

Jaswant Singh is already present in the House; he will speak. *(Interruptions)*

SHRI RAJENDRA AGNIHOTRI : It is a question of 15 crore people of Uttar Pradesh. It will not be tackled in this way. I must speak...*(Interruptions)*

SHRI RAM KIRPAL YADAV : Mr. Deputy Speaker, Sir, we have to go, therefore please take any decision.

SHRI SYED MASUDAL HOSSAIN : Mr. Deputy Speaker, Sir, they are shouting without any reason. Please call their leaders and talk to them.

PROF. RASA SINGH RAWAT(Ajmer) : Mr. Deputy Speaker, Sir, keeping in view the feelings of the hon. Members of Uttar Pradesh and the people of Uttar Pradesh, please allow him to speak ...*(Interruptions)* dictatorship cannot prevail here.

SHRI BHAGWAN SHANKAR RAWAT (Agra) : Mr. Deputy Speaker, Sir, they are not allowing us to speak. This kind of discrimination will not do...*(Interruptions)*. The people of Uttar Pradesh are being exploited...*(Interruptions)*. The people of the State are being suppressed. Had it happened in any other State, violent incidents could have taken place there...*(Interruptions)* The democracy as well as the people of the largest State of India are being mocked...*(Interruptions)*

MR. DEPUTY SPEAKER: I have a suggestion to give. I shall invite hon. George Fernandes to speak. Other party leaders may decide as to how much time they would take. If it is possible, please do it...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ : Sir, what is happening here...*(Interruptions)* Had the chance been given to Hon. MLAs of Uttar Pradesh the situation of President Rule would not have come. Due to their excess, the elected MLAs of Uttar Pradesh have not been able to attend the Assembly, so far. Atleast give us opportunity to speak today, so that we can express our views about the sorrows and sufferings of the people and newly elected MLAs of Uttar Pradesh and injustice done to our party there...*(Interruptions)*

PROF. RASA SINGH RAWAT : Mr. Deputy Speaker, Sir, on the one hand, the hon. MLAs of Uttar Pradesh were not given opportunity to form the Government and on the other hand due to dicratorial attitude, we are not being allowed to speak...*(Interruptions)*

[English]

SHRI SRIKANTA JENA : Sir, I just want to repond to one point of the BJP's allegation. In the BAC, the leader of the BJP was present, when the time for this discussion was decided as four hours...*(Interruptions)* there is a limit to everything...*(Interruptions)* This is not the way ...*(Interruptions)*

[Translation]

SHRI RAJENDRA AGNIHOTRI : It has happened many times that the discussion has been held for more time than allotted...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER: Please sit down

[Translation]

Jaswantji, do you want to say something?...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER: Please allow him to speak...*(Interruptions)*

[Translation]

SHRI JAGATVIR SINGH DRONA (Kanpur) : It is on record that you have discussed the issued for six hour for which only two hours were allotted...*(Interruptions)*

[English]

MR. DEPUTY SPEAKER: The House stands adjourned for fifteen minutes.

15.17 hrs.

The Lok sabha then adjourned till thirty-two minutes past fifteen of the clock.

15.32 hrs.

The Lok Sabha re-assembled at Thirty Two Minutes past Fifteen of the Clock.

(Shri Chitta Basu in the Chair)

STATUTORY RESOLUTION RE: APPROVAL OF PROCLAMATION BY PRESIDENT IN RELATION TO THE STATE OF UTTAR PRADESH - CONTD.

[English]

MR. CHAIRMAN : Hon. Members, to begin with, I want to make an earnest appeal to you all. Without your cooperation, the House cannot be conducted properly. Every hon. Member has got a right to speak, subject to certain limits.

Now, it has been decided that the hon. Home Minister will reply to this debate at 4.30 p.m. Some hon. Members, particularly those belonging to certain parties who have not yet spoken, would be allowed to speak. I again request you to kindly extend your cooperation.

Now, Shri George Ferandes. Kindly remember the time limit.

[Translation]

SHRI GEORGE FERNANDES (Nalanda) : Mr. Chairman, Sir, I am on my legs to oppose the resolution moved by the hon. Minister of Home Affairs and the discussion on which has been going on for the last three days. The first thing is that, in my opinion, the decision taken by the hon. Governor and the Union Government is unconstitutional and in contradiction to Article 356 of the Constitution. I know that it has been discussed here to some extent but I felt unhappiness when our respected colleague, Shri Somnath ji stood to support this resolution. When emergency was imposed under Article 356, Shri Somnath Chatterjee had launched an extraordinary movement, so that the situation leading to Emergency could not be created again and under the same movement when a Constitution Amendment Bill was introduced in the House in 1978, he delivered a well worded speech and presented the best arguments for removal of Article 356. Today, I am saying it with a heavy heart because when a person like him, steps back, due to some reasons, from such a role he had selected for himself by delivering a nice speech with best arguments, then our faith in many things is lost and we become puzzled as to how we would be able to maintain the Democracy for which he had given thrust in his speech.

Perhaps Somnathji might be remembering that when a resolution regarding not using Article 356 for more than 6 months period and after that for a further period of 6 months period and under no circumstance it would be used after a period of one year, was brought, then he had, through an amendment, sought to reduce 6 month's period to 3 months and further 6 month's period to 3 months and in no case Article 356 should be used for more than a total period of 6 months. It is necessary today to remember those arguments which he uttered in favour of his Amendment. I am not saying so to remind him but it is necessary to remind the House of those arguments because these things are worth remembering.

Somnath Babu put his Amendment and the next day discussion was held on the Bill in the House. It is not needed that the House should be reminded of his entire speech but since most of the Members of the time of 1978, are not the Members at present and new Members have taken their place, they should know as to what for they are required to vote. The hon. Members of this House should know as to on which resolution our oldest and the most revered hon Minister of Home Affairs is asking for vote. Somnath Babu gives the reason of this opposition and he says:

"The position is that starting from 1959 and during the great leadership of Congress, of Shrimati Indira Gandhi, by machinations of the Centre and not because of any bonafide

reasons, Article 356 had been used for political reasons and not for any administrative reasons. This is an experience of the application of Article 356. It has been used indiscriminately against political opponents in West Bengal. We have been victims in Kerala; we have been victims in Orissa. Then people have been victims in UP, Haryana and what not..."

[Translation]

He further says.

[English]

"Article 356 is very antithesis of a federal structure of Government in this country. They cannot really go together."

Either they cannot or Somnathbabu, sometimes they can.

[Translation]

I have gone through your full speech and I shall comment on it in the end of my speech but we had not expected this of him because today it is not the question as to who will form the Government in Uttar Pradesh and who will not or who is in power in West Bengal and who is not. This case will always be considered as a standard because the Government changes after some time and once this tradition is established in the House, it seems very difficult to think today as to what repercussion will it cast on them tomorrow. He further says.

[English]

"If a political party in power loses its majority or if there is uncertainty in the Government at the Centre, there is no provision for President's rule. Then, why should you take States of second class political entity? Now, in the present context, we have seen different political parties ruling different States in the country. There is no protection whatsoever against political misapplication of Article 356 so far as a particular State is concerned. Therefore, we have suggested that in cases where only elections cannot be held, then, for three months, there can be a sort of interregnum only to allow the elections to be held".

[Translation]

The day before yesterday, he opposed all these points on the basis of Sarkaria Commission. Mr. Chairman Sir, they have tried to find out new interpretation of Article 356. Further he says:

"We can allow to that extent but we would be happy if article 356 altogether goes. Due to

the overbearing attitude of the Centre, they can stifle State Governments in a different manner not only in respect of political and Constitutional power but there is also economic strangulation of different State Governments in this country.

Article 356 cannot go side by side with the federal structure of our country. We are clear about this. The people of this country are convinced about this. Article 356 is a method of crushing political opposition in this country as also the dissidence in the ruling party."

Therefore, Shri Somnath Chatterjee, we are objecting to it 'on principle'.

SHRI P.C. CHACKO(Mukundapuram): It is politics convenience.

SHRI GEORGE FERNANDES : Have you heard it? He says: Now, it is politics of convenience.

[Translation]

Mr. Chairman . Sir, I have reminded it here because a division has to be held on it and I would like the hon'ble Members to vote on it after considering all aspects. They should not forget their past and their principles and convictions. There is a peculiar situation in one State only.

[English]

SHRI SOMNATH CHATTERJEE (Bolpur) : Your support to the BJP is also a matter of convenience for you ...*(Interruptions)*

[Translation]

SHRI GEORGE FERNANDES : I am talking about principle.

SHRI SOMNATH CHATTERJEE : Shri Chacko has made a comment to which you have referred. I have said that we have to save the country. I said it with the greatest unhappiness. I am hearing you today speaking on this motion. I have said that it is fractured polity. Today, there has to be some administration. You and your friends - your being brother - cannot do it. What can be done in this country? I asked Shri Joshi...*(Interruptions)* you cannot take the country for a ride just to suit you...*(Interruptions)* you cannot do it...*(Interruptions)*

Shri Fernandes, I hope you will be able to give the list of Members of the U.P. Assembly who can form the Government today. Give that list, please...*(Interruptions)*

You were a Member of the Government which dismissed nine provincial Governments. Do not bring those things...*(Interruptions)*

MR. CHAIRMAN : Shri Fernandes, please continue.
(Interruptions)

SHRI SOMNATH CHATTERJEE : I was listening to him with all attention. He deserves all attention. But it

seems that his whole argument is a personal attack...*(Interruptions)*

MR. CHAIRMAN . Kindly sit down.

[Translation]

SHRI JAI PRAKASH (HISSAR) : Somnath ji, you were also the Member of that Government.

SHRI GEORGE FERNANDES : Mr. Chairman, Sir, I did not want to hurt his feelings. I was just talking about my agony I did not think that my statement would hurt his feelings. I extremely regret for that.

Mr. Chairman, Sir, I would also like to speak on the Article 356. Several comments have been made about it and they have tried to interpret it in a peculiar manner. Whether they would give the same logic in a court of law if need arises? I would like to read out the amendment which was made to Article 356 in the year 1978 as things depend upon it.

[English]

"Notwithstanding anything contained in clause 4, a resolution with respect to any continuance in force of proclamation approved under clause 3 for any period beyond the expiration of one year from the date of issue of such proclamation shall not be passed by either House of Parliament...

I repeat.

"shall not be passed by either House of Parliament unless:

- (a) a proclamation of emergency is in operation in the whole of India or, as the case may be, in the whole or any part of the State at the time of passing such a resolution;
- (b) The Election Commission certifies that the continuation in force of such proclamation approved under clause 3 during the period specified in such a Resolution is necessary on account of difficulties in holding general elections to the Legislative Assembly of the State concerned".

[Translation]

I have given some examples of the discussion held in 1978 by Shri Somnathji. If this House, which had made amendment in the Constitution, had thought about the possibility that after election, such a situation can emerge that no party has secured majority, a clause would have certainly been added to it. As per the provisions of the Constitution, Election Commission should certify that due to particular reasons it is not possible to hold elections. Therefore, the condition of one year may be dropped and if emergency has been

imposed in any part of the country due to terrorism, this period can be extended. While making amendment in the Constitution, neither Shri Somnathji nor anyone else who had pondered over it, had taken any decision about such a situation. But when Shri Murli Manohar Joshi gave an example about Sarkaria Commission, Shri Somnathji had rejected that argument saying that he had quoted paragraph 4.11.03 of it but I am quoting paragraph 6.4.01. I would like to read it out because when Shri Somnathji told about it he put more stress on its initial portion.

[English]

"The failure of constitutional machinery may occur in a number of ways. Factors contributing to such a situation are diverse and imponderable. It is therefore difficult to give an exhaustive catalogue of all such situations which would fall within the sweep of that phrase. 'Government of the State cannot be carried on in accordance with the provisions of this Constitution'. Even so, some instances of what does and what does not constitute a constitutional failure within the contemplation of this article may be dropped and discussed under the following heads:

[Translation]

Political crisis. There is no need forgetting extra time for it but today, the issue of political crisis which was raised by Shri Somnathji day before yesterday.

[English]

"Constitutional break-down may be the outcome of a crisis or a deadlock. This may occur where after a general election no Party or coalition of Parties or groups is able to secure an absolute majority in the Legislative Assembly and despite exploration of all possible alternatives by the Governor."

[Translation]

Here Somnathji has spoken a very interesting thing. He used 4-5 words. He does not talk of a floor test. He does not talk of a floor test for the sake of a floor test.

He has said so.

[English]

A situation emerges where there is a complete demonstrated inability to form a Government commanding confidence of the Legislative Assembly."

[Translation]

Shri Somnathji has shown his trust on this report. An hon'ble Member of Janata Dal has dismissed the Sarkaria Commission. He is a new Member who has

joined politics and he is not aware of the appreciation of the Sarkaria Commission highlighted in the election manifesto of his party. The Janata Dal has, not only in its election manifesto but also in other papers stated to implement its decisions but yesterday they rejected it saying that they have no restriction on Sarkaria Commission...*(Interruptions)*

THE MINISTER OF DEFENCE (SHRI MULAYAM SINGH YADAV) : You are a great leader but he is a new Member, then why are you criticising him?

SHRI GEORGE FERNANDES : That is why I have defended him by saying that he is a new Member and he is not aware of these things. He is a well educated person. Therefore, had he gone through the election manifesto of his party he would not have used such language yesterday.

When you have trust on Sarkaria Commission and say that he had not said so that there should be a floor test, then we should discuss on paragraph four of it some extract of which was quoted by Shri Joshiji day before yesterday. I will not read it out but I would like to read out that portion which has been given under para 4.11.04 that if there is no.

[English]

'Single Party having an absolute majority in the Assembly'

[Translation]

The recommendations of Sarkaria Commission are.

[English]

If there is no such Party, the Governor should select a Chief Minister from among the following Parties or group of Parties by sounding them in turn in order of preference indicated below:

1. An alliance of Parties that was formed prior to the election.

[Translation]

It is not here.

[English]

2. The single largest Party staking claim to form the Government with the support of others, including Independents.

[Translation]

And I shall not read it fully because it will take too much time ...*(Interruptions)*

SHRI MULAYAM SINGH YADAV : Sir, you must not feel hurt, just remember for how many years we have chanted your slogans and now you want that they should praise you? Please tell me.

SHRI SHIVRAJ SINGH(Vidisha) : Have you only thir argument?

[English]

MR. CHAIRMAN : You may continue but please remember the time constraint.

SHRI GEORGE FERNANDES : Sir, I have hardly spoken for seven or eight minutes. I won't take much time. I am aware of the time constraint.

[Translation]

Therefore, I was saying that I shall not read it fully, there is no need, but the question is:

[English]

The largest single Party staking claim to form the Government with the support of others including Independents. This is the order.

[Translation]

Mr. Somnath Babu when you arrive at that juncture then what you have said, go further 4.11.05.

[English]

'Does not talk about Floor test'

"The Governor while going through the process of selection described above should select a Leader who in his judgement-that is Governor's judgement is most likely to command a majority in the Assembly."

[Translation]

Therefore the point of majority does not exist. The Governor has full power. He only calls the leader of the majority, otherwise none. In other case he may call people and become confident that they can form the majority.

[English]

"Who in his judgement is most likely to command a majority in the Assembly."

[Translation]

The Governor's subjective judgement will play a role here and the more important point is this which just counter your point:

[English]

'The Chief Minister, unless he is Leader of a party which has absolute majority in the Assembly, should seek a Vote of Confidence in the Assembly within 30 days of take over.'

[Translation]

It means that a Chief Minister could be selected without majority who should seek a vote of confidence

in the Assembly within 30 days of take over. This is the report of Sarkaria Commission as presented by me word to word in the House.

[English]

SHRI SOMNATH CHATTERJEE : Shri Fernandes is reading extracts from the Sarkaria Commission Report. I am not going into my Party's stand on it. It was in general and not on Article 356 alone. He made a distinction between the position obtaining after a general election and the question of ascertainment of loss of majority by a Chief Minister. This is the distinction which he clearly made. The portion I read out was one of the eventualities which the Sarkaria Commission thought off that after a general election the Constitutional machinery will be deemed to have broken down if nobody is in a majority to form a Government. He gave an example of the breakdown of Constitutional machinery. That was what Shri Murli Manohar Joshi was contending otherwise. I said that the Sarkaria Commission itself had said that, and I read it out.

Mr. Chairman, Sir, I am not supposed to be Mr. Romesh Bhandari, but today I am supposed to be the hon. Member's target. The position is this. If Shri George Fernandes had read my speech carefully, he would have found what exactly I said. I said that I do not agree even with what a Supreme Court Judge has said. One Judge of the Supreme Court has said that floor-test is not always the test. I only referred to that. Therefore, the hon. Member is quoting me out of context and saying things which are not correct. I know his agony to support a case which he cannot sustain.

[Translation]

SHRI GEORGE FERNANDES : Mr. Chairman, Sir, I shall not enter into a circle of questions and counter questions just now. But there will be a discussion on this matter not only in the House. You have referred the point of the Governor that I am making 'Halla Bol' but you must know that my protest is against the Government, not against you. So far as the matter of Governor is concerned, the protest was made against him when he tried to topple the Leftist Government in Tripura

[English]

SHRI SOMNATH CHATTERJEE : I said that I am no lover of Mr. Romesh Bhandari.

[Translation]

SHRI GEORGE FERNANDES : That time you took the right stand. The reason could be that there was a Secular Government. Now, you are trying to make a Secular Government. I shall not discuss here in the House as to who we the people who supported him to become the Governor. But when I came to know that it was a clear mandate then I wrote a letter to the

Hon'ble Prime Minister and the hon'ble President against him that it would be unjust for the whole country to make him the Governor of the biggest State of the country.

Today, our hon'ble friend Shri Ram Naik had pointed out about share scam. In regard to the Share Scam when our hon'ble the then Prime Minister was criticising some people then a big conspiracy was hatched in the Raj Bhawan by the Governor as to how the money given by Harshad Mehta to Shri Lal Krishna Adwani, Murlidhar Manohar Joshi and some other leaders of Bhartiya Janata Party will be fixed here. For this he had misused his telephone in Raj Bhawan and power. This was also informed to the hon'ble President and also to the public. However name of the Hon'ble President should not be mentioned here. Now, at this critical juncture when ultimately the biggest State of the country is being handed over to a person and also a responsibility is being given to him that the Government of Bhartiya Janata Party should not be formed there. It is your responsibility. If this point is being raised outside the House then it is not wrong because there should not be mockery with the constitution and the mandate. This is our feeling. A day before yesterday and today also the number of seats held by a party has been a point of discussion but this is not an issue for discussion. The discussion is going on Article 356 Sarkaria Commission has described measures for maintaining Centre-State relations for the growth of democracy in the country. There has been a lot of discussions over the manner in which constitution should be used. There has been discussions on the number of seats a party has in the assembly. We do not oppose such things.

Sir, it does not matter who criticised whom but the question arises when one party securing only seven seats criticises the one who has got 176 seats. In the first Lok Sabha General Election you won 236 seats and now it is only 174-176. Such discussions in the House or outside the House are not logical. They have neither got right nor the power to criticise others with five seats in their hands.

16.02 hrs.

[English]

(Shri Basudev Acharia in the Chair)

MR. CHAIRMAN : Please conclude.

[Translation]

SHRI GEORGE FERNANDES : I am going to conclude in just five minutes. Sir, I have with me a photo-copy of a newspaper which I have got from the Library, in which there is a very beautiful photograph of the hon'ble Prime Minister. A line is written there. You give me vote, I shall give you development. An appeal of the Prime Minister Shri H.D. Deve Gowda to the People of U.P. I shall not discuss its constitutional aspect.

Shri Somnath Babu may like to say something in this regard. Perhaps during election of legislative assembly, all the newspapers in U.P. carry such types of advertisements for the hon'ble Prime Minister. He is not in the capacity of Party President. Had he been the leader of his party, I would have acknowledged his leadership. Biju Babu, you have always opposed him. Now also you should oppose him. This is my appeal to you. Shri Mulayam Singh Yadav is present here. He may or may not be knowing that his party was also included in this. And I know that you were not allowed to hog the limelight during the election campaign. I also know that the six parties, the Samajwadi Party, Janata Dal, Indira Congress (Tewari), Bharatiya Kisan Kamgar Party, Communist Party (Marxist) and the Communist Party of India (CPI) were projected as allies. You sought votes in your name, not for your programme nor in the name of these parties, who contested election on their own symbols. You sought votes in the name of development ... (Interruptions)

SHRI MULAYAM SINGH YADAV : No, vote for the leader of the alliance.

SHRI GEORGE FERNANDES : No, No, it is very clear. Votes were sought in the name of development. All these things happened. In it, it has been mentioned in bold letters that, on one side there are communal and capitalist forces, bent upon ruining the nation and on the other side is the United Front, fighting for secularism, social justice, farmer's interest and building of a welfare State.

The Prime Minister fought the election on this slogan. The Samajwadi Party won the seats on its own and not because of the Prime Minister. There is no need to describe the power and political standing of Mulayam Singh. I am not saying all this in his praise but presenting the factual position. Mulayam Singhji is a self made man. But, Mr. Chairman Sir, how many seats were secured under the slogan "give me votes". I would give you development". The Prime Minister's party got seven seats, the Leftist got five, congress (Tewari) got four and Ajit Singh's party got eight seats. The total seats thus comes to 24.

AN HON. MEMBER : How many seats did you get?

SHRI GEORGE FERNANDES : We got two seats... (Interruptions). But neither I was the Prime Minister, nor did I seek votes in the name of development... (Interruptions)

MR. CHAIRMAN : You have spoken for over half an hour. Now please finish your speech.

SHRI GEORGE FERNANDES : I am saying this because when it is asked as to how many votes or seats have been secured by this and that party, obviously the fact comes in our mind that the Bharatiya Janata Party emerged as the single largest party in the Uttar Pradesh Assembly elections and according to the norms of

Parliamentary democracy not only in India the Government there. This...*(Interruptions)* This talk regarding secularism...*(Interruptions)* the wrangling among the political parties have deprived the voters of their right to have an elected Government.

Shri Somnath Babu has accepted that the party has secured 34 per cent of the votes and won 176 seats. Thus 34 per cent of the people of Uttar Pradesh have been denied their right to have an elected Government. You should remember that all this is due to the concept of secularism and non-secularism in your mind. I would like to have a discussion on it...*(Interruptions)*. In the name of secularism rape, looting of exchequer and theft is allowed...*(Interruptions)*. All this is secular. If this is going to happen in the name of secularism, then I would request you Mr. Speaker to allow a discussion on it, so that this issue can be solved here. With these words, I strongly oppose this Resolution and would like the Members to express their views against it.

PROF. PREM SINGH CHANDUMAJRA : Mr. Chairman, Sir, I rise to oppose the motion tabled in this House by the hon. Home Minister. When the Home Minister moved this motion, I was pained and surprised that opportunity is not being given to an elected Government to come to power. Mr. Chairman, Sir, Uttar Pradesh is the biggest State of India. Earlier, the State was denied the opportunity to have simultaneous elections for Lok Sabha and State Assembly. And now when the Assembly elections were held, the Bharatiya Janata Party bagged the largest number of votes in these elections. When BJP got the opportunity to form the Government, article 356 was imposed. In the State and the Union Government did not give them chance. I think this is a mockery of democracy. It is murder of democracy. I am surprised that an elected Government in the Centre is doing this. I recall an instance that once I was travelling in a non-stop bus and the driver was stopping it at each Bus Stop. On being asked, why he is stopping the Bus at each stop, he said that he was picking up his colleagues. On being told that it was a non-stop bus, he further said that he could not leave his colleagues stranded. Similarly Parliament, the largest institution and the Ruling party is not giving an opportunity to them to form the Government. Can there be greater injustice than this?

Mr. Chairman, Sir, so far as article 356 is concerned Shiromani Akali Dal has been against it and during emergency this party had got all these people released who are now in power. These people had made a commitment not to impose article 356 in any State I feel sorry that article 356 was used for the first time against the Akali Government. And now it is being used against other States. For this reason we passed the Anandpur Saheb Resolution and formed the Sarkaria Commission. Rajiv-Longowal accord was also signed. It was agreed that Centre-State relations should be reviewed. So that

article 356 is not misused. When Dr. Ambedkar had framed the Constitution, it was said and assured that Article 356 would not be misused. But today it is being misused. It is being misused by the Governor. I believe that the Governor is a white elephant and the post has no utility. We had made a similar recommendation in the Anandpur Sahib Resolution. Sardar Surjit Singh Barnala is sitting here. Once the then Prime Minister had asked him to misuse Article 356, he refused to do so and tendered his resignation. Only such Governors can save democracy in this country. And a Governor like Bhandari, who has ignored the wishes of 34 per cent of the people undemocratically in order to remain in power, should be removed.

Mr. Chairman, Sir, the third point is that what we are witnessing today in Uttar Pradesh, has happened several times in many states. It is for this reason I would like to say that the Constitution should be re-written, according to the wishes of the people and the condition of the country. People are divided along minority and majority lines. Minority Government have ruled the country for five years, indulging in scams, and rapes. Today, the plea of minority is being given in respect of Uttar Pradesh.

I agree with Shri George Fernandes views on secularism. First, the wishes of the people were ignored in forming the Government at the Centre. When the people gave their verdict in favour of Bharatiya Janata Party, which emerged as the single largest party, all others united in the name of secularism. It was said that in the elections, the Bharatiya Janata Party had fought against the Bahujan Samaj Party. In Parliament, the D.M.K., Janata Dal, C.P.M., C.P.I., claimed that if they are voted to power, they would take strict action against the Congressmen involved in scam, and when they came to power they have become quiet.

Mr. Chairman, Sir, I want to say that the meaning of secularism be explained to the people, otherwise it would be a betrayal against them. In Delhi, Kanpur and Nagpur large number of people were killed just because they belonged to a particular community. This was the murder of humanity. They were executed and their most sacred shrine, Shri Akal Takht Sahib was invaded by Army troops and tanks which are meant for defence of the country. Where was secularism when the most sacred shrine was demolished and people of a particular community were killed on roads. People most understand the meaning of secularism. It should not be the case that you call someone secular or communal in order to remain in power.

MR. CHAIRMAN : Please be relevant.

PROF. PREM SINGH CHANDUMAJRA : This is relevant. What would be more relevant...*(Interruptions)* it is a matter of concern that communalism is being spread in the name of secularism. The verdict of people

is being ignored in the name of secularism. This matter should be clarified. In view of the development taking place in Uttar Pradesh, if the elected Government is not given a chance to work there and if BJP, which has emerged as a single largest party there, is not given a chance to rule, I feel that the people of this country will lose faith in democracy. Therefore, in order to save democracy, it is essential to give a chance to BJP to form Government.

[English]

SHRI SONTOSH MOHAN DEV : Mr. Chairman, Sir, we heard with rapt attention the speeches delivered by various political parties. Whatever the political situation in Uttar Pradesh is, by and large, it is the same as in this House. The BJP and their allies are telling that the Governor should have invited them to form the Government while the United Front and their partners are telling, 'No, what the Governor has done is a right thing'.

The Members from U.P. belonging to our Party have already spoken on this. I do not want to repeat what they have said. We are not very happy with what the Central Government has done. We expected that the Governor would invite Kumari Mayawati to form the Government. It is unfortunate that within the United Front, there was no unanimity and they could not do it.

Now the question comes when the Proclamation has been made and brought to this House, as Congress Party, what should we do? As I said, we strongly feel that the United Front and their partners have not done well. They have been telling that they are not in a position to support so and so and will not support. When the Congress Working committee took a decision to support the United Front, we did not ask who should be the leader and who should be so and so? We did not make it a condition. We gave unconditional support. They were comparing that with us. It is not proper. The BJP on their part is telling that they are the largest Party in the Assembly. So they should have been invited by the Governor and they could have proved in the House that they had got the majority. Now the point that we are not able to understand is as to how they could have done it. We have seen that they have got some extra bouts during the Rajya Sabha elections but they have been beaten very badly by all the secular parties.

The only alternative for them could have been to claim that they were at the Centre for 13 days and they would be in U.P. for seven days. That could be one achievement... (Interruptions)

[Translation]

PROF. RASA SINGH RAWAT : You may form the Government there.

MR. CHAIRMAN : Please be quiet. Let him speak.

[English]

SHRI SONTOSH MOHAN DEV: Sir, I fully appreciate their reaction. Another claim that they are making is that during the Parliament elections, we got 230 seats and now what has happened? They have come down to 171. They have lost Gujarat. They are on the way of losing all the Corporations and Municipalities in Maharashtra. Their partner, Shiv Sena is taking over there. Their condition is very, very bad. At this stage, one could think that the people of this country have realised, as our leader one day said in this House that he could fight with the BJP but he could not fight with religion, that is, with a religious cry, one cannot move.

Now the question is : What will be the stand of the Congress here? Many people are asking as to why we are not giving the whip. We expect that good sense will prevail on the United Front and their partners. Though they are having the Proclamation being confronted in this House, we shall support it most reluctantly because of constitutional compulsions. But I hope that very soon the President's Proclamation which will be approved today, will be withdrawn from U.P. and Shri Mulayam Singh Yadav and his partners will rise to the occasion and some effort will be made to save U.P. from them. Shri Mulayam Singh Yadav should try to forget the past and come to the situation so that you can have a Government there. He is in Delhi. He should leave something in U.P. for others also. I am grateful to and I congratulate all the MLAs of our Congress Party, BSP, and SP for the result that has come in U.P. during the Rajya Sabha elections. They have proved and they have given a signal to all over the country that the BJP's trump will last no further. That message has gone... (Interruptions)

[Translation]

PROF. OM PAL SINGHENIDAR (Jalesar) : Mr. Chairman, Sir, you had asked Prof. Chandumajra to stick to the subject. Is his speech to the point?

SHRIMATI SUSHMA SWARAJ : From where did these 23 members come? They came from the Congress and the BSP Party.

[English]

SHRI SONTOSH MOHAN DEV : Shrimati Sushma Swaraj says, 'during the 13-day Ministry, MPs were standing in queue to support the BJP'. Where had they gone? Where were those MPs? No one was standing in the queue.

[Translation]

SHRIMATI SUSHMA SWARAJ : Right now we are discussing on U.P. From where did these 23 MLAs come? If they have not come from the Congress, S.P., B.S.P., have they come from heaven?

SHRI SONTOSH MOHAN DEV: Madam, you do not have any friends in U.P.

SHRIMATI SUSHMA SWARAJ : We don't want friends like you.

SHRI SONTOSH MOHAN DEV: We also have no need for your company or friends like you.

[English]

We are supporting them with the expectation that political activities for forming a secular Government will take place in order to stop the non-secular forces there.

Tomorrow is the day which is a day of national shame for us, the day on which the B.J.P. demolished the Babri Masjid and the Ram Temple. I hope that this House would condemn that and will not do anything to strengthen them.

With these words, I conclude.

[Translation]

SHRI PRAMOD MAHAJAN (Mumbai North East) : Mr. Chairman, Sir, when I was pondering over this matter in order to participate in the debate on President Rule in Uttar Pradesh and was searching for facts, I came to the conclusion that the situation of hung assembly in Uttar Pradesh is not the very first case of hung assembly in the country. Earlier also, several States have had hung assemblies. Certain politicians are raising a protest now and when I looked back to see as to what did they do in such a situation, I was reminded of an incident that occurred 25 years ago. At that time, I was studying in college, however, I would like to tell you whatever I recall. The phenomenon of hung assembly occurred for the first time in West Bengal, 25 years ago in 1971 and an honoured and Respected leader of our country, Shri Jyoti Basu, who also has the distinction of holding the office of Chief Minister for longest period was heading the Left Block of C.P.M. at that time. His party did not have majority in that hung assembly; still he approached the Governor and told him that although he did not have full majority but by the virtue of being the leader of the largest party in the Assembly, he should be invited to hold the office of Chief Minister... (Interruptions) I have never attended the Assembly in West Bengal but even if we have always been in the wrong, at least you should follow the path of truth.

At that time, Shri S.S. Dhawan was the Governor of West Bengal. He took the same action as the present U.P. Governor. He procured letters from all the political parties, except the C.P.M. led Left Block, wherein it was stated that the parties were not going to extend support to C.P.M. led Left Block under any circumstances. After the receipt of these letters, when Jyoti Basu told that he did not have the majority, he had stated 25 years ago.

[English]

"Governor, as per the conventions of the Parliamentary democracy, should give a chance to form the Government. The majority should only be determined on the floor of the House and not by the Governor."

[Translation]

From the point of view of the Communist Party, this is the silver Jubilee year of that Hung Assembly. But things have changed drastically in these 25 years so much so that the points on the basis of which Shri Jyoti Basu staked his claim to the office of Chief Minister, and on the basis of same points when Shri Kalyan Singh is asking to be invited to hold the post of Chief Minister of Uttar Pradesh, things are being proved to be incorrect. I am not aware as to what action was taken at that time because we never went to West Bengal Assembly to oppose you.

Mr. Chairman, Sir, just now, I was listening to the speech delivered by Shri Sontosh Mohan Dev. He was saying that our Government has toppled in Gujarat. That we have not been able to form Government in U.P. and we have lost in some municipality elections also. Now he is satisfied. Good. His name is Sontosh i.e. satisfaction, so he should be satisfied. As for them, they are no longer in power in Centre. Their Government was not formed in Bengal. They are not in power in U.P., Bihar, Tamilnadu, Maharashtra, Rajasthan, Kerala. How many States should I go on naming where they are not in power. I am unable to understand as to why are they feeling so content on having got majority in some municipality elections.

Mr. Chairman, Sir, the Constitution is silent about the decision to be taken in case of hung Lok Sabha or hung Assembly. If it has not been clearly laid down in this Constitution all the political parties in the country should honour the conventions and what I mean by conventions is that the conventions laid down by the Supreme Conventional authority is the President. I am not speaking about a particular President or a particular incident. I remember that in 1979, because prior to that the Congress Party had the majority in Lok Sabha, for the very first time, the process of mustering majority began and the opinion of the President was sought. In 1979, after the fall of Janata Party Government led by Shri Morarji bhai, the President invited the leader of Opposition Party, Shri Yashwant Rao Chavanji. The President had not asked him to prove his majority or submit any letter or to go to the President's House to apprise him of the situation. He was not asked to do any of these things. There was just one issue on which the Government fell. Thereafter, we have had three Lok Sabha elections in 1989, 1991 and 1996 and all the three times we have had a hung Lok Sabha. No party got a majority in any of these Lok Sabha elections. When

the situation of hung Lok Sabha first arose in 1989. Shri Rajiv Gandhi was invited who was at that time the leader of the largest party. He was not asked to prove his majority or submit a letter. He was invited because his party was the largest party. When Shri Rajiv Gandhi said 'No' he invited Shri V.P. Singh. In the letter sent to him he mentioned that he was being invited not because Bharatiya Janata Party and Communist Party of India (Marxist) were supporting him, but because the single largest Party had refused to form the Government and that he was being invited as his was the second largest party. In 1991 there was hung Lok Sabha. But even in the hung Lok Sabha...(Interruptions)

SHRI MUKHTAR ANIS : Shri Rajiv Gandhi had said that he would sit in the Opposition...(Interruptions) Mr. Chairman, Sir, through you I want to tell them that Shri Rajiv Gandhi had said in the beginning that he would sit in the Opposition. He would not form the Government. But, it seems that your knowledge Shri Mahajanji, is limited. Shri Narasimhaji is present, ask him...(Interruptions)

SHRI PRAMOD MAHAJAN : I know now a days you are being guided by the directions of Shri Rajiv Gandhi's party. Therefore, your memory is absolutely correct. Those who are invited, it depends upon them whether they say 'Yes' or 'No'. There is no need to ask the concerned person whether he would say 'Yes' or 'No' and then invite him...(Interruptions)

SHRI JAGAT VIR SINGH DRONA : This is not the Uttar Pradesh Assembly...(Interruptions)

SHRI MUKHTAR ANIS : He had given it in writing at the outset that he would sit in the Opposition...(Interruptions)

SHRI PRAMOD MAHAJAN : You are supporting my point...(Interruptions)

SHRI SONTOSH KUMAR GANGWAR (Bareilly) : This is not the Uttar Pradesh Assembly. Please sit down...(Interruptions)

SHRI MUKHTAR ANIS : You too have come from the Uttar Pradesh Assembly...(Interruptions)

SHRI SONTOSH KUMAR GANGWAR : Everyone know that happens in Uttar Pradesh Assembly and the manner in which discussion takes place. Please learn how to speak...(Interruptions)

Mr. Chairman, Sir, this incident occurred thrice. All the three persons took different decisions. Shri Rajiv Gandhi refused, Shri Narasimha Rao accepted the offer to form the Government and managed to secure majority...(Interruptions)

SHRI SONTOSH MOHAN DEV: Shri Rajiv Gandhi did not refuse. Instead he went and refused to form the Government. The record should be corrected.

SHRI PRAMOD MAHAJAN : He was invited ...(Interruptions) I am not saying that he was eager to form the Government...(Interruptions)

[English]

SHRI SONTOSH MOHAN DEV : Sir, he wrote on his own...(Interruptions)

SHRI P.V. NARASIMHA RAO (Berhampur): Sir, I would like to clarify. After due deliberations in the Party, it was decided that we would write a letter to Rashtrapatiji requesting him not to call the Congress Party either to ask whether they would form the Government or to form the Government; because they said, the letter said that : 'We have not got adequate mandate from the people'. That was the clear reason on which the request not to be called was based ...(Interruptions)

SHRI RAJESH PILOT (Dausa) : This is the tradition that we are maintaining. That is what he is saying

[Translation]

SHRI PRAMOD MAHAJAN : When Shri Narasimha Rao was invited, he lacked majority and at that time no one even asked you, whether you had the majority or not. Shri Rajiv Gandhi is not in the picture. When Shri Narasimha Rao was invited for the second time, then you lacked majority, and no one requested you to prove your majority in the Rashtrapati Bhavan ...(Interruptions)

[English]

SHRI SONTOSH MOHAN DEV : My good friend is arguing a case but he should know that at the Centre there is no provision for President's rule. Some exercise has to be there to form the Government ... (Interruptions)

SHRI SOMNATH CHATTERJEE : I said it earlier.

SHRI RAJESH PILOT: Yes, you said it.

[Translation]

SHRI PRAMOD MAHAJAN : Sontoshji, at least there is no provision in the Constitution for President's rule at the Centre otherwise you could have gone to any extent in the name of secularism...(Interruptions) Had you agreed with Somnathji, you could have not done so here also...(Interruptions) Whether any person sitting in Raj Bhawan of Lucknow has become so powerful that he has denied to follow the tradition made by the Supreme custodian of Indian Constitution i.e. hon'ble President of the country? If you do not want to follow the path of traditions then comes written documents. I have heard the views of all including Sarkaria Commission. I would not like to mention it here but I will make a mention about the untouched aspect of the Sarkaria Commission. When Sarkaria Commission came into existence, it wrote letters to various political parties and their Chief Ministers in various States to know their views. I am speaking about Article 356 only. Leaders of

Janata Party had also written letters. At that time leaders like Jenaji and me were also in the Janata Party. Perhaps Shri Mulayam Singhji was also there. All of us were acclaiming Shri George Fernandes...*(Interruptions)*

SHRI MULAYAM SINGH YADAV : We were not acclaiming.

SHRI PRAMOD MAHAJAN : I am talking of 1977 only. You have just said...*(Interruptions)*

SHRI MULAYAM SINGH YADAV : Though, I don't want to speak but his statement regarding acclaiming Shri George Fernandes has hurt my feelings...*(Interruptions)* I have been compelled to say this because Shri George Fernandes was saying that he did not want to hurt the feelings of Shri Chatterjee but today, he has hurt the feelings of all socialists...*(Interruptions)*

SHRI PRAMOD MAHAJAN : Of course, one socialist always hurt the feelings of the another socialist.

I am talking about Janata Party of 1977 of which so many Members are in the power. At that time the Janata Party had written to the Sarkaria Commission that :

[English]

"In case there is no leader who can get the support of majority Members of the Assembly, the Leader of the single largest party should be invited to form the Ministry."

They also said :

"Any doubt regarding the majority support to the Chief Minister shall be tested only on the floor of the House".

[Translation]

The Janata Party of which you were also a member and Sarkaria Commission which you mention. They had also said about the Sarkaria Commission, Shri Somnathji is a senior leader. Had he made that demand which he had written to the Sarkaria Commission I would have been happy. I am not opposing the imposition of the Article 356. c.p.m. has written in its letter:

[English]

"In case of a constitutional break-down in a State, provisions must be made for the democratic steps of holding election and installing a new Government as in the case of the Centre".

The party was, thus, opposed to keep the Assemblies in suspended animation.

[Translation]

And you had written to the Sarkaria Commission about the voting which you are doing today.

[English]

We are against keeping the Assemblies under suspended animation.

[Translation]

It would have been appropriate if you had said that if no party was in a position to prove the majority, elections would be held again in Uttar Pradesh. But today, you are opposing what you had said to the Sarkaria Commission. I would not like to make an appeal in the name of of Sarkaria Commission...*(Interruptions)*

[English]

SHRI SOMNATH CHATTERJEE : You did not listen to me nor have you read my speech.

SHRI PRAMOD MAHAJAN : Sir, I have read your speech very carefully, not only this one but whenever you have spoken.

[Translation]

I think that certain criteria has been fixed by the Sarkaria Commission about the appointment of a Governor. I would not go into the details due to time constraint but it had mentioned that a person having political background should not be appointed a Governor. And now, the Governor of Uttar Pradesh, who had been defeated by Bhartiya Janata Party in the Lok Sabha elections five years back has entered the Rajbhawan anyhow. There is no possibility that he will do justice with the BJP and remain neutral. Therefore, had the Governor been appointed as per the criteria fixed by the Sarkaria Commission, he would have taken some other decision and would have a different thinking. Shri Goerge Fernandes has mentioned effectively about the remarks made by the present Governor. I do not want to repeat it but I would like to submit that if a Governor joins the election propaganda with the Prime Minister it shows that he has become an agent of that political party and how he can do justice? How can one expect of justice from a Governor who has no patience till the declaration of election results and says that he would not call the single largest party to form the Government? Therefore, Shri George Fernandes has made a mention about the conduct of such a person who has been defeated by us in the political party. In such a situation, who will have faith in the decision taken by such Governor...*(Interruptions)* I will take two or three minutes more.

It has been said again and again that the Bhartiya Janata Party has been isolated. Sometimes I get surprised. It is correct that your Government is an alliance of 13 parties and supported by 14 parties out of these 13 parties, some parties have its only one or two Members which you count a party. Bhartiya Janata Party is not alone in the Indian politics. In Maharashtra, we are ruling with the Shiv Sena. Haryana Vikas party

is with us which is ruling in Haryana. In Punjab, Akali Dal is with us which is going to form the Government in the coming February. Samata party is also with us and if elections are conducted just now in Bihar...*(Interruptions)* If, elections are held in Bihar, BJP Samata Party coalition Government will rule in the State...*(Interruptions)*

It is just a misconception. In Indian politics, Bhartiya Janta Party is not alone. Four such political parties are associated with Bhartiya Janata Party which are ruling in various States. We will not be isolated by your efforts made to muster support of small parties. If we are isolated due to our ideology, we welcome it. We are not concerned about it. It is due to this isolation that we have achieved this position. We are not afraid of such isolation. Only cowards afraid of such isolation. The game to check BJP from coming into power can be played only by such coward people. Therefore, there is no need to make us afraid of the threat of political isolation.

Mr. Chairman, Sir, haggling is being done. Who is haggling. If you are advocating secularism to such an extent why Shri Mulayam Singh does not support Ms. Mayawati since both belong to secular parties.

SHRI MULAYAM SINGH YADAV : You have earlier supported, therefore extend support to her again...*(Interruptions)*. Earlier, we had formed the Government with the support of BSP and you gave support to the BSP to form the Government. You have always been extending support to others therefore, you should give support to Ms Mayawati again. We had earlier not given support to anyone but we had taken support and still we do not want to give support.

SHRI PRAMOD MAHAJAN : Mr. Chairman, Sir, Shri Mulayam Singh ji is absolutely correct. He is talking of a politics which I have seen earlier. I do not remember the incidents which occurred 71 years ago. It is correct that we had given support to Ms. Mayawati but everybody knows the fact that Shri Mulayam Singh ji had become the Chief Minister of Uttar Pradesh only with the support of Ms. Mayawati and Shri Kanshiram. But when they withdrew their support he had to quit the office of Chief Minister. Therefore, both of us are equal so far as giving support is concerned. But now the question arises why we do not give support to BSP. The reason is that BSP is a secular party whereas we are not. The alliance of such two parties will prove like a hot icecream which will not be in the interest of the country. Therefore, I want that both of you should join hands and form the Government. All of you are appealing in the name of secularism. But it is only BJP which can form the Government in Uttar Pradesh. Such a situation is certainly being observed by you.

In fact, the Union Government, in connivance with the hon. Governor and keeping aside all the provisions

of the constitution, should frame only one constitution of opposing BJP wherever it comes to power and that should be their Common Minimum Programme

We are sorry that the people of Uttar Pradesh have given us 10-20 seats less than needed to form the Government but they have also not given a clear majority to any party constituting your Government. You are resorting to such tall talks just on the basis of 2-4 percent of votes...*(Interruptions)*. Atleast speak for your party...*(Interruptions)*. Many of your party leaders have already delivered their speeches.

Mr. Chairman : Please conclude.

SHRI PRAMOD MAHAJAN : If they withdraw their support, the number of your constituent parties will reduce from 13 to 12. I just wanted to say that the United Front Government in Centre has imposed the President Rule in Uttar Pradesh under a conspiracy and in connivance with the hon. Governor. We demand that the President Rule should be revoked and BJP should be invited to form the Government there and we be allowed to prove our majority on the floor of the House. We are in a position to prove our majority. Therefore, our party does not support this Statutory Resolution.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA) : Mr. Chairman, Sir, After the heat and passion which has been aroused, especially in the concluding part of this debate, I shall be brief in my reply. Brief because it seems to me that neither those people who are supporting this Statutory Resolution nor the people who are opposing it, are going to convince each other by making further speeches.

[Translation]

SHRI BACHI SINGH RAWAT 'BACHDA' (Almora) : Mr. Chairman, Sir, I am ready, I also want to speak...*(Interruptions)* The President Rule has been intentionally imposed in Uttar Pradesh because 17 BJP MLAs have been elected from Uttarakhand. I am one of the speakers but I am leaving my chance...*(Interruptions)*

[English]

SHRI INDRAJIT GUPTA : The leaders are here but they have no control over their own people. My old friend, Shri Jaswant Singh, you are the Leader of this disciplined party, you are an ex-military man, I think, your party has had sufficient opportunity in this debate to expound their point of view without this kind of interruption and unauthorised speech making by some Members. I said that I will be brief for this reason but your hon. Member, of course, did not seem to agree with me that neither of these two sides, for and against

the Resolution, are likely to convince each other. We have already made up our mind and you have already made up your mind. All that remains to be done is to record a vote. Therefore, what is the use of making another lengthy speech?

Sir, let me at the outset thank all the Members, on whichever side of the House they may be, who have participated in this debate. After the heat and passion subsides - which will not be very long, I think - the people of Uttar Pradesh will still be left with the question, where do we go from here? This great Parliament - Lok Sabha and Rajya Sabha - debated very furiously and stridently, who is on the right who is on the wrong, who should have done what, but at the end of it all and whatever the result of the voting may be, people will be left with the question, where does Uttar Pradesh and the people of Uttar Pradesh go from here? I think all of us should ponder over this question a bit; all of us irrespective of which party we belong to. I think, this is my point of view, Uttar Pradesh has been a victim of forces which have failed the people in the sense that democratic elections are held with the purpose and the purpose is to provide the people of the State concerned with a suitable Government which can attend to their problems, which can attend to developmental projects and works and which can redress the grievances of the people.

It is for the purpose of installing such a Government that people go to the polls. From that point of view, I think, we should all confess that our parties have failed in their obligation towards the people of Uttar Pradesh. Now, what is going to happen, I do not know. It is for all of us to think about it. But I would say that one element in the whole situation, which has played a dominant role but nobody has mentioned it here, at least, as far as I know - I heard most of the speeches, but nobody mentioned it here - is the factor of casteism. I am surprised that nobody mentioned it. In my opinion, the way that casteism has dominated the thinking of people in Uttar Pradesh, the way in which it has dominated the considerations of polarisation of forces, voting and so on, that kind of casteism, I am afraid, is going to spell the death-knell for democracy.

I am not blaming any particular party. I think, in a greater or lesser degree, all parties in Uttar Pradesh have been tainted by this malady of casteism. You see it in the choice of the candidates, you see it in the way the campaign was conducted, in the way the propaganda was conducted and so on. So, while we are talking about secularism, which it is necessary to talk about, what we have actually done, in my opinion, may lead to the destruction in the eyes of the people of Uttar Pradesh of the credibility of this electoral system, this democratic system under which we have been functioning for nearly 50 years. It will have no credibility left after so much effort and expenditure, hard work and

so many elections, we end up without being able to give a Government to the Uttar Pradesh people.

Of course, intra-party rivalry is not something new in this election. Intra-party rivalry is always there - sometimes more, sometimes less. There is a struggle which is going on in Uttar Pradesh as to who will be holding the Chief Ministership, whether it will be Shri Kalyan Singh or Kumari Mayawati or my friend, who is sitting here, Shri Mulayam Singh Yadav. What do we go by? A lot of arguments have been adduced here, I do not want to go into that, that numbers are not the decisive things. But when you talk about the largest single party, how do you assess that it is the largest single party? It is only by numbers and not by anything else. Here, it is being argued that the largest single party, that means in terms of numbers should be given the opportunity to form the Government when there is no party or no combination of parties which, by the same token of numbers, is able to command the majority. Now, this question has become a very live question. At the moment, we are functioning under the Constitution - if we want to change the Constitution, that is a different matter; every Member has a right to change the Constitution; one can move some amendments and try to get it changed which provides for that party or group of parties running a Government which can demonstrate that it has a majority in the House.

17.00 hrs.

So, if we say that the single party with the largest number of members should be given a chance, it is an argument, of course. Many examples and many kinds of precedents have been given here. I am also worried about one thing, I can tell you. The way that our country's polity is developing, I apprehend that in the years to come, there will be many many instances in many many States where no party or coalition of parties will be able to claim and clear majority. Then what will we do? What is to be done in those cases where the option is between either handing over the Government to a party which claims to have the largest number of members though it may not have a majority, or the other option is, not to allow any Government to be formed and for the President's Rule to continue? It is a very difficult choice because under the prevailing practice in the Constitution, the ruling party has got to have a majority. On the other hand, if there is no majority, then you have the choice. The Governor in U.P. probably was caught in a dilemma. He did not know what to do. I, of course, repudiate all what has been said here that he was sent there with a specific mandate. I think that Shri George Fernandes had said that he had got evidence and proof and all that, but he would tell us about it later on. May be he has got some evidence. I do not know. As far as I know as Home Minister, this particular Governor was never given any mandate by the Centre that "You are being sent there with the sole

purpose of seeing that under no circumstances should the BJP be permitted to come to power”.

SHRI RAM NAIK : The Prime Minister did not inform you about it.

[Translation]

SHRIMATI SUSHMA SWARAJ : They do not take you in confidence while giving their mandate. It is being done without taking you in confidence, you just announce the decision after it has been taken.

[English]

SHRI RAM NAIK : He has said it publicly also.

MR. CHAIRMAN : Shri Ram Naik, the hon. Minister has not yielded.

SHRI INDRAJIT GUPTA : Anyway, some of us may have expressed disagreement with the choice of a particular person.

SHRI PRAMOD MAHAJAN : Then you do not know the brief. You do not know the choice. Naturally you do not know the brief.

SHRI INDRAJIT GUPTA : I know the brief as well as Shri George Fernandes knows the brief.

SHRI PRAMOD MAHAJAN : At least, he can have an inference which you are not trying to do.

SHRI INDRAJIT GUPTA : I can only go on the basis of my knowledge and my information. If it is wrong, it is for any of you to choose to prove it.

SHRIMATI SUSHMA SWARAJ (South Delhi) : It is always a misinformation.

SHRI SHRIRAM CHAUHAN (Basti) : What are your views on article 356.

SHRI INDRAJIT GUPTA : But I would like to say one thing. Dr. Murli Manohar Joshi, in his speech referred to this imposition under Article 356 on U.P. as the biggest rape that has taken place on the Constitution. I would humbly say - I hope hon. Members opposite will not take it amiss - I think it would be better if the BJP did not go on referring to the Constitution and what constitutes its rape. Let them not discuss that question. Does the Constitution permit the propagation by those people who have taken an oath on the Constitution before becoming legislators or Ministers or whatever it is, to go on propagating this theory of Hindu Rashtra? Does it? You show me how. Does it permit a campaign to be carried on in the country against the minority community saying that they are not loyal to the country and that they should be sent out to Pakistan? It is permitted?...*(Interruptions)*

[Translation]

SHRIMATI SUSHMA SWARAJ : If you want to discuss this point, we are ready...*(Interruptions)* You had asked Shri George Fernandes to be relevant.

[English]

MR. CHAIRMAN : The hon. Minister has not yielded. Please take your seat.

[Translation]

SHRI INDRAJIT GUPTA : If the discussion will be held on the Constitution, we are ready and I also request you to be ready...*(Interruptions)*

SHRI SOMNATH CHATTERJEE (Bolpur) : The hon. Minister did not refer to BJP. Why did they think that he has referred to them?...*(Interruptions)*

SHRIMATI SUSHMA SWARAJ (South Delhi) : He is telling it in so many words...*(Interruptions)*

SHRI INDRAJIT GUPTA : I did not say that the BJP has said it ...*(Interruptions)*

SHRI SOMNATH CHATTERJEE (Bolpur) : You accept that position.

[Translation]

VAIDYA DAU DAYAL JOSHI (Kota) : We are not anti-Muslim. We just say that anybody who resides in India, should live here as an Indian...*(Interruptions)* Hindus will do themselves but we have to raise the status of those people...*(Interruptions)*

SHRI INDRAJIT GUPTA : I did not say that you did it. Why are you wearing this cap?

[English]

Sir, all that I want to say is this...*(Interruptions)*

SHRI SONTOSH MOHAN DEV : Mr. Home Minister, kindly be brief. We have to go...*(Interruptions)*

SHRI INDRAJIT GUPTA : My friend, the leader of the Shiv Sena Party, Shri Sarpotdar made a reference I am also tempted to just make a remark on that about the Babri Masjid saying that

[Translation]

It was not a Masjid, it was simply a structure. I think I am not saying wrong...*(Interruptions)* I did not interrupt you when you were speaking then why are you interrupting me when I am speaking? Why do you not want to listen to anyone?

SHRI MADHUKAR SARPOTDAR (Mumbai North-East) : I have not said that it is the "Babri Masjid". I said that it was a "Dhancha"...*(Interruptions)* I do not accept it.

SHRI INDRAJIT GUPTA : Did you not say that it was not Masjid?

SHRI MADHUKAR SARPOTDAR : What I said, I stand by it.

SHRI INDRAJIT GUPTA : I said what you said. You said that it was a "Dhancha"...*(Interruptions)*

JUSTICE GUMAN MAL LODHA (Pali) : This matter is *sub judice*. It is for the Court to decide. The High Court will decide whether it was a "Dhancha" or a Masjid...*(Interruptions)*

MR. CHAIRMAN : Please do not interrupt. Pleased take your seat.

JUSTICE GUMAN MAL LODHA : Sir, I am on a point of order.

MR. CHAIRMAN : Under what Rule do you raise it?

JUSTICE GUMAN MAL LODHA : I said that when the matter is *sub judice* before the High Court to decide whether it was Mosque or a "Dhancha", how does he call it a Mosque?

MR. CHAIRMAN : He is not referring to any Court case.

JUSTICE GUMAN MAL LODHA : How does he say that it is a Mosque when the High Court is seized of the matter and the matter is *sub judice*. If it is a "Dhancha", how can you say that it is a Mosque or a *Mandir*?

SHRI INDRAJIT GUPTA : Please remember that tomorrow is the 6th of December. This day is an anniversary of something which will be remembered in this country with shame...*(Interruptions)*

JUSTICE GUMAN MAL LODHA : It would not be a matter of shame for all. It is a matter for consideration. The High Court would decide whether it was a Mosque or a "Dhancha". You cannot take away the jurisdiction of the High Court yourself. The matter is *sub judice*...*(Interruptions)*

MR. CHAIRMAN : Sit down, please. Do not interrupt. He is replying. He is not yielding. He is not referring to any Court case.

SHRI INDRAJIT GUPTA : I say that this day is an anniversary of an event which blackened the face of India throughout the world...*(Interruptions)*

MR. CHAIRMAN : Sit down, please. He is replying to the points raised by the Members of the House. So, you please listen to the hon. Home Minister. Take your seats, please.

...*(Interruptions)*

MR. CHAIRMAN : Kumari Uma Bharati, are you raising any point of order? Under what rule are you raising it?

...*(Interruptions)*

MR. CHAIRMAN : She is raising a point of order. Sit down, please.

KUMARI UMA BHARATI : Sir, I am not on any point of order. But I am on a point of correction...*(Interruptions)*

MR. CHAIRMAN : No, you take your seat. I will not allow you.

(Interruptions)

MR. CHAIRMAN : You please take your seat. Uma Bharati, He has not said anything unParliamentary...*(Interruptions)*

SHRI RAJESH PILOT : You cannot fool this country...*(Interruptions)*

[Translation]

KUMARI UMA BHARATI : You cannot say anything against the Minister of Home Affairs statement about 6 December...*(Interruptions)*

SHRI INDRAJIT GUPTA : you have already spoken. You please sit down...*(Interruptions)*

KUMARI UMA BHARATI : *

[English]

SHRI RAJESH PILOT : Hon. Home Minister has said it very rightly...*(Interruptions)*

JUSTICE GUMAN MAL LODHA : Why are you permitting him?

MR. CHAIRMAN : He is on a point of order. I have allowed him.

SHRI PRAMOD MAHAJAN : Under which rule?

MR. CHAIRMAN : I have allowed him. I had allowed Uma Bharati, I had allowed Lodhaji and I am allowing Rajesh Pilotji also. You listen to him.

SHRI RAJESH PILOT : Hon. Home Minister very rightly said that 6th of December, 1992 has been a black spot in the history of the country. There was a debate held here. Please open the record...*(Interruptions)*

MR. CHAIRMAN : Please take your seats. He has not completed yet.

(Interruptions)

JUSTICE GUMAN MAL LODHA : What is the point of order?

MR. CHAIRMAN : You will have your say also. Let him complete. He has not completed yet.

JUSTICE GUMAN MAL LODHA : Why are you allowing a controversial thing?

MR. CHAIRMAN : If you have any point to make, let him complete first.

SHRI RAJESH PILOT : I want to draw the attention of the whole House to one fact. There was a discussion held on the 8th or 9th December, 1992 when Shri Vajpayee spoke, he also said

[Translation]

We are also sorry for this.

* Not recorded

[English]

He is on record having said it on that day. Now today we want to know from the BJP friends, what is their stand on this issue? Do they support that act of 6th December or not? They must say that...*(Interruptions)*

SHRI P.R. DASMUNSI : Mr. Chairman, Sir, the statement made by Uma Bharatiji about 6th December be expunged from the record. She must withdraw this and apologise to this House.

MR. CHAIRMAN : That will not go on record. Nobody will speak except the Home Minister.

MR. CHAIRMAN : Please take your seats. The hon. Home Minister is speaking. Please listen to him.

Now, only the hon. Home Minister will speak and nobody else will speak.

(Interruptions)

MR. CHAIRMAN : Justice Lodha, you please take your seat.

JUSTICE GUMAN MAL LODHA : I would take my seat but this 6th December should not be discussed...*(Interruptions)*

MR. CHAIRMAN : I have given my ruling that only the hon. Home Minister will speak now.

(Interruptions)

MR. CHAIRMAN : Justice Lodha, please take your seat.

Yes, Mr. Home Minister.

SHRI INDRAJIT GUPTA : Sir, I do not wish to go further into the question of the Constitution and what the Constitution enjoins upon us to do or not to do. It is a fact that regarding that tragic event, there had been many interpretations by many different quarters.

JUSTICE GUMAN MAL LODHA : What is the relevance of it here?

MR. CHAIRMAN : Please take your seat. Why are your rising yourself? Are you on a point of order.

JUSTICE GUMAN MAL LODHA : Yes, Sir, I am on a point of order.

MR. CHAIRMAN : Under what rule?

...(Interruptions)

JUSTICE GUMAN MAL LODHA : Sir, the proclamation under Article 356 is not meant for 6th December, 1992. It has no relevance with 6th December. The old proclamation was issued. The old proclamation was dead. Now, the fresh elections have taken place. The relevance of 6th December is not there.

If the question of the Constitution is there, I would ask him, when Namboodripad was convicted for

contempt of Court by the High Court, at that time also the question of the Constitution was there. What was the Communist Party doing at that time? When he was convicted for contempt of Court, he was the Chief Minister of Kerala...*(Interruptions)*

[Translation]

SHRI RAM NAIK : Mr. Chairman, Sir, that has been demolished. The matter, whether it was a structure or a mosque is *sub judice*.

[English]

MR. CHAIRMAN : Ram Naikji, under what rule you are speaking?

SHRI RAM NAIK : Sir, it is under the rule...*(Interruptions)*

[Translation]

SHRI MOHAN RAWALE (Mumbai South-Central) : When Shri Rajesh Pilot raised this issue, then you have not spoken about any rule. Now why are you asking him about rule?

[English]

MR. CHAIRMAN : Rawaleji, I have not allowed you. I have allowed only Ram Naikji.

[Translation]

SHRI RAM NAIK : Mr. Chairman, Sir, that was a structure or a mosque, who has demolished that, who are to be punished, all these things are *subjudice*, then how this issue has come up for discussion? It could have been possible if they had spoken something relevant. My second point of order is this that they are speaking irrelevant...*(Interruptions)*

MR. CHAIRMAN : The hon. Home Minister referred to the violation of the Constitution. So, that is not irrelevant.

Please take your seat

...(Interruptions)

SHRI SOMNATH CHATTERJEE : You say that the issue regarding the 6th December cannot be mentioned here because of a judicial proceeding. It is very clear to us. Naturally, you want to avoid any reference to it...*(Interruptions)* I am on a point of order under the rule quoted by Shri Ram Naik.

MR. CHAIRMAN : Are you raising the same point of order?

SHRI SOMNATH CHATTERJEE : It is similar, if he is allowed to raise it, I should also be allowed.

JUSTICE GUMAN MAL LODHA : Then, I should also be allowed.

MR. CHAIRMAN : I have given a ruling that the Home Minister, while referring to it, has only given a

statement of facts, he has referred only to the violation of the Constitution.

SHRI SOMNATH CHATTERJEE : I accept that.

JUSTICE GUMAN MAL LODHA : The matter is *sub judice*.

MR. CHAIRMAN : He is not referring to a matter which is *sub judice*.

...(Interruptions)

MR. CHAIRMAN : That is over, Shri Lodha, please take your seat.

...(Interruptions)

SHRI G.M. BANATWALLA (Ponnani) : We are not to raise a point of order; we are to raise the Masjid. We have to raise not mere points of order; we have to raise the Masjid so that this national shame comes to an end. That is my appeal.

SHRI INDRAJIT GUPTA : Sir, if an hon. Member takes the plea of the matter being *sub judice* it is for the Chair to give a ruling on that.

MR. CHAIRMAN : I have already given my ruling. You please continue...(Interruptions)

SHRI INDRAJIT GUPTA : Well, I am not going into that. If it is a question of irrelevancy, that question should have been raised when the hon. Shiv Sena Leader spoke on that ...(Interruptions)

SHRI PRAMOD MAHAJAN : Why are you joining issue with him on an irrelevant issue?

SHRI INDRAJIT GUPTA : He is your strongest ally. Without him, you cannot exist in Maharashtra. I have given due weight to his observations.

[Translation]

VAIDYA DAU DAYAL JOSHI (Kota) : Mr. Chairman, Sir...(Interruptions)

MR. CHAIRMAN : Please sit down and listen first. All the points raised by you are being replied by the Minister of Home Affairs. Please let him reply...(Interruptions)

MR. CHAIRMAN : Joshi ji, he is replying to all your questions. Please sit down.

[English]

SHRI INDRAJIT GUPTA : Sir, why do you listen only to them? The hon. Minister of Parliamentary Affairs, sitting by my side, is telling me that there is no time, that time is running out and so I should conclude. I have many things to speak about but I do not want to provoke anybody.

There has been so much controversy and discussion about Article 356 how it should be used and how it should not be used; whether it should be used at all and so on. I am only giving one bit of information to the House, which I think has some importance. After many years, our Government convened a meeting of

the Inter-State Council, which is a constitutional machinery. It had not been convened. This Council was defunct. We called that meeting on the 20th October and it was attended by, apart from the Prime Minister, one Governor, 23 Chief Ministers, two Administrators of Union Territories and 31 Ministers from the Central and State Governments. One of the items which was discussed in the context of the Sarkaria Commission's Report naturally, was the question of Article 356.

So, I am only informing you two things. One is that what should be done regarding Article 356. The opinion of the people who attended the meeting was not the same. There were different opinions. Finally, this was what decided. I am just reading out the conclusion of the meeting

"The Council observed that based upon past experience and judicial pronouncements, the continuance/amendment of Article 356 is required to be further examined and accordingly there was a consensus that this should be referred to the Standing Committee of the Inter-State Council".

Subsequently, a Standing Committee has been formed consisting of a number of Chief Ministers, including the Chief Ministers of Maharashtra and Rajasthan and, I think, five Central Ministers. So, we are not trying to cut the throat of our BJP friends. They have been given due place in all these important meetings, consultations etc. The consensus was that this Committee should be amended; if it is to be amended, how it should be amended in the light of Supreme Court observations etc. So, I think we should bide our time. We must be a little more patient about this very important issue. It is a very important issue. It cannot be solved simply by shouting at each other. It has to be gone into thoroughly and studied properly.

Therefore, as far as the present case in Uttar Pradesh is concerned, the opinion of the Government is that under the prevailing circumstances the Governor had no other option than what he did because there was no party or group of parties which was able to claim a majority in the House.

We did not dissolve the Assembly. We did not dissolve the Assembly in Gujarat either. It was kept under suspended animation. After a certain time when some people could come together and form a majority, the Assembly was revived...(Interruptions)

SHRI PRAMOD MAHAJAN : So, you are waiting for the same situation to arise here also!

[Translation]

SHRIMATI SUSHMA SWARAJ : To manipulate the majority you have kept U.P. Assembly under suspended animation. Otherwise you could have dissolved the U.P. Assembly...(Interruptions)

SHRI INDRAJIT GUPTA : Dear sister, he was the Chief Minister of Gujarat. Again he has become Chief Minister just now. He used to sit on the seat of Justice Saheb. This is not our fault that your party has been divided in Gujarat...*(Interruptions)*

PROF. RASA SINGH RAWAT : Where are Mandal Saheb and other members of your party...*(Interruptions)*

SHRI INDRAJIT GUPTA : Your party had full majority in Gujarat. There was no one to challenge you party. In spite of that your party splitted in the race of chair...*(Interruptions)*

DR. SATYANARAYAN JATIA : You have divided the B.J.P. by playing the role of "Shakuni"...*(Interruptions)*

JUSTICE GUMAN MAL LODHA : You have left the C.P.M. just for the sake of power...*(Interruptions)*

SHRI INDRAJIT GUPTA : Please continue. There is the Government of your party in Rajasthan and Delhi. You have got right to speak...*(Interruptions)*

VAIDYA DAU DAYAL JOSHI : In our childhood we used to hear that Communist Party of India was a single party. Now it has been divided into 36 different Communist parties...*(Interruptions)*

[English]

SHRI INDRAJIT GUPTA : I do not at all agree with the charge which has been made that the United Front parties, severally or jointly, are only interested in keeping the BJP out of power. Then, you would not have been in power in so many States. Nobody is trying to dislodge you by horse trading or by any other means. It is up to you whether you can retain your power or not.

With these words, I commend that the proclamation which has been issued on the 17th of October, 1996 under Article 356 of the Constitution in relation to the State of Uttar Pradesh be approved by this August House.

SHRI JASWANT SINGH (Chittorgarh) : Mr. Chairman, Sir, hon. Home Minister is the senior most Member of this House. He is a dear and respected friend of old standing and I have always held him in my personal regard and I will continue to do that.

Hon. Home Minister, when he intervened, found it very difficult to take decision between maturity, seniority and wisdom which is natural to him and the politics that becomes incumbent on him to play because of the portfolio that he holds and the company that he keeps. I entirely share with him the concern that he voiced on the problems that we are facing, for example of casteism. It is a very real problem.

I commend the hon. Home Minister for having put his finger on to a very serious problem. I also commend him for pointing out a very real difficulty which is precisely the difficulty that this House was seized of,

the difficulty of the electorate not in our competitive politics being able to throw up a clear electoral answer. In that electoral answer, the Union Home Minister suggested, that we either permit a minority party to form a Government and to prove its majority, etc., or we do not permit a Government to be formed at all. That is precisely the dilemma that faces us in the State of UP; and in that dilemma it is the misapplication of Article 356, it is the conduct of Governor the principle of calling the single largest party to form the Government in Uttar Pradesh which has been our stand and continues to be our stand

The Union Home Minister attempted it because he has a brief to carry and he has the burdensome duty of carrying the lot that he is sitting with today. But the rationale that he put across on imposing Article 356, to continue to deny the BJP, the single largest party in UP, the right to govern is, I submit, a very great wrong that has been committed. It is because and these are the very words that you have spoken. The challenge that Indian democracy faces is precisely the challenge that is mirrored in Uttar Pradesh today and it is because of a lack of wisdom, the shortsightedness and a limited political approach that we compound our difficulties.

MR. CHAIRMAN : Okay. 'Please' conclude.

SHRI JASWANT SINGH : How can I be 'pleased'? I am displeased. Since I am displeased, I cannot support. We will be judged and we will certainly be judged. This is not an issue that will remain a politically partisan issue. This is a challenge to the Indian democracy. It is because the present Governor of Uttar Pradesh and the present Government supported by this lot, who earlier found fault, are failing in meeting their challenge, the present challenge to democracy, we are failing democracy in Uttar Pradesh, and are denying the BJP the right, their just right to form the Government.

We simply cannot be a party to this fake and a hoax division making process in the House. I seek withdrawal from the House.

17.34 hrs.

At this stage, Shri Jaswant Singh and some other hon. Members left the House... (Interruptions)

THE PRIME MINISTER (SHRI H.D. DEVE GOWDA): Sir, with your kind permission...*(Interruptions)*

MR. CHAIRMAN: We should adopt the Resolution first and then, the Prime Minister will speak.

SHRI SRIKANTA JENA : Sir, he just wants to clarify a few points.

MR. CHAIRMAN : All right.

* Published in the Gazette of India. Extraordinary part-II, Section-2 dated 5.12.1996.

SHRI H.D. DEVE GOWDA: Sir, on 10th October, the election results of UP Assembly were finally declared by the Election Commission. Till 17th October, the Governor had given sufficient opportunity to all political parties including the so-called single largest party to explore all possibilities and come before him as to whether they are in a position to muster strength to form a Government and give a suitable Government. He waited for one week to send the report to the Government of India or to the President. Sir, they have totally failed. No political party was able to muster strength or with the combination of other political parties, they were unable to submit the list to the Governor. Then the Governor had no option except to send his recommendations to the Government of India and also the President of India. Under these circumstances, there was no option except to impose President's rule in UP.

Recently, there were by elections conducted for Rajya Sabha where the BJP had tried its best to see that their candidates win the elections. All the three candidates of BJP were defeated in Rajya Sabha elections. That itself is a clear indication that the mandate of the people of UP was for secular democracy and our party's commitment is for secular democracy. It is a clear indication.

Sir, I would like to make it clear that even with all the differences amongst ourselves, whether it is the BSP or the Samajwadi Party or the Congress or other parties which are now running the Government, they have got differences all the three BJP candidates were totally defeated in the recent by-elections to Rajya Sabha. That itself is a clear indication and much more than that, it was a secret ballot where they could have played all types of the political manoeuvrings. Sir, with all these things, they failed. I know what all had happened during the period of by elections. They were unable to muster strength. That itself is a clear indication that what the Governor had recommended was totally on the basis of merit and there was nothing wrong in it. So, I request this August House to see that this Resolution is approved.

MR. CHAIRMAN :The question is :

"That this House approves the Proclamation issued by the President on the 17th October, 1996 under article 356 of the Constitution in relation to the State of Uttar Pradesh".

The motion was adopted

17.39 hrs.

DELHI DEVELOPMENT (AMENDMENT) BILL, 1996

MR. CHAIRMAN : Now, according to the List of Business, the next item is Constitution Amendment Bill.

But we may take up item No.13, if there is a consensus in the House. Has the House the consensus to take up item No.13?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA) : Sir, we may take up item No.13.

THE MINISTER OF STATE IN THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (DR. U. VENKATESWARLU) : I beg to move :

"That the Bill further to amend the Delhi Development Act, 1957, be taken into consideration".

Sir, the Delhi Development Authority was set up under the Delhi Development Act, 1957 with the object of promoting and securing the development of Delhi according to Plan. Three representatives of the erstwhile Metropolitan Council of Delhi constituted through the Delhi Administration Act of 1966 were represented in the Delhi Development Authority under sub section (3)(f) of the Act. Since the Metropolitan Council has been abolished and the Legislative Assembly has been constituted for the National Capital Territory of Delhi, there has been no representation of the elected body of Delhi in the Authority. In order to ensure effective deliberations and democratic functioning of the Delhi Development Authority, it became necessary to provide for three representatives of the Legislative Assembly of the National Capital Territory of Delhi as Members of the Delhi Development Authority. To achieve this object, the Delhi Development (Amendment) Bill, 1996 has been introduced in the Lok Sabha.

With these few words, I move that the Delhi Development (Amendment) Bill, 1996 be taken into consideration and be passed.

SHRI JAG MOHAN (New Delhi) : Sir, there is a lot of disturbance.

MR. CHAIRMAN :Order please.

SHRI JAG MOHAN : I am saying a few points which may not really concern the present Minister. But these have to be taken consideration as a part of the Government...*(Interruptions)*

Still some talk is going on. Nobody is listening.

Sir, I would like to seek the attention of the hon. Prime Minister because he is also holding charge of the Ministry of Urban Affairs.

Sir, the very first point which I would like to raise is that the Government have now decided to include three MLAs to ensure effective democratic functioning of the Delhi Development Authority. Now, this new Act of National Capital Territory came three years ago. Why have the Government deprived this Territory or the Delhi Development Authority of this effective democratic