

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to declare the institution known as the National Institute of Pharmaceutical Education and Research to be an institution of national importance and to provide for its incorporation and matters connected therewith".

The motion was adopted.

SHRI SALEEM IQBAL SHERVANI : I introduce* the Bill.

12.14 hrs.

ISSUE OF ADMISSIBILITY OF NOTICE OF MOTION UNDER RULE 184 REGARDING CONSTITUTIONAL CRISIS IN U.P. AND RECALLING OF GOVERNOR

[English]

SHRI JASWANT SINGH (Chittorgarh) : Mr. Speaker, Sir, I reiterate what I had started submitting on Friday last when you very kindly suggested that you would grant permission to me to raise this matter today. The matter that I am raising is a submission to you, Sir, on a motion under Rule 184 which, for the sake of bringing focus to my submission, I find necessary to read the text of. I have submitted :

"That this House taking serious note of the constitutional crisis in the State of U.P. evidenced amongst others by widespread lawlessness described by the Union Home Minister as bordering 'choas, anarchy and destruction'; the rejection of this assessment of the Central Government by the Governor, and his clarification that 'he has spoken to the Prime Minister'; therefore, this House do now resolve that the Governor of U.P. be recalled forthwith".

Sir, I am not on the substance or the merits of my submission. I am simply on the facts and my submission to you that this House has only limited means to discuss dignitaries in high office. What, Sir, are the facts of the matter? The Union Home Minister has – it is not denied; it is a matter of record of the House – described the conditions in the State of Uttar Pradesh as bordering 'choas, anarchy and destruction'.

Thereafter, in reaction to what the Union Home Minister said, His Excellency, the Governor of Uttar Pradesh on various occasions – I will not cite all of them – has found it fit to say :

"I have spoken to the Prime Minister and he is quite satisfied with the law and order situation."

He has also said that the Prime Minister had crime

figures of Uttar Pradesh much before the Home Minister made the statement in the Lok Sabha. There are assumptions and suggestions behind this particular averment which I find extremely disturbing. Thirdly, he has said : "I did not ask the Home Minister on what basis he had made the statement on the U.P. situation".

Thereafter, not content with this, His Excellency, the Governor on a second occasion in a Press interview has said words to the effect that perhaps because the Union Home Minister wanted to create a consensus he said what he did. Now, consensus about what ? He has denied the factual basis of the Union Home Minister's statement and then he says that he was trying to create a consensus.

Then, not content with this, the Chief Secretary of U.P. has found it fit not only to write the following but to release what he has written to the Press. The Chief Secretary has said :

"We are shocked and surprised to read newspaper reports from New Delhi regarding alleged deterioration in law and order situation in U.P."

The gist, therefore, of what I am submitting is that His Excellency, the Governor of Uttar Pradesh is asserting that what the Union Home Minister has said in the Lok Sabha is not based on facts, that the hon. Prime Minister is thoroughly satisfied with not only the conditions in the State of Uttar Pradesh but that the Governor has also spoken to the Prime Minister in this regard, that the Prime Minister had the crime figures, that the Home Minister has made a completely unnecessary and gratuitous observation because there is nothing amazing about the crime figures of Uttar Pradesh.

Now, Sir, I am not on law and order situation of Uttar Pradesh. Quite rightly, the law and order situation can be discussed when it comes to the question of discussing the budget of the State of Uttar Pradesh, or what now seems imminent, as to whether the President's rule should be revoked, extended or the Assembly dissolved or whatever. I am also not on the question of collective responsibility of the Cabinet and whether the Union Home Minister can have a view point different from the hon. Prime Minister or yet another Minister of the Cabinet. Ministers of the Cabinet, particularly of this kind of a Government, will have different view points. Whether they have a right to express their view points in public or not again becomes a different inquiry, not necessarily under what is being discussed now.

I am, Sir, on the focussed subject of the conduct of the Governor and what is the constitutional position of the Governor. Here, I refer to page 931 of Kaul and Shakhder and request you to kindly glance at pages 930 and 931 to 934. Here, it says that the function of the Governor *inter alia* amongst other things is to be the chief executive during the President's rule acting for the President. Then, I take you to page 931. It says :

"The Governor functions for most purposes as a part of the State apparatus; but he has at the same time, a duty to report to the Union.

I quote further as regards the Governor's duty to report.

* Introduced with the recommendations of the President.

"The duty to report flows from Article 365 and is specifically mentioned in Article 356. The Union Government has the duty to ensure that the Government of every State is carried on in accordance with the provisions of the Constitution."

Sir, now I take you to page 932 of Kaul and Shakhder which is of great relevance :

".....the Constitutional duty of a Governor to so exercise its executive power as to ensure compliance with the laws made by the Parliament and, secondly, as not to impede or prejudice the exercise of the executive power of the Union."

I find it necessary to repeat this last sentence :

".....as not to impede or prejudice the exercise of the executive power of the Union."

This is the Constitutional provision. I find that before we come to the substantive part of how and why we have to discuss the role of the Governor I wish to say, what can we do in this House. Here again I draw your attention to page 817 of Kaul and Shakhder. If we have to discuss the role and function of the Governor what is it that the rules and procedures of Parliament permit us to do. It says :

"Conduct of high dignitaries cannot be questioned incidentally...."

We are not questioning this incidentally. It further says :

"The Constitution provides for discussion on the conduct of some of the authorities in the manner indicated therein."

Sir, we can discuss, President, Vice-President and also the conduct of the Speaker, Deputy-Speaker, Judges of the Supreme Court and High Courts. We have done it in this House. We can even discuss the Comptroller and Auditor General of India and the Chief Election Commissioner. Then there is a specific mention and I quote :

"Other high functionaries such as Governors, Ministers, Statutory authorities can be discussed on appropriate motions drawn in a form approved by the Speaker."

Then Sir, I wish to cite to you that the House has indeed discussed Governors in this very House. There are precedents of discussing simply the role, functions and the conduct of the Governor. The Fifth Lok Sabha simultaneously discussed two Governors of the State of Uttar Pradesh and the State of Bihar. It is a classic example. As it happens that discussion also took place on 23rd February in 1970.

No, if we are to do it, what is my submission ? My submission is that here a situation has arisen in which His Excellency, the Governor of Uttar Pradesh has acted in a manner that has both impeded and prejudiced the exercise of the Executive power of the Union. He has made assertions which rebut and go contrary to what the Union Government hence the Parliament, hence the Executive authority, to which he is answerable has said. He has rebutted and therefore that is called into question. He has caused his Chief Secretary in writing and in public, to question the authority of the Union

Home Minister, which directly again impedes the functioning of the executive authority of the State as also questions the role and functions of the Parliament. As to whether the state of law and order is satisfactory or not satisfactory, whether the Cabinet is of one voice on this or not of one voice is altogether a separate enquiry. Clearly, Sir, the Governor has exceeded norms. Clearly, therefore, it is my submission that the Parliament must discuss that. Therefore, thirdly, the only option available to us is to discuss it under a substantive motion. That substantive motion, I have submitted for your consideration under Rule 184. It is a substantive motion and it is only a motion under which we can discuss the role and conduct of a Governor.

Sir, that is my submission. I would be very grateful for the grant of your assent to this motion. Thank you.

MR. SPEAKER : I do not think we need to go into too much details because it has already been discussed earlier. This is just a few additional points.

SHRI K.P. SINGH DEO (Dhenkanal) : Sir, I am not going into too much details. But I would certainly like to draw your kind attention and that of the House. I do not want a debate because I am mindful of the fact that this is a very sensitive issue. What my submission to you and through you to my colleagues and peers is that there is a time tested and well established procedure which has stood the test of time from 15th of August, 1947 since the day the Indian Army was born.

A decision was taken by the Government of India, only three days back.

MR. SPEAKER : Shri Singh Deo, just a minute. At this point, we are on this issue relating to Uttar Pradesh.

SHRI K.P. SINGH DEO : I am sorry.

MR. SPEAKER : I thought, you are on the same subject. I will call you later. Is there anybody who wants to speak on the same subject ?

[Translation]

SHRI RAM SAGAR (Barabanki) : Mr. Speaker, Sir, just now, the question of propriety had been raised. There have been some traditions of the Hon'ble House in regard to the Hon'ble President, Vice-President and Governors.

Mr. Speaker, Sir, in the tenure of your predecessor, Shri Shivraj Patil's time a discussion was held in the House on the conduct of a sitting judge of the Supreme Court. He had not allowed the discussion on the subject, as per the existing convention of the House. A good convention was started, as a result thereof. Here a political murder taken place in Uttar Pradesh.....(Interruptions)

[English]

MR. SPEAKER : Let him have his say.

[Translation]

SHRI RAM SAGAR : Please listen to me. Even in Newspapers it is said.....(*)

* Expunged as ordered by the Chair.

S/Shri Vajpayee ji, Jaswant Singh ji and other members of BJP have mentioned here about the law and order situation of.....(Interruptions).....

[English]

SHRI HARIN PATHAK (Ahmedabad) : Sir, it is highly objectionable.

MR. SPEAKER : Please confirm yourself to the issue.

[Translation]

SHRI RAM SAGAR : I was a member of the House(Interruptions). Sharda Prasad Rawat, MLA, who was an ex-minister and a leader of entire eastern region was murdered in Gorakhpur in the tenure of Shri Kalyan Singh.....(Interruptions)

MR. SPEAKER : This incident does not relate to this discussion. Now discussion is being held under Rule 184.

SHRI RAM SAGAR : A political murder was carried out in Uttar Pradesh only to damage the administration there.....(*)(Interruptions)

MR. SPEAKER : It is not like this. Please listen.

.....(Interruptions)

SHRI RAM SAGAR : Mr. Speaker, there are some conventions of the House.

MR. SPEAKER : It will be taken up, afterward.

.....(Interruptions)

[English]

MR. SPEAKER : Why are you complicating it ? Let me handle it.

[Translation]

SHRI RAM SAGAR : Mr. Speaker.....(*)

There are set tradition of the House. Whether it is a question of Hon'ble President, Vice-President or Governor. They are Constitutional Head. Mr. Vajpayeeji and members of his party are criticising him, outside the House. It is wrong.....(Interruptions)

[English]

MR. SPEAKER : He is speaking on the issue now.

[Translation]

SHRI RAM SAGAR : As per traditions, such things cannot be said about Hon'ble President and Governor.....(Interruptions)

[English]

SHRI RAM NAIK (Mumbai-North) : Will it go on record ?

[Translation]

Whatever the Hon'ble member has said, should not become the record of the House.

SHRI BHAGWAN SHANKAR RAWAT (Agra) : Mr. Speaker, Sir, His allegation is objectionable. Now an attempt is being made to save the murders.....(Interruptions)

[English]

MR. SPEAKER : I will certainly go through the record.

.....(Interruptions)

MR. SPEAKER : I have promised that I will go through the record.

[Translation]

SHRI CHANDRA SHEKHAR (Ballia) : Mr. Speaker, I would submit that it would be better if the Hon'ble member withdraws his words. It is wrong to say such type of thing in the House. There are certain traditions here. If such type of things are said, then no murder case can be solved. I remember(Interruptions)

SHRI ATAL BIHARI VAJPAYEE : That case is being investigated by the CBI.

SHRI CHANDRA SHEKHAR : I remember that Shri Mulayam Singh ji has said that this murder is a heinous crime and there should be a CBI enquiry into it. One should not reproduce the entire news report of print media in this regard. At least that portion of speech should be withdrawn. There is a convention of the House, what is your views in this regard.

SHRI RAM SAGAR : Mr. Speaker, Sir, if it is so, I withdraw my words, but it has been reported in the Newspapers(Interruptions)

MR. SPEAKER : He is withdrawing his words.

[English]

It will not be on record. I can say that.

[Translation]

SHRI SATYA PAL JAIN (Chandigarh) : Mr. Speaker, Sir, he is withdrawing but also saying that it is publishing in the Newspapers and they have done it.....(Interruptions)

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, I will not take much time, but Shri Jaswant Singh had explained in details. But the issue before us is very limited. Whether the House can discuss the conduct of a Governor.

[English]

MR. SPEAKER : You do not have to answer that.

[Translation]

SHRI ATAL BIHARI VAJPAYEE : I am a member of this House for the last 40 years. As Mr. Jaswant Singh had said, we had discussed the conduct of a Governor in the past; therefore I submit that we need not go into details. You please, give us permission. They have majority, then why are they

* Expunged as ordered by the Chair.

afraid of ? They should not feel shy of accepting the truth, because here decision is taken by majority and not by minority.

SHRI SHATRUGHAN PRASAD SINGH (Balua) (Bihar) : Mr. Speaker, we are not afraid of anybody. The discussion should be held in detail.

[English]

SHRI SONTOSH MOHAN DEV (Silchar) : Last time when this motion came up, you had given an opinion and you had also admitted it under Rule 193. Now Shri Atal Bihari Vajpayee and Shri Jaswant Singh have brought a new dimension give up the previous one and mainly the conduct of the Governor which has been the perception of the Central Government and of the Home Minister. On this, we are not standing in the way. But we would like to say that the issue is already admitted under Rule 193. If the purpose is to ensure the Government and, as Shri Atal Bihari Vajpayee said, *bahumat* is on their side, what is the purpose of going on with this discussion ? A long-drawn exercise will be there. So, let us discuss this issue under Rule 193 and that will be the best thing to do. If we again go back, then in future, one thing you reject, another provision will be coming and Governor will not be able to defend himself in this House. It will not be proper. The best thing is what was decided on that day that an advisory committee should be formed and the control of Uttar Pradesh should, not absolutely be under the Governor, but there should be representatives of the Parliament. Bharatiya Janata Party has got the maximum number of representatives from Uttar Pradesh. They will have a better say in the administration and that should be done. This is our opinion.

SHRI JASWANT SINGH : I wish to clarify that the establishment of an advisory committee is totally unrelated. On the specific issue of Rule 193 versus 184, I am sure my hon. friend and good colleague knows very well that we would like to discuss this only under a substantive motion. Rule 193 is not a substantive motion. It is simply a short duration discussion. You can talk this issue out. You cannot discuss a Governor's conduct under rule 193. The only means available is Rule 184. That is my submission.

[English]

SHRI CHANDRA SHEKHAR : I am sorry that I have to say something which may not be liked by my friend Shri Jaswant Singh. I know that something has happened in this House and outside which is quite disturbing, especially the statement of Shri Indrajit Gupta, the Home Minister of India and contradiction by the Governor of Uttar Pradesh and also contradiction in some way by the Chief Secretary of Uttar Pradesh. This not expected in a parliamentary democracy. I do not know what are the norms being followed between the Government of India and the Government of Uttar Pradesh and I also do not know that if you begin to discuss this matter, whether we like it or not, how things will come about the conduct of the Governor. Shri Jaswant Singh said that he does not want to discuss the conduct of the Governor but only this specific issue.

On this specific issue, he has said that he discussed this matter with the Prime Minister and the Prime Minister was fully satisfied with the functioning of the Governor and the condition operating in Uttar Pradesh. It is a matter where the Government of India should come out, on its own, with a statement saying what is the real position because if the contradiction is there in the statements of the Home Minister, the Governor and the Chief Secretary, it becomes obligatory on the part of the Government to come out with a clear statement stating what is the real position. It will be a very unfortunate position when the impression goes outside that the Home Minister and the Prime Minister do not agree on such a vital issue regarding the State of Uttar Pradesh and the situation operating there. On that basis, if there is some discussion, I can understand it. I think that strictly, technically he may be right. But, in practice, it will be a wrong precedent. I do not know, I do not remember what was discussed.

[Translation]

SHRI JASWANT SINGH : It has happened.

SHRI CHANDRA SHEKHAR : Might have happened.

[English]

But that situation was different and the Parliament is different(Interruptions)

SHRI ATAL BIHARI VAJPAYEE : Sir, the Parliament is the same and the rules are the same.....(Interruptions)

MR. SPEAKER : The composition of the Parliament was different. I think that is what Shri Chandra Shekhar wanted to say.

.....(Interruptions)

SHRI ATAL BIHARI VAJPAYEE : But that is not to be taken into consideration.....(Interruptions)

SHRI CHANDRA SHEKHAR : It should not be that the Parliament is the same; the rules are the same. But Members like Shri Atal Bihari Vajpayee are very few.....(Interruptions)

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, I am the same.....(Interruptions)

SHRI CHANDRA SHEKHAR : You are the same. But you have a very little say.....(Interruptions)

DR. MURLI MANOHAR JOSHI (Allahabad) : You should also remain the same.....(Interruptions)

SHRI CHANDRA SHEKHAR : So, Mr. Speaker, Sir, I think that it will be proper if some *via media* is found out. It is better if we avoid the discussion where the conduct of the Governor is brought into focus.

[Translation]

SHRI ILIYAS AZMI (Shahabad) : Mr. Speaker, there has already been a discussion for bringing this issue under Rule 184. You have already rejected it once and gave your ruling that a committee comprising MPs of Uttar Pradesh be constituted which should act as an advisor to the Governor. I do not understand what advantage there is in conducting

for this discussion on the matter and now that you have given a ruling. The Govt. should form that committee.

As to concerns about a big political murder, I do not want to get involved into that but, I do want to ask a question from my senior hon. Shri Atal Behari Vajpayee that political murder is a very bad thing whether it takes place in Uttar Pradesh, Mumbai or anywhere else. The maximum number of political murders have taken place in Mumbai. A number of legislators and dozens of people of management have been killed. This is happening every day.....(Interruptions)

SHRI MADHUKAR SARPOTDAR (Mumbai North-West): What is he talking.....(Interruptions)

MR. SPEAKER : Mr. Azmi that is not the question.

SHRI ILIYAS AZMI : Eight days ago one of my relatives was killed(Interruptions) Please listen to me.....(Interruptions) I am not presenting anyone's side.....(Interruptions) I am neither of this side nor that. Dr. Datta Samant who was India's no. one trade union leader has recently been killed. But it is not as if there has been a murder in Maharashtra. There will be one in up too.....(Interruptions)

DR. MURLI MANOHAR JOSHI : I am on a point of order. How can this question come up for discussion in the House(Interruptions)

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : I do believe that the issues raised are quite important. Firstly, whether or not the differences in views expressed within the Cabinet are entitled to be expressed publicly is one issue which he has raised. It seems that according to the version of the Government as reported in the Press, the Prime Minister has a different view from the Home Minister. That is one important issue.

The second issue seems to be whether or not the perception of the Governor who is there and the Government here should always stand, whether they have a right to differ on the assessment of a given situation. Quite often we know that even in terms of imposition of Article 356, there could be different perception of the Governor as well as of the Cabinet. But the issues are important. I have absolutely no doubt about that. Therefore, I tend to agree with our ex-Prime Minister – though only for a few months – Shri Chandra Shekhar that it is important that we discuss it. But right now to take it that we should be introducing a Motion of Censure is not there. I therefore, agree with him in the sense that there should be a statement in the House from the Prime Minister about what exactly is the perception of the Government and how exactly is it different from that of the Governor's perception? Is it different from it? An authoritative statement should be made before the House. On that basis, we can, if we feel, enter into a discussion not in terms of a Censure Motion but in terms of developing a parliamentary procedure and practice under Rule 193.

SHRI P.R. DASMUNSI (Howrah) : The Prime Minister must make it clear.

[Translation]

MR. SPEAKER : Shri Vajpayee and Shri Jaswant Singh ji have already expressed their views over it why do you want to speak ?

SHRI ILIYAS AZMI : There has already been a discussion and you have given your ruling. It was also a point of your ruling that a consultative committee comprising of MPs from UP be constituted to assist the Governor. I think there is no better solution than this and there is no need for further discussion on this(Interruptions)

[English]

MR. SPEAKER : I will come to you later.

(Interruptions)

[Translation]

SHRI BRIJ BHUSAN TIWARI (Dumariaganj) : Mr. Speaker, Sir, I want to submit that you had specifically stated in your order at that time when there were notices by Shri Atalji, Jaswant Singhji and others under rule 184 that at the time of Motion of Thanks on President's Address or at several other occasions, law and order situation in Uttar Pradesh can be discussed. As such a statement has been made by the Minister of Home Affairs so, seeing its significance we feel that there should be a discussion on this and so you have agreed to hold a discussion under Rule 193. But today, by bringing in a new proposal the discussion which is being carried out about the conduct of the Governor that this has the same content because when you discuss the law and order situation in UP, it will be a complete discussion including all the view points. But, so far as killings are concerned, 5 workers of the Samajwadi Party were killed at the time of election. We have tried repeatedly to raise this matter in the House but, there has been no decision on it. So, killings are taking place and this is the matter concerning the law and order and when you are ready to conduct a discussion under Rule 193 and hon. Atalji also wants a discussion than I think there is no need for a special motion.

[English]

SHRI G.M. BANATWALLA (Ponnani) : Mr. Speaker, I rise in protection of the right of a Member to act under a rule that he chooses irrespective of whether I personally may or may not agree with the substance of the Motion. Therefore, every Member has a right to invoke a particular rule and then his right must be protected irrespective of whether one may or may not agree with the substance of the Motion. That is not the question here. The question is, when a Member wants the conduct of the Governor to be taken into consideration and not only taken into consideration but he demands also the recall of the Governor, such a Motion can never be under Rule 193.

That is the point, he has also clarified. It can only be under Rule 184 because then otherwise, the demand for the recall of the Governor – whether accepted by the Parliament or whether not accepted by the Parliament – remains undecided and therefore, by the very nature of things, the Member has a right to give a notice under Rule 184. That notice has to be accepted.

Rule 193 is not relevant here. If you want more discussion, then this is a Budget Session and for such discussions, we have ample opportunity to go on discussing, especially when the UP Budget will come before the House, the House will be free to discuss anything and everything about the UP also and all other various things.

Here the question is of grave importance to parliamentary democracy. With the Governor and the Home Minister in apparent conflict, this House stands bewildered as to whom to believe. There may be reports about the Prime Minister having agreed or having not agreed with the Governor outside the House, in the Press, but here many times you have told us not to go wholly, totally, solely by the Press. Therefore, we must know the situation here. The Prime Minister has also — I must say with all respect — ignored the House and has not come and made any statement here. That is why the controversy has come.

I, therefore, feel that irrespective of the merits of the Motion whether one may or may not agree with it, that is a different thing — the right of the Member to come to the House for the recall of a Governor has to be granted and can only be granted on a substantive motion. And, that alone can bring about a decision of the House. So, the discussion has not only to be merely light-bearing, it has also to be fruit-bearing. Therefore, Rule 184 is vital here(Interruptions)

MR. SPEAKER : The Member from your party has spoken now.

.....(Interruptions)

SHRI G.M. BANATWALLA : Sir, in parliamentary practice, in the case of parliamentary democracy, once and for all, we have to know how a State and how a Governor has to act in a situation of a Presidential Rule. That is also a matter that must be decided once and for all because it may be an unfortunate thing, it may be a painful thing but the political scenario being what it is, it seems that the Presidential Rule has not come to stay though as a measure of last resort.

And, therefore, Sir, it is necessary to have a healthy precedent of how the Governor and the administration of the State will function and what will be its relationship....

MR. SPEAKER : I think, Banatwallaji, you have made your point very adequately.

SHRI G.M. BANATWALLA : Therefore, Sir, irrespective of giving any opinion on the merits of the Motion, I rise for the protection of the right of the Member, and it must be granted by you. That is my forceful plea with all the eloquence that I may command and the vehemence that I may command. I have to appeal to you admit the Motion. Let the House decide and let the matter rest once and for all.....(Interruptions)

[Translation]

SHRI NITISH KUMAR (Barh) : Mr. Speaker, the motion presented by Shri Jaswant Singh regarding situation in Uttar

Pradesh is very appropriate because a very peculiar situation has arisen.

The hon. Minister of Home Affairs has given a statement in the House in which he has stated —

[English]

UP is heading towards anarchy, chaos and destruction,

[Translation]

After the Minister of Home Affairs made this statement in the House the Governor of the State made a statement which appeared in newspapers that the Prime Minister was satisfied with his work, so, a very peculiar situation has arisen. We would like to know in what direction this Govt. is moving. Hon. Prime Minister should make it clear in the House.

Just now Shri Chandra Shekharji was speaking. He has also said that the Government should come out with a statement here. After listening to his speech, what I feel is that he is also not in favour of having a discussion under Rule 184. He has also talked about the composition of the House. I have full regards for Shri Chandra Shekharji but, what is the composition of the House. This is the House which has been elected by the people of this country.

Mr. Speaker, this House reflects the people of this country. People of this country have elected this House. It has its own rights. Mr. Chandra Shekhar has seen earlier Houses also and this House too. This House will continue like this. The world will keep on changing. The situation which was there yesterday no longer exists today, could it be imagined earlier that a Governor will say about the Minister of Home Affairs that the Prime Minister is satisfied with his work. If the Minister of Home Affairs says something especially about the State where President's Rule is in force then a message will be sent there straight away but what kind of people are being appointed today. These matters will only be discussed when you permit to discuss them in the House.

Mr. Speaker, Sir, what has been said by Shri Banatwalla about Rule 184, I support it fully, I do not want to waste time of the House. I want to support his statement fully that for us, for a Member this is the only way. A Notice for motion under Rule 184 has been given. We appeal to you to give permission seeing the entire situation so that a discussion may take place on both the issues i.e. situation in UP and Role of the Governor. You are taking historic decisions one after another and enhancing the dignity of the House. Kindly take another decision like this and enhance the dignity of the House.

Mr. Speaker, the Minister of Home Affairs is a truthful man and you have awarded him with 'Best Parliamentarian award.' He is not an ordinary person of the country. Today, by becoming the Home Minister his stature has decreased. When Shri Indrajit Gupta become the Home Minister, this portfolio, the stature of Home Minister has increased. Shri Indrajit Gupta is a very big personality of this country. He stands up and says what he feels in the Parliament of this country and this Government says nothing on that, what

kind of Government is this ? Does this Government have some feeling or not. Everything is going on political considerations. So Mr. Speaker, we urge upon you to protect the right of the Member. Mr. Indrajit Gupta has brought honour to this House.

You, too are contributing in it in your own way. Therefore, we appeal to you to protect this right of the Member and allow this motion under Rule 184 and for holding a vigorous discussion on UP.....*(Interruptions)*

[English]

MR. SPEAKER : I think we have spent enough time on this.

.....*(Interruptions)*

[Translation]

MR. SPEAKER : This is not an issue.

.....*(Interruptions)*

DR. SHAFIQR RAHMAN BARQ (Muradabad) : Mr. Speaker, the issue which have been raised concerning the Governor and the political killings including those in Mumbai*(Interruptions)*

MR. SPEAKER : It is not so.

.....*(Interruptions)*

DR. SHAFIQR RAHMAN BARQ : I am personally giving you a notice that if there is a discussion regarding law and order situation in U.P. then Mumbai be also included in it and a debate should be allowed on it too. This is my request to you Mr. Speaker, Sir.

[English]

MR. SPEAKER : I do not think we need to debate so much on this issue.

.....*(Interruptions)*

MR. SPEAKER : It has nothing to do with Motion. It is not relevant.

[Translation]

DR. SHAFIQR RAHMAN BARQ : Mr. Speaker, Sir I will give a notice separately. Please include it in this.....*(Interruptions)*

MR. SPEAKER : Alright, you give a notice separately.

[English]

SHRI RUPCHAND PAL : The question is whether we have already reached a stage where we can just discuss the conduct of the Governor in this House. It is true that this House had discussed this issue going against the well laid convention. The question now is whether the situation warrants or whether we are quite convinced that such a discussion about the conduct of the Governor is warranted. You have already given your ruling on a similar motion, although it may be claimed that the present motion is technically a different one. My plea is that let the Prime

Minister give a reply, make a statement and we can discuss on that statement. If we are not convinced by the Government's reply about the situation, only then a claim be made about going against the well laid convention. Let us wait for the Government to respond to the situation, to clarify the situation and let us be convinced about the situation, that such a situation has developed where we can go beyond the well laid convention and discuss the conduct of the Governor. That is my plea.

SHRI MADHUKAR SARPOTDAR (Mumbai North-West): Mr. Speaker, Sir, thank you very much.

Shri Jaswant Singh has given notice for a motion under rule 184. While giving the notice, he has given a very limited intention behind the Motion. What I could see here is that the same issue on which you were once pleased to give a ruling has been raised again. But the situation is entirely different here.

The Minister of Home Affairs represents the Central Government. He was supposed to make a statement in the House on the situation prevailing in Uttar Pradesh. When the matter was discussed in this House he has made a very authentic and categorical statement which has been challenged.....*(Interruptions)*

If you want to discuss anything about Mumbai, you are welcome to do so at any time, at any hour. We are not afraid of it. You bring it and I will face it.....*(Interruptions)*

[Translation]

DR. SHAFIQR RAHMAN BARQ : Let it be included.

SHRI MADHUKAR SARPOTDAR : Even if you want to join issue with me. I will answer you.

[English]

That matter is entirely different.

He made a categorical statement about the situation prevailing in Uttar Pradesh. The Governor, on the other hand, made a statement in Uttar Pradesh and he is telling the Press that he is not worried about the Home Minister as the Prime Minister is pleased with the things which have developed in Uttar Pradesh.

I think, this is a contradiction in the functioning of the Government. So, it is absolutely necessary that we should discuss this particular matter. The Prime Minister, on his own, should have come before this august House. He should have clarified on the floor of this House the situation prevailing there and the two different statements. The Prime Minister and the Home Minister are equally responsible. So, under the circumstances, according to me.....*(Interruptions)*

MR. SPEAKER : That is enough.

SHRI P.R. DASMUNSI : Sir, Shri Indrajit Gupta has made a statement on the floor of this House. It is a property of the House. Shri Gupta is not only an hon. Member of this House, but he is also the Home Minister. If the Prime Minister wants to defend Shri Gupta's statement, then, Shri Jaswant Singh's Motion has some points. Our party's stand is different from that of his party.

I would like to tell you Mr. Speaker Sir, that you should also take a very careful note of one thing. After Shri Gupta has said that the State is heading towards chaos and anarchy, if the Prime Minister wants to defend the Governor, then, Shri Gupta will have to tender his resignation because he has misled the House. If the Prime Minister wants to keep Shri Gupta as the Home Minister, he has to dismiss the Governor.....(Interruptions)

SHRI MADHUKAR SARPOTDAR : Sir, I have not completed(Interruptions)

MR. SPEAKER : Shri Sarpotdar, I think, you have made your point very nicely.

SHRI MADHUKAR SARPOTDAR : Sir, I have not completed what I wanted to say. The other hon. Member has started making his statement though I never yielded to him.

My only contention is this. The notice for the Motion has been given under rule 184. It should be discussed over here and it should be granted by your authority. It is my humble submission because it has created a unique situation. The Governor says something; the Home Minister says something; and the Prime Minister says something else.....(Interruptions)

SHRI RAMESH CHENNITHALA (Kottayam) : Sir, why are you allowing everybody ? There are other issues also.

MR. SPEAKER : I think, you are repeating the same point. Why do you not save time ? Please conclude.

SHRI MADHUKAR SARPOTDAR : As you know, my only problem is that I was never allowed to conclude.

MR. SPEAKER : All right, you have strongly supported that it should be taken up under rule 184.

SHRI MADHUKAR SARPOTDAR : Yes, I support that.

[Translation]

SHRI RAM NAIK (Mumbai North) : Mr. Speaker, last time Rule 184.....(Interruptions)

[English]

SHRI RAMESH CHENNITHALA (Kottayam) : Sir, is it necessary for every hon. Member to repeat the same point? Only one point is said by every hon. Member.

MR. SPEAKER : It will complicate the matter more. Let us complete.

[Translation]

SHRI RAM NAIK : Mr. Speaker a change in the situation has come to the notice of the House after you gave your ruling under the Rule 184 last time. Hon. Minister of Home Affairs has made statement about the Prime Minister which has come before the House. Another development which has taken place is that there is a small village in U.P. known as Safal. In that village Union Minister of Defence and the Governor came together on a stage. One of the things said

there was on who could remove the Governor. Such things are said on that stage. My submission is that if such type of discussion can go on there then this is a good place to say this and please allow it here also. This is the new development I wanted to bring to your notice.

13.00 hrs.

[English]

MR. SPEAKER : I think we have had enough discussions. You leave the matter to me. I will reserve my ruling on this, Unless Shri Jena wants to say something.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : Sir, you have already reserved your ruling on this issue. This issue has been brought to your notice and you have inclined to admit a discussion under Rule 193 on the situation that has arisen in Uttar Pradesh. But my submission is that it should not be taken in this perception by any section of this House.

Sir, perceptions differ. Sitting here in Delhi I will have a perception about the law and order situation in UP 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 UP. But that does not mean that there is a confrontation between the hon. Minister of Home and the Governor of UP. It should not be construed like that.(Interruptions)

MR. SPEAKER : Why are you worried ? You are worried about his statement as if he has given a final judgement. He cannot give a final judgement on this.

.....(Interruptions)

SHRI ATAL BIHARI VAJPAYEE : Now, you give your ruling on this.....(Interruptions)

MR. SPEAKER : I will give my ruling tomorrow.

.....(Interruptions)

MR. SPEAKER : Now, listen to me. Mr. Chennithala, please allow me to conduct the business of the House. If you want lunch break, then we can adjourn for lunch. But there are many hon. Members who want to raise matters in Zero Hour. If those hon. Members have to be allowed, then we have to forego lunch.

.....(Interruptions)

SHRI NITISH KUMAR : Sir, I thank you for recognising Zero Hour from the Chair. I congratulate for that.....(Interruptions)

SHRI K.P. SINGH DEO (Dhenkanal) : Sir, we can forego lunch.....(Interruptions)

MR. SPEAKER : Those who want to go for lunch, let them go for lunch. Those who want to raise matters can stay back here. Otherwise, there is no way out.

.....(Interruptions)