

experienced counsel of the Leader of the House and the Leader of the Opposition who were gracious enough to respond to my invitation for an interaction on this very critical issue that is agitating minds in all branches of governance. The issue, undoubtedly, is serious enough. The three of us together took note of the developments, and also took note of the healthy development that, for the first time, in an unprecedented manner, the Chief Justice of India took the initiative to put everything in public domain. But then, a suggestion emanated from the Leader of the Opposition and agreed to by the Leader of the House that the issue needs to be deliberated, at my instance, with the floor leaders. I have scheduled a meeting, after seeking convenience, at 4.30 p.m. today with the floor leaders, as suggested by the Leader of the Opposition and agreed to by the Leader of the House. The timing has already been indicated to the concerned. I am sure we will have very fruitful interaction and find a way out, because Legislature and Judiciary perform optimally when they perform best in their respective realm with expedition. I do not wish to be judgmental on any issue, but one thing, which has found widespread acceptability in the country, is that the entire material available with the Supreme Court has been shared with the people at large, and with the constitution of a committee with that speed, I am sure, things will be available to us. We will discuss when we meet the floor leaders that certain constraints have been generated by the judicial orders on State actions, and once that takes place, I will come back to the House with the wise counsel that would be received from the floor leaders today at 4.30 p.m.

श्री प्रमोद तिवारी : सर, मुझे यह कहना है कि पूरा देश चिंतित है। जिस तरीके का दृश्य दिखाया पड़ा है, इसमें सिर्फ न्याय होना ही नहीं चाहिए, बल्कि यह दिखना भी चाहिए कि न्याय हो रहा है। इसलिए मैं कहना चाहता हूँ कि इस पर आप विशेष ध्यान दें। आप इस पर ध्यान दे रहे हैं, मैं यह नहीं कहता कि आप ध्यान नहीं दे रहे हैं। आपने लीडर ऑफ दि अपोजिशन को बुलाया, लीडर ऑफ दि हाउस को बुलाया, लेकिन इस पर एक ऐसा कदम उठाया जाना चाहिए, जिससे भविष्य में ऐसी घटनाएँ न हों।

OBSERVATIONS BY THE CHAIR

श्री सभापति : माननीय सदस्य, इस सदन ने गरिमा का ख्याल रखते हुए, मर्यादित आचरण का प्रदर्शन करते हुए 2015 में एक राय से एक कानूनी व्यवस्था बनाई थी, and that constitutional structure, that emanated unanimously with one abstention from the Parliament, endorsed by the State Legislatures, should be the rule of law because it was sanctified by the hon. President by appending signatures under Article 111. Now is the befitting occasion for all of us to reiterate that because that was a visionary step

endorsed by the Parliament. Imagine if that had taken place, things would have been different. For hon. Members of Parliament, I seek your suggestions on one very important point. What emanated from the Indian Parliament, as a historic development with rare convergence of unanimity since independence, found acceptance by needed State Legislatures, we need to reflect on what happened to that. Under the Constitution, there is no provision that allows anyone to tinker with that. There is no constitutional provision of review or appeal of a Constitution Amendment. If there is legislation in the country by the Parliament or a State Legislature, judicial review can take place on the anvil whether there is conformity with the constitutional provisions or not. Now, before the nation, there are two situations. The first is what emanated from the Indian Parliament, duly endorsed by the State Legislatures, sanctified by the hon. President by appending signatures under Article 111, and the second is a judicial order. Now, we are at crossroads. I strongly urge the Members to reflect. There can be no breach by any institution on what emanated from the Parliament, endorsed by the State Legislatures, and that should again -- I reiterate -- be the mechanism holding the field. It is time for us to think having seen such extraordinarily painful scenario. I do not wish to go into the merits of who is right or wrong. Innocence is something which we take at a very high level till someone is proven guilty. So, the Members would think and, therefore, the step taken by me is with the benefit of wise counsel and experience of the Leader of the Opposition and the Leader of the House, and rarely there has been convergence that the Ruling Party President is the Leader of the House here and the main Opposition Party President is the Leader of the Opposition.

So, we will come back to this House on this very critical important issue that concerns much beyond judicial mess. It concerns sovereignty of Parliament, the supremacy of Parliament, and, whether we are at all relevant, if we effect an amendment to the Constitution and that is not executable, or, say, if a constitutional amendment is not executable. I have no doubt that the Parliament is possessed of the power, any power, to ensure in any institution that what emanated from the Indian Parliament, sanctified by the requisite number of State legislatures, holds the field.

THE LEADER OF THE OPPOSITION (SHRI MALLIKARJUN KHARGE): Sir, I appreciate your deep knowledge of the Constitution, the law and also of the Rules of Procedure. सर, आपने ठीक ही कहा, लेकिन यहाँ के सदस्यों के मन में कोई doubt न आए, इसलिए मैं आपके सामने स्पष्टीकरण देना चाहता हूँ। आपने Leader of the House और Leader of the Opposition, दोनों को बुलाया। हम दोनों को बुलाकर आपने हमें detailed कानूनी पेच के बारे में बताया और जिस ढंग से इसको करना चाहिए, उसके तरीके भी आपने बताये। इसीलिए हमने सोचा कि एक तो आपके पास Constitution, Rules of Procedure और दूसरे कानूनों के

बारे में बहुत knowledge है, क्योंकि आपने बहुत दिनों तक वकालत की है। हमने एक ही साल में वकालत छोड़ दी, क्योंकि हमें पोलिटिक्स में जल्दी जगह मिल गई और हम इधर आ गए। सर, मेरा यह मानना है कि आपसे बात करके अगर हम दोनों किसी चीज़ पर यहीं agree हो गए, तो कल को हमारे floor leaders, जिनकी मैं बहुत इज्जत करता हूँ, वे यह समझेंगे कि अंदर जाकर इन दोनों ने क्या कर लिया, चेयरमैन साहब ने इनके सर को हाथ लगाया है और ये लोग agree हो गये हैं। ऐसा नहीं होना चाहिए, इसमें transparency रहनी चाहिए और इसके बारे में सबको मालूम होना चाहिए, इसीलिए मैंने आपको सजेस्ट किया कि हम floor leaders को confidence में लेकर इस बात को आगे बढ़ाएंगे और मैंने आपसे हमें आज ही बुलाने की विनती की थी, ताकि जल्द से जल्द इस पर कोई फैसला हो जाए, नहीं तो rumors इतने फैल रहे हैं कि कोई प्रोटेक्ट कर रहा है, गवर्नमेंट...

DR. M. THAMBIDURAI: Mr. Chairman, please allow me...

MR. CHAIRMAN: Please take your seat. ...(*Interruptions*)... The Leader of the Opposition is on the floor. In this House, when a Member is on the floor, others will please observe silence. I am very happy that we are giving a very good exemplification of our excellence.

श्री मल्लिकार्जुन खरगे : सर, इसीलिए हम यह चाहते थे कि हमें आप आज बुलाइए। मैंने सोचा कि आप हमें सुबह बुला रहे हैं, लेकिन आपने 4.30 का टाइम निर्धारित किया है। हम वहाँ आएंगे और अपने विचार रखेंगे और उसके बाद जो भी निर्णय लेना है, वह लेना चाहिए। सर, मुझे एक और चीज़ अच्छी नहीं लगी। यह हो सकता है कि दूसरों को -- सर, यहाँ पर पहले एक घटना हुई, जिसके बारे में बगैर हमको सुने आपने यहाँ पर एक विचार दे दिया या फैसला सुनाया। अगर आप हमको सुनने के बाद कुछ क्वोट करते, तो वह जरा ज्यादा अच्छा होता। बस, मेरा इतना ही कहना है।

DR. M. THAMBIDURAI: Mr. Chairman, I would like to...

MR. CHAIRMAN: Please take your seat. I am grateful for the sentiments expressed. What I indicated and, it is a very sound suggestion, that both the Leader of the House and the Leader of the Opposition wanted the floor leaders to be brought on the table before we come to the House.

This emanated from the Leader of the Opposition, instantly agreed to by the Leader of the House. Both had shown concern only for the nation and state of institutions. I am grateful. Now, Matters raised with Permission of Chair. Shri Ajit Kumar Bhuyan, 'Concern over the Rat-hole mining of coal in the Dima Hasao District of Assam'.