے لیے کانسٹی ٹیوشنل امینڈمنٹ لانا چاہیئے؟ مجھے یہ بات بالکل بھی
سمجھ میں نہیں آتی ہے۔

Parliament does have the power to make law. I agree with it. We are not
disputing that. But the essence of democracy cannot be killed at any cost. Here we
are killing the essence of democracy. Mr. Tiruchi Siva here spoke about the
constitutional morality and I more than agree with him, Sir, that the constitutional
morality also must be considered when we are talking about this. If we agree that this
is a Union Territory, why do we have an Assembly at all? Let us dissolve this
Assembly and finish it and make a proper Union Territory. If as a Union Territory,
Delhi has a special status, we must not forget that. If you have a special status,
although we have the right to make a law here, we have to see that the essence of
democracy is protected. Here in this Parliament we speak about the nation. (*Time-
bell rings*) Sir, do I stop?

MR. CHAIRMAN: You have taken four minutes. ...(*Interruptions*).. Go ahead, one
minute more. ...(*Interruptions*)..

DR. FAUZIA KHAN: If a Government is elected, the Government gains many things.
It gains decision-making; it gains power. पावर के साथ पुलिस है, पावर के साथ सीबीआई
है, पावर के साथ ईडी है, पावर के साथ इन्कम टैक्स डिपार्टमेंट है, पावर के साथ मीडिया है,
लेकिन

†पावर के ساتھ پولیس ہے، पावर کے ساتھ سی بی آئی ہے، पावर کے ساتھ ای ڈی ہے، पावर کے ساتھ انکم ٹیکس
ڈیپارٹمنٹ ہے، पावर के साथ मीडिया है, लेकिन सर،

† Transliteration in Urdu script.

Sir, it loses one thing. We must not forget that the Government loses one thing when it comes to power and that is whataboutery; whataboutery is one thing that is the right and the duty of the Opposition. But here what we see is, we are always talking about what about this. The moment the Opposition says what about this, and answer comes from there, 'what about that.' 'What about here', somebody says, 'what about there'. Sir, this is not the right of the Government here. (*Time-bell rings*) It is the responsibility of the Opposition. Thank you, Sir.

MR. CHAIRMAN: Shri Sanjay Raut. You have four minutes.

श्री संजय राउत (महाराष्ट्र) : सर, सिर्फ four minutes !

MR. CHAIRMAN: Only four minutes. ...(*Interruptions*)..

श्री संजय राउत : ऐसा कैसे हो सकता है? मेरी तो अभी मेडन स्पीच है, मैं पहली बार बोल रहा हूँ।

श्री सभापति : संजय जी, ये चीज़ें स्ट्रेंथ से डिटर्मिन होती हैं। लम्बे समय से ऐसा ही हो रहा है।

श्री संजय राउत: सर, मैं इस बिल के लीगल आस्पेक्ट्स पर नहीं जाना चाहता हूँ। चिदम्बरम साहब, डा. सिंघवी, देश के पूर्व मुख्य न्यायाधीश, सभी ने इसके ऊपर कई बातें कही हैं, लेकिन मैं इतना ही कहूँगा कि आप एक बहुत ही खतरनाक बिल लेकर आए हैं और मैं इस बिल का विरोध करने के लिए खड़ा हुआ हूँ। इस बिल के समर्थन में जो वोट करेंगे, वे भारत माता के साथ * करेंगे। ...(**व्यवधान**)... इंडिया के साथ * करेंगे। ...(**व्यवधान**)... देश का जो फेडरल स्ट्रक्चर है, उस फेडरल स्ट्रक्चर पर यह सीधा हमला है, *...(**व्यवधान**)... देखिए, मेरे पास चार मिनट हैं, मेरे लिए दो मिनट काफी हैं, इसलिए वहाँ से ज्यादा आवाज़ मत कीजिए। ...(**व्यवधान**)... दिल्ली में एक चुनी हुई सरकार है, विधान सभा है, असेम्बली है। लोगों ने दिल्ली के चीफ सेक्रेटरी को वोट नहीं दिया है, एलजी को वोट नहीं दिया है। एलजी वोट माँगने नहीं जाते। वोट माँगता है - केजरीवाल या कोई मुख्य मंत्री या कोई सरकार या कोई नेता। आप पाँच बार चुनाव हार गए। ...(**व्यवधान**)... छः बार चुनाव हार गए। आज भी दिल्ली की विधान सभा में आपके पाँच विधायक भी नहीं हैं। इसलिए चाहे वह दिल्ली विधान सभा हो, महाराष्ट्र की, पश्चिम बंगाल की या तमिलनाडु की विधान सभा हो, आप कब्जा लेना चाहते हैं।...(**व्यवधान**)... सरकारें कौन चलाएगा? ...(**व्यवधान**)... हम अगर लोकतंत्र की बात करेंगे - मैं उधर के बहुत से लोगों के, जो मेरे मित्र हैं, भाषण सुन रहा था। ...(**व्यवधान**)... मुझे लगा, आपको पुराने दिन याद आयेंगे। ...(**व्यवधान**)... जब आप लोकतंत्र के बारे में बड़ी-बड़ी बातें कर रहे थे, ...(**व्यवधान**)...

* Expunged as ordered by the Chair.

आपकी आँखों में मुझे कोई * नहीं दिखी। मुझे गोपाल दास नीरज की दो पंक्तियाँ याद आई- "मत पूछो कि इस दौर में क्या-क्या नहीं बिका.." *

"मत पूछो कि इस दौर में क्या-क्या नहीं बिका,
आपकी आँखों की * तक आपने बेची है।"

सर, ...(व्यवधान)... आप दिल्ली का चुनाव हार गये। आप 2024 का चुनाव भी हारने जा रहे हैं। ...(व्यवधान)... इंडिया जीतेगा। ...(व्यवधान)... इंडिया जीतेगा। ...(समय की घंटी)... प्रधान मंत्री जी का ...(व्यवधान)... प्रधान मंत्री ...(व्यवधान)... आप मानते हैं, आप सभी ने उनको विश्व गुरु बना दिया है। ...(व्यवधान)... लेकिन उनका जो सम्मान होता है, उनको बाइडन से लेकर फ्रांस के प्रेजिडेंट तक जो गले लगाते हैं, वह नरेन्द्र मोदी जी को गले नहीं लगाते हैं, वे एक महान लोकतंत्र वाले देश के प्रधान मंत्री को गले लगाते हैं। ...(व्यवधान)... वे इंडिया के प्रधान मंत्री को गले लगाते हैं। ...(व्यवधान)... आप उस महान परम्परा को, उस महान संस्कृति को खत्म करने जा रहे हैं। अभी-अभी प्रधान मंत्री पुणे गये थे। ...(समय की घंटी)... लोकमान्य तिलक के नाम से उनको सबसे बड़ा अवॉर्ड मिला। ...(समय की घंटी)...

MR. CHAIRMAN: Please conclude. I request the hon. Members ...(Interruptions)... This is not a good tendency.

श्री संजय राउत : सर, मैंने क्या बोला? ...(व्यवधान)... मैंने क्या गलत बोला? ...(व्यवधान)...

MR. CHAIRMAN: One second. ...(Interruptions)... One second. ...(Interruptions)...

श्री संजय राउत : सर, प्रधान मंत्री जी को लोकमान्य तिलक के नाम से पुरस्कार मिला। ...(समय की घंटी)...

MR. CHAIRMAN: No, please. ...(Interruptions)... Okay, your allotted time is over. ...(Interruptions)...

श्री संजय राउत : सर, लोकमान्य तिलक ...(समय की घंटी)...

* Expunged as ordered by the Chair.

MR. CHAIRMAN: No, please. ...(*Interruptions*)... Your allotted time is over, Mr. Sanjay Raut. When I say, your time is over, I mean time for this address only. ...(*Interruptions*)...

श्री संजय राउत : सर, मेरे और दो मिनट बाकी हैं। ...(*व्यवधान*)...

MR. CHAIRMAN: In this House, we must have respect for constitutional functionaries. ...(*Interruptions*)...Messages from Lok Sabha, the Secretary-General ...(*Interruptions*)...

MESSAGES FROM LOK SABHA - *Contd.*

(I)The Anusandhan National Research Foundation Bill, 2023

(II)The Pharmacy (Amendment) Bill, 2023

SECRETARY-GENERAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

(I)

“In accordance with provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Anusandhan National Research Foundation Bill, 2023, as passed by Lok Sabha at its sitting held on the 7th August, 2023.”

(II)

“In accordance with provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose The Pharmacy (Amendment) Bill, 2023, as passed by Lok Sabha at its sitting held on the 7th August, 2023.”

Sir, I lay a copy each of the Bills on the Table.
