

(Interruptions)

MR. SPEAKER: You go on doing like this. I am not going to adjourn. I am not going to listen. All the cameras are off. Nothing is going on record.

(Interruptions)\*

MR. SPEAKER: I will not allow the Minister to make any statement. You do not deserve any statement from the Minister.

(Interruptions)

MR. SPEAKER: I will not allow the Minister to make any statement. You do not deserve it.

(Interruptions)

12.08 hrs.

#### RULING BY SPEAKER

##### RE: Admissibility of Notices of Motion Under Rule 184 For Recall of Governor of Uttar Pradesh

MR. SPEAKER: Member may recall that I had given my ruling on 26 February, 1997, on notices of motion under rule 184 for recall of the Governor of Uttar Pradesh *Inter alia* on the ground of deteriorating law and order situation in Uttar Pradesh and had admitted a Short Duration Discussion under Rule 193.

Shri Jaswant Singh gave another notice of motion under rule 184 on 27 February, 1997 for recall of the Governor of Uttar Pradesh on the ground of his disagreement with the Union Home Minister's assessment of the deteriorating law and order situation in Uttar Pradesh. Subsequently on 28 February, 1997, Shri Atal Bihari Vajpayee and Shri Pramod Mahajan gave identical notices of motion under rule 184. Shri Murl Manohar Joshi also gave a notice under rule 184 on 28 February, 1997 on similar grounds.

These notices are based on subsequent developments in which the Governor of Uttar Pradesh is reported to have stated publicly that he had spoken to the Prime Minister who was quite satisfied with the law and order situation in Uttar Pradesh. It has also been reported that the Chief Secretary, Uttar Pradesh has expressed shock and surprise on the newspaper reports from New Delhi regarding the law and order situation in Uttar Pradesh. Reports about these developments were also referred to in the debates in the House on 3 March, 1997.

Shri Jaswant Singh while seeking to raise the issue on the floor of the House on 3 March, 1997 and earlier on 28 February, 1997 tried to drive home the point that the disagreement between the Union Home Minister and the Governor of the State regarding the assessment of law and order situation was a matter of grave concern which warranted a discussion under rule 184 rather than a Short

Duration Discussion under rule 193 as ruled by me on 26 February, 1997. Several other Members also expressed their views on the matter.

The thrust of the arguments of the Members, who demanded that the Motion under Rule 184 be admitted, was that it is a very alarming situation indeed where the Governor of a State, who has been described as "a part of the State apparatus" and who has "a duty to report to the Union", is publicly contradicting and controverting the statement made by the Home Minister of the Union Government on the floor of the House. It was also emphasised in the arguments that the Chief Secretary of the State, who acts directly under the control of the Governor during the President's Rule in the State, has chosen to express shock and surprise at the New Delhi reports regarding deteriorating law and order situation in Uttar Pradesh. It was, therefore, argued that a situation had arisen in which the Governor had acted in a manner that impeded the executive power of the Union Government, justifying a discussion on the conduct of the Governor.

The Members who have opposed the admission of the notices under Rule 184, too felt that the issue was serious, and the Government should clarify its stand on whether or not it was satisfied with the situation in Uttar Pradesh. They, however, have felt that a Short Duration Discussion on the law and order situation in Uttar Pradesh which had already been admitted would serve the purpose. The hon. Minister of Parliamentary Affairs, Shri Srikanta Jena, while intervening in the discussion on 3rd March, 1997 observed:

"Perceptions differ. Sitting here in Delhi, I will have a perception about the law and order situation in Uttar Pradesh or in any other State. But the Governor has also got a right to submit to the Government of India about his perception regarding the law and order situation obtaining in Uttar Pradesh.

I have also since received a fax communication dated 5th March, 1997 from the Governor of Uttar Pradesh, in which he has stated as under:

"The law and order situation in Uttar Pradesh is under discussion in Parliament. In this regard, I would like to clarify that I hold the hon. Home Minister in high respect. He is an outstanding and distinguished Parliamentarian. When asked by the Press about the law and order situation, I merely revealed the statistics and information in my possession. I am arranging to separately submit to you all facts in a document. It was in no way to either contradict or criticise the hon. Home Minister. There was no intention to show any disrespect to him.

May I also reiterate that Parliament is the guardian of our Constitution. I am totally committed to abide by the Constitution and the decisions of Parliament. There can be no question of any disregard or disrespect to this august Body."

\*Not recorded.

I have very closely followed the discussions in the House on the subject of the recall of Uttar Pradesh Governor from the time the initial notices under Rule 184 from the hon. Members in the Opposition were taken up for consideration. I have also taken stock of the substance of all arguments for and against the issue from the beginning. I have particularly taken note of, and studied, the statements made by the Union Minister of Home Affairs and the Union Minister of Parliamentary Affairs and the reported observations of the Governor of Uttar Pradesh that the hon. Prime Minister is satisfied with the law and order situation in Uttar Pradesh, which have not been denied so far. Having done this, I hold, with due respects to all concerned, that the voice from the Treasury Benches has not been unanimous. Lack of this unanimity of voice in the Treasury Benches in this regard is a matter of very serious concern, which is inconsistent with the principle of collective responsibility of the Council of Ministers to the House, as spelt out in Article 75 (3) of the Constitution. This responsibility is joint and indivisible. The matter is especially grave considering that Uttar Pradesh is the most populous State in the country and law and order situation therein has implications for the country as a whole.

I have also noted the assurance given by the Governor of Uttar Pradesh in his communication addressed to me that he holds the Home Minister in high respect and that it was not his intention to contradict or criticise the Home Minister when he revealed to the Press the statistics and information in his possession.

The assurance given by the Governor is, no doubt, welcome but the fact remains that he has not specifically, and in clear terms, denied the remarks attributed to him in the Press reports about which a reference has been made in the House.

On the contrary, he has reiterated that he had merely revealed to the press the statistics and information in his possession. Law and order situation is not a mere matter of statistics of number of lives lost, even as each human life is valuable. The overall situation does not detract from the fact of emergence of discordant notes and mixed and confusing signals from the Government side on the law and order situation in U.P.

The Government and the House owe it to the people of our country in general, and of U.P. in particular, to assess the situation through objective discussions. A discussion on the law and order situation in the State is bound, even if indirectly, to lead to a discussion on the conduct of the Governor which, under the rules, cannot be allowed except on a substantive motion under Rule 184.

In the circumstances, after giving a careful thought to all aspects of the matter, I admit the notices of motion under Rule 184.

12.16 hrs.

## PAPERS LAID ON THE TABLE

*[English]*

**Annual Reports, Annual Accounts and Review on the working of the film and Television Institute of India, Pune for the year 1995-96 etc.**

THE MINISTER OF CIVIL AVIATION AND MINISTER OF INFORMATION AND BROADCASTING (SHRI C.M. IBRAHIM): I beg to lay on the Table:

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Film and Television Institute of India, Pune, for the year 1995-96.
- (ii) A copy of the Annual Accounts (Hindi and English versions) of the Film and Television Institute of India, Pune, for the year 1995-96, together with Audit Report thereon.
- (iii) A copy of the Review (Hindi and English versions) by the Government of the working of the Film and Television Institute of India, Pune, for the year 1995-96.
- (2) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.
- (3) A copy of the Annual Report (Hindi and English versions) of the Press Council of India, New Delhi, for the year 1995-96, alongwith Audited Accounts.
- (4) Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in Library. See No. LT-1474/97]

[Placed in Library. See No. LT 1475/97]

12.16 1/2 hrs.

*[English]*

## RULES COMMITTEE

## Second Report

PROF. P.J. KURIEN (MAVELIKARA): I beg to lay on the Table, under sub-rule (2) of rule 331 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Second Report (Hindi and English versions) of the Rules Committee.