

[Translation]

SHRI JASWANT SINGH (Chittorgarh) : Mr. Speaker, Sir, let me finish my point in two minutes.

[English]

MR. SPEAKER : I will come to you a little later. Is it on the same subject, Andaman?

[Translation]

SHRI JASWANT SINGH : This is a separate subject.

[English]

MR. SPEAKER : I will come to you.

SHRI PRAMOD MAHAJAN (Mumbai-North East) : It is a very serious issue.

MR. SPEAKER : More or less, depends on how you look at it.

[Translation]

SHRI JASWANT SINGH : I finish my point in two minutes.

[English]

MR. SPEAKER : I will certainly come to you. I have called him earlier, Shri Rupchand Pal. Please be brief.

SHRI RUPCHAND PAL (Hooghly) : Sir, a very serious incident has taken place at Mumbai where the Editor of a Marathi daily, *Mahanagar*, has been physically assaulted. His face has been blackened. His office has been ransacked by a group of hooligans...*(Interruptions)*

The only fault for which this Editor had been subjected to such torture and humiliation was that his Daily had carried some critical reports about the Shiv Sena Chief. It is nothing but an attack on the freedom of the Press and the Editors' Guild has condemned this...*(Interruptions)*

MR. SPEAKER : Shri Jaswant Singh.

(Interruptions)

MR. SPEAKER : Enough, enough.

(Interruptions)

SHRI MADHUKAR SARPOTDAR (Mumbai North-West) : Sir, please allow me to react.

MR. SPEAKER : Nobody heard who said what.

(Interruptions)

MR. SPEAKER : Shri Sarpotdar, you do not have to worry. Nobody heard who said what.

(Interruptions)

MR. SPEAKER : I have given the floor to Shri Jaswant Singh. Let him make his point.

[Translation]

SHRI RAM KRIPAL YADAV (Patna) : Mr. Speaker, Sir, this is an unfortunate incident...*(Interruptions)*

[English]

12.19 hrs

RE : SITUATION ARISING OUT OF THE
ALLAHABAD HIGH COURT JUDGMENT
REGARDING IMPOSITION OF PRESIDENT'S
RULE IN UTTAR PRADESH

[Translation]

SHRI JASWANT SINGH (Chittorgarh) : Mr. Speaker, Sir, the leader of the opposition Honourable Shri Atal ji raised a point before the question Hour. The High Court has delivered a judgement. We were expecting that considering the constitutional and the political situation in U.P. arising out of the Government's position in the state, till then it would not be clear about the constitutional crisis in U.P., it would not be difficult to state the position of the Government in that State?...*(Interruptions)*

DR. MURLI MANOHAR JOSHI (Allahabad) : Mr. Speaker, Sir, this is a very important issue...*(Interruptions)*

[English]

MR. SPEAKER : I will give my ruling.

(Interruptions)

MR. SPEAKER : No, no; you do not have to make noise about that. Please sit down. In today's Agenda, at Item No. 17, there is a Bill for consideration.

[Translation]

SHRI SANTOSH KUMAR GANGWAR (Bareilly) : It is not required now.

[English]

MR. SPEAKER : Why don't you understand it?

This Bill is before the House. I have received a notice from Mr. Lodha to raise a Constitutional issue, that is when the High Court has quashed the President's Rule, whether the House can Constitutionally take up this Bill.

I will have to go into the provision of the Constitution and also the rules. At the time when this Bill will be before the House I am sure the Government will come out with its version. Let me also go into the provisions of the Constitution. At that stage, I think we will consider this matter.

SHRI PRAMOD MAHAJAN (Mumbai-North East) : Sir, this is your ruling with regard to the Bill only. What about the judgement?

MR. SPEAKER : That is the time when it will come.

DR. MURLI MANOHAR JOSHI : These two questions are not related to each other...*(Interruptions)*

SHRI PRAMOD MAHAJAN : Sir, the Government should follow your example. You were so prompt in your

response to the judgement that you started thinking as to what should be done with the Item No. 17. But the Item No. 17 is not the only problem. The entire gamut of Article of 356 has been quashed. Guidelines have been issued and a particular date has been fixed. A popular Government has to be restored. We are very thankful to you that as far as the Agenda is concerned, you started thinking about the Allahabad judgement but what about the political agenda. There is a Constitutional crisis. Which Government is there? And the Government is not responding. I can well understand that they stunned, surprised or shocked by the judgement but they have to reply to this.

MR. SPEAKER : He is going to reply

DR. MURLI MANOHAR JOSHI : There is no Government in Uttar Pradesh. The Government has to go. During the debate on Uttar Pradesh...*(Interruptions)*

MR. SPEAKER : You cannot say, there is no Government because the High Court has also given five days' time. So, that is not correct. The Government is there.

DR. MURLI MANOHAR JOSHI : But what are they doing about it? They should not take even five minutes to come out with a response. That Government has been declared as completely unconstitutional...*(Interruptions)* The Governor who recommended that unconstitutional thing should have been recalled. What are they doing with the Governor?

[Translation]

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : Mr. Joshi have you got a copy of the Allahabad high court judgement? This is not available with the Government...*(Interruptions)*

DR. MURLI MANOHAR JOSHI : If the Government has not got a copy of the judgement then this Govt. should not continue...*(Interruptions)* You have no information till date...*(Interruptions)* What are you doing?...*(Interruptions)*

[English]

MR. SPEAKER : Let the Minister complete. Please sit down.

[Translation]

SHRI GEORGE FERNANDES (Nalanda) : Mr. Speaker, Sir, first listen to me and then listen to him.

[English]

MR. SPEAKER : Mr. Jena before you say something, Mr. Fernandes would like to speak. I will hear him because he always makes good points.

[Translation]

SHRI GEORGE FERNANDES : Mr. Speaker, Sir my point is this that High Court has given five days time. The idea behind giving five days time is that the Government if desires may move in Supreme Court. I would like to tell the Government that it has decided to hold a meeting of the chief ministers. A lot of points have been raised in this House which are on the record. All Members have a consensus in regard to Article 356.

SHRI SRIKANTA JENA : This is a record debate.

SHRI GEORGE FERNANDES : Considering all these things, the three judges of the High Court have delivered this Judgement. The Government should not take any step on the plea of five days time so that a popular Government should not be formed immediately on the basic of constitution. It should not act like this and should not move in Supreme Court. They should not talk of moving in Court. *(Interruptions)* I tell you that why should they not move in the court. Three days before the imposition of the President rule in Uttar Pradesh, you all people under the leader of the Prime Minister jointly decided to hold a meeting of the Chief Ministers, the High Court has supported this decision. They are not happy with your conduct. Therefore you should not move in the court and save your prestige...*(Interruptions)*

SHRI PRAMOD MAHAJAN : Mr. Speaker, Sir, the five days time given in this judgement is not far to move in the Supreme Court. It has been mentioned in the judgement that the administrative structure could not be changed in overnight. After introducing this judgement article 356 will quashed but before quashing this article there should be a Chief Minister to take severe in the legislative assembly. The Supreme Court has given time for completing this process. There has been no time given for going in Supreme Court. They have mentioned that.

[English]

"Administrative changeover cannot be done overnight, so, we are giving you five days to complete this administrative change over.

[Translation]

This clearly means that the high court desires that a popular Government should be formed there, and they have given time for it.

Item no 17 is yet to be taken up. Though we are listed in Item no 17. If Item no 17 is to be taken up for discussion today than it would be fully irrelevant and unconstitutional. Yesterday the Parliament had passed the Budget and no mention was made in the budget. This bill has been introduced under Article 357 and has no significance. In such a situation Government should

invite the leader of the BJP in Uttar Pradesh within 24 hours to form the Government and admitting their fault the Government should resign...*(Interruptions)*

[English]

MR. SPEAKER : It is enough. I think the Minister of Parliamentary Affairs is also correct that the Government does not have a certified copy of the judgement as yet.

(Interruptions)

MR. SPEAKER : Please listen to me. We are replying on the newspaper and agency reports.

(Interruptions)

MR. SPEAKER : I do not have a copy of the judgement.

(Interruptions)

SHRI PRAMOD MAHAJAN : You may not be having it. Sir...*(Interruptions)*

DR. MURLI MANOHAR JOSHI : The fax is there; telephones are there; the Government is represented by their lawyer in the High Court; and so, the Government could have approached their lawyer...*(Interruptions)*

MR. SPEAKER : Since the Government have not got a copy, I thought, the appropriate time to raise this issue will be when we take up Item No. 17. By that time, I think, the Government will get the report. The Government should get the report by that time. Therefore, let us be patient.

(Interruptions)

SHRI PRAMOD MAHAJAN : Sir, let us not go about it is this way. No certified copy can be got within sixty minutes.

MR. SPEAKER : I am not insisting on a certified copy of the judgement. I am asking the Government to get an official by the time we take up Item No. 17. It will be all right.

DR. MURLI MANOHAR JOSHI : Sir, there is no valid Government in Uttar Pradesh, at the moment.

SHRI PRAMOD MAHAJAN : They must have already got it with them.

MR. SPEAKER : The Minister said that he did not have it.

SHRI PRAMOD MAHAJAN : The Minister talked about the certified copy. What about the information? Let the Home Minister stand up and say that he does not know what the judgement is...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ (South Delhi) : A certified copy is not necessary...*(Interruptions)*

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA) : No.

SHRI PRAMOD MAHAJAN : That shows the inefficiency and incompetency of the Government that they do not even know about the two-and-a-half-hour judgement delivered at Allahabad. It is a very serious matter...*(Interruptions)*

MR. SPEAKER : Has the Minister got some information?

(Interruptions)

DR. MURLI MANOHAR JOSHI : This is a very constitutional judgement...*(Interruptions)*

MR. SPEAKER : Let him say.

(Interruptions)

MR. SPEAKER : But you allow the Minister to say something.

(Interruptions)

MR. SPEAKER : Why do you not allow the Minister to say something?

(Interruptions)

MR. SPEAKER : Sit down. Please, sit down.

(Interruptions)

[Translation]

SHRI RAM NAIK (Mumbai North) : Yesterday when I told in this House that the Government and the Minister are incompetent then Shri Somnath Chatterjee got very annoyed. This clearly shows the incompetence of the Government that they do not know about the judgement which is known to us.

[English]

MR. SPEAKER : Let the Minister say. Why are you not allowing the Minister to say?

(Interruptions)

MR. SPEAKER : You have the right say and the Minister also has the right to reply. Please listen to him.

(Interruptions)

[Translation]

SRI SRIKANTA JENA : Please listen to me...*(Interruptions)*

[English]

have the direction which you have now given to the Government. The moment the Government gets the Report - whatever has been judgement delivered by the Allahabad High Court. I will place it on the Table of the House.

(Interruptions)

MR. SPEAKER : I think, it is enough.

(Interruptions)

[Translation]

SHRI JAI PRAKASH (Hissar) : The Home Minister is present in the House he will give the reply.

[English]

MR. SPEAKER : It is not justified.

(Interruptions)

MR. SPEAKER : Shri Lalmuni Chaubey, I will give my ruling tomorrow on your case.

(Interruptions)

[Translation]

SHRI LALMUNI CHAUBEY (Buxar) : What the Home Minister desires to do he is not able to do. If you are not competent enough to do anything then resign from the point.

[English]

MR. SPEAKER : Give them time.

(Interruptions)

MR. SPEAKER : No, we have a lot of things to do.

(Interruptions)

DR. MURLI MANOHAR JOSHI : What is the Government's response to the Governor's actions?...*(Interruptions)* The Governor must be removed...*(Interruptions)* The Governor of Uttar Pradesh must be removed forthwith...*(Interruptions)* He has misled the House...*(Interruptions)*

[Translation]

SHRI SRIKANTA JENA : You please first listen...*(Interruptions)* try to listen...*(Interruptions)*

SHRI ATAL BIHARI VAJPAYEE (Lucknow) : Mr. Speaker, Sir, the two Ministers should decide themselves what they have to reply to the House about the functioning of the Government. The Hon'ble Home Minister is sitting silently. We are not ready to accept it nor anybody will accept it and even you, Sir, will not accept it that the Government has not received a copy of the judgement of the Allahabad High Court. We want to know that whatever information has been received by the Government what is the reaction of the Government in this regard. The Government cannot escape itself by merely saying that they had not received the certified copy of the judgement and it would be received in a few days. Today we can obtain the information through Fax immediately the Government could have got the judgement through it. The House's

anxiety is natural because the Government has deprived us for forming a Government by using Article 356 in U.P. and imposed president's rule there. Today the Governor is ruling there.

SHRI RAM SAGAR (Barabanki) : You do not have majority there...*(Interruptions)*

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, the President rule has been imposed by those people who are in the majority. Their action has been condemned by the Allahabad High Court. Here the question is not of majority or minority or law. We are discussing the problem which have developed there. I desire that the Government should give its statement about the tenure of the Hon'ble Governor. I know that the Hon'ble Home Minister does not like the present Hon'ble Governor but in spite of this he is not in a position to remove him under some compulsions.

SHRI INDRAJIT GUPTA : You attended the swearing ceremony of the Governor. I did not attend it.

SHRI ATAL BIHARI VAJPAYEE : I went there due to my moral duty as I am representing Lucknow. If you appoint a person whom I do not like, as a Governor of U.P. even though I will give him due respect.

But I was not aware that the Governor would work at his own. But the present conflict is between our party and your Government.

Mr. Speaker, Sir, you kindly direct him to make a statement within half an hour about this. The House must know about the line of action. A serious situation has assured due to the judgement of the Allahabad High Court.

[English]

SHRI SRIKANTA JENA : Sir, on the issue raised by the Leader of the Opposition, the Government will like to make a statement at 2 o'clock...*(Interruptions)*

MR. SPEAKER : I think, it is good enough. Mr. Chaubey, I will give a ruling on your notice tomorrow.

(Interruptions)

[Translation]

KUMARI UMA BHARATI (Khajuraho) : Mr. Speaker Sir, this is a very important issue...*(Interruptions)*

[English]

MR. SPEAKER : We will give it. The time is very little.

(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur) : Mr. Speaker Sir, the hon. Leader of Opposition as also Shri

George Fernandes rightly referred to the constitutional provisions and that the Constitution must prevail. There can be no two opinion about it...*(Interruptions)*

[Translation]

Is this the way, please maintain order...*(Interruptions)*

[English]

MR. SPEAKER : You have said enough. He also has a right to say

(Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, I am only saying that the Constitution must prevail its objective...*(Interruptions)* I am also saying that the Constitution includes the Fundamental Right of Freedom of Speech. I would like to know what is the response of Shri George Fernandes.

Unfortunately, the Leader of the Opposition is not here but Shri Jaswant Singh, the Deputy Leader of Opposition and my friend is here. I would like to know from him also about the manhandling of an editor of a newspaper in Mumbai...*(Interruptions)* What do Shri Fernandes and Shri Jaswant Singh say about this? What about the Fundamental Right guaranteed in the Constitution?

The Editor stated, "Then they caught me, smeared coal tar on my face and manhandled me." They broke down everything there for something written by him and which is not liked by them. I would like to have a response from Shri George Fernandes...*(Interruptions)*

SHRI MUDHUKAR SARPOTDAR (Mumbai North-West) : Sir, we would like to respond on this...*(Interruptions)*

MR. SPEAKER : I do not think, we can proceed on that.

(Interruptions)

[Translation]

SHRI ANANT GANGARAM GEETE (Ratnagiri) : Mr. Speaker, Sir, please allow us also to speak.

[English]

MR. SPEAKER : The matter is closed.

KUMARI SELJA (Sirsa) : Sir, a great heart-rending tragedy took place in my constituency at Dabwali last year on the 23rd December 1995. 442 innocent lives including young children and women perished and many injured as a result of that great fire incident.

Sir, top leaders of all the political parties visited Dabwali. The Prime Minister and the Chief Minister of Haryana made a number of promises there in response to the demands put forward by the people at that time. Free treatment of all the injured was promised but unfortunately, the bills are yet to be paid. A medical college, a hundred-bed hospital, a sports complex and a memorial for the dead were amongst the things agreed

to. But no work has been initiated though one year has passed.

Sir, I request you to kindly direct the Government to see that all the demands and the promises made by the Government of India and the Government of Haryana are not at the earliest.

MR. SPEAKER : Now, I call Kumari Uma Bharati to raise her issue.

[Translation]

KUMARI UMA BHARATI : Hon'ble Speaker, Sir, I thank you very much for allowing me to raise this issue...*(Interruptions)*

[English]

MR. SPEAKER : I have given the floor to her.

(Interruptions)

[Translation]

SHRI RAM KRIPAL YADAV (Patna) : Mr. Speaker, Sir, I have also given a notice.

MR. SPEAKER : All have given notices...*(Interruptions)* There are 67 notices

KUMARI UMA BHARATI : Four innocent youth were gunned down by a police Inspector of Bhopura police station of Ghaziabad district as he was very much anxious for his promotion. Not even a single criminal case was registered against those four youth. Not even an ordinary case was registered against them under Section 151. One of the youth belonged to Dalit Community and one to minority community. All the youth belonged to labour class. When they were going to the factory to earn their livelihood, the Inspector asked them to get down and ordered them to run and while running they were gunned down by the Inspector. He termed it as an encounter and told that the youth were goondas whereas no case was ever registered against them. Local residents are of the view that they were through gentle and have never quarrel with their neighbours. A month back when wives of the deceased approached the hon'ble Home Minister and the Prime Minister, the hon'ble Home Minister had assured them that action would be taken against the guilty.

Similarly a Sikh priest was beaten to death in premises of Gurudwara in Barabanki by the goondas in the presence of police personnel. The priest was killed in the presence of police. No action has so far been taken in this regard.

Hon'ble Speaker, Sir, through you I would like to urge upon the hon'ble Home Minister that four innocent youths have been killed under the jurisdiction of Bhopura Police Station of Ghaziabad district and for that a case under Section 302 should be registered against the police Inspector and the Home Minister should make a statement in this regard today itself. Besides this, adequate compensation should be given to their dependent wives. I would like to submit that a