

14.11 hrs.

STATUTORY RESOLUTION RE : APPROVAL OF PROCLAMATION BY THE PRESIDENT IN RELATION TO THE STATE OF GOA

MR. DEPUTY-SPEAKER: Now, we will take up item number 22. Shri Shivraj V. Patil.

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): I beg to move: "That this House approves the Proclamation issued by the President on the 4th March, 2005 under article 356 of the Constitution in relation to the State of Goa."

Sir, article 356 provides that if the President is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution, the President may by Proclamation assume to himself functions of the Government of the State; declare that the powers of the Legislature of the State shall be exercised by the authority of the Parliament; and make such incidental and consequential provisions as are required.

The facts that led to the imposition of the President's Rule in Goa are as follows. The Goa Legislative Assembly had 40 Members. Shri Manohar Parrikar was the Chief Minister with the backing of 22 Members, and 18 Members sat on the Opposition Benches. Four Members backing the Chief Minister resigned, thus reducing the strength of the House from 40 Members to 36 Members. The Chief Minister had 17 Members backing him with one of his supporters functioning as the Speaker of the House. The number of Members opposing him was 18.

The Opposition Members approached the Governor, and requested him to dismiss the Government of Shri Manohar Parrikar as he had lost the effective majority in the House. The Governor asked the Members to prove the veracity of their assertion on the floor of the House, and directed the Chief Minister to obtain the Vote of Confidence at 2.30 pm on 02 February 2005.

As per the report of the Governor, at about 5 pm on the said day, the Speaker announced that Shri Rodrigues, a Member of the House had committed a misconduct, and therefore, was liable for action under the provisions of Rule 289 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly, and directed him to leave the House. Shri Rodrigues pleaded that he had not done anything to deserve the expulsion, and refused to leave the House. On finding that the Member was not leaving the House the Speaker directed the Marshall, and members of the Watch and Ward of the House to throw the Member out of the House. As the Marshall and members of the Watch and Ward were forcing the Member physically out of the House, other Members of the Opposition objected to the act of physical removal of the Member, and intervened.

When this was happening in the House, the Speaker put the Motion to the vote and declared that the Motion was carried by the vote of 18 Members and opposed by 6 Members. What had happened in the House was improper, illegal and unconstitutional. Eighteen Opposition Members approached the Governor and pleaded that the Government of Mr. Parrikar manipulated the majority and could not prove it, and so it should be dismissed. Coming to the conclusion that what was brought to his notice was correct, the Governor dismissed the Government. Then, he allowed Mr. Rane to be sworn in as the Chief Minister and asked him to prove his majority on the floor of the House within 30 days. This, the Governor said, was done to protect and preserve the democratic system and the constitutional provisions.

On 19th of February, 2005, the Governor summoned the Assembly to enable Mr. Rane to seek the Vote of Confidence on 28th of the same month. On 24th of February, 2005, Mr. Digambar V. Kamat, a member of the BJP, the Party

of Mr. Parrikar, tendered his resignation from the membership of the House. On 28th of February, 2005, the day on which the Vote of Confidence was to be sought and just before it was to be done, the Speaker terminated the membership of Mr. Filipe Nery Rodrigues by allowing the petition for disqualification. Then, in the

House, at 2.30 p.m., he announced that he accepted the resignation of the Deputy-Speaker which was given to him and made a small speech and announced that he was also resigning from the Speakership and adjourned the House and then resigned. Thus, Mr. Rane was prevented from taking the Vote of Confidence. The resignation of Mr. Digambar V. Kamat of BJP and disqualification of Mr. Filipe Nery Rodrigues reduced the strength of the Government and the Opposition to 17 Members each.

In exercise of the powers vested under article 180(1) of the Constitution, the Governor administered the oath of office to Shri Francisco Sardinha on 28th of February evening to perform the duties of the Office of the Speaker, until the Speaker was chosen by the Assembly.

The Assembly of Goa was convened on 4th of March, 2005 at 2.30 p.m., for seeking the Vote of Confidence. The Speaker disqualified Mr. Matanhy Saldanha of UGDP, that is, Mr. Parrikar's Party, reducing the effective strength of the Legislature to 33 and thereafter put the Motion of Confidence to vote. There was equality of votes with 16 in favour and 16 against. Therefore, the Speaker cast his vote in favour of the Government of Shri Pratapsingh Rane.

It was clear from these events that the State was going through a serious political instability. The disqualification of certain Members by both the Speakers was aimed at gaining political mileage and numbers by manipulation. The machinations adopted by both the coalitions had created serious doubts whether any coalition of political parties would be able to provide a stable Government. In the uncertainty thus prevailing in the State, there was a serious doubt whether the Assembly would be in a position to pass the Budget for the next financial year or even take a Vote-on-Account. Had that been allowed to happen, there would have been serious financial and constitutional crisis.

The Union Cabinet, therefore, in its meeting held on 4th of March, 2005, considered the situation prevailing in Goa and decided to recommend to the President to issue a Proclamation under article 356 of the Constitution for imposition of the President's Rule in the State and keeping the State Legislative Assembly under suspended animation.

On 4th March, 2005, the President was pleased to issue a Proclamation under article 356(1) of the Constitution imposing President's Rule in the State of Goa and keeping the Legislative Assembly of Goa in suspended animation.

With these words, I commend that the Proclamation issued on 4th of March, 2005 under article 356 of the Constitution in relation to the State of Goa be approved. A copy of the Proclamation, as stipulated under the Constitution, along with the consequential Order is placed on the Table of the House.

MR. DEPUTY-SPEAKER: Motion moved :

"That this House approves the Proclamation issued by the President on the 4th March, 2005 under article 356 of the Constitution in relation to the State of Goa."

श्री लाल कृण आडवाणी (गांधीनगर) : उपाध्यक्ष महोदय, माननीय गृहमंत्री श्री शिवराज पाटिल ने जो प्रस्ताव प्रस्तुत किया है कि सदन 04 मार्च, 2005 को जारी किए गए प्रोक्लेमेशन का अनुमोदन करे, मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ। मैं अपेक्षा करता था कि गृहमंत्री जी

उस बात का भी उल्लेख करेंगे कि गोवा की विधानसभा सस्पेंडेड एनीमेशन में क्यों है, डिजाल्व क्यों नहीं की गयी। मैं इस बात से परिचित हूँ कि बोम्मई वाद के निर्णय के बाद से सुप्रीम कोर्ट की ओर से हम लोगों को यह आदेश है कि जब तक दोनों सदनों द्वारा राष्ट्रपति का शासन पुट न हो जाए, जब तक प्रोक्लेमेशन की पुष्टि न हो जाए, तब तक विधानसभा एनिमेटेड सस्पेंशन में ही रखी जाए और इसके बाद ही उसे डिजाल्व करना चाहिए। मुझे स्मरण है कि जिस दिन प्रोक्लेमेशन जारी हुआ था, उस दिन जब हम समाचार सुन रहे थे, हमारी तरफ से बहुत से लोगों ने कहा कि सस्पेंडेड एनीमेशन में क्यों रखा है, डिजाल्व क्यों नहीं किया गया। स्वयं गृहमंत्री जी ने अपने वक्तव्य में इस बात को स्पष्ट किया कि ऐसा करने का कारण बोम्मई केस का जजमेंट है। मैं अपेक्षा करता हूँ कि दोनों सदनों की पुष्टि प्राप्त होने के बाद विधानसभा का डिजोल्युशन अवश्य होगा और वहाँ की जनता को अपनी नयी विधानसभा चुनने का अवसर दिया जाएगा। सस्पेंडेड एनीमेशन में रखकर, जिस शब्द का प्रयोग गृहमंत्री जी ने अपने वक्तव्य में किया "मैकिनेशन्स " करने की कोई गुंजाइश नहीं देनी चाहिए। इस सदन में मैंने इन सारी गतिविधियों के इस सीमा तक, जिसका आपने अभी उल्लेख किया है, पहुंचने से पहले ही एक बार कहा था कि कुल मिलाकर विधानसभा की वहाँ जो स्थिति हो गयी है, उसमें लगता है कि एक फिर से जनता के पास जाना जरूरी हो गया है और इसीलिए जितनी जल्दी हम जनता के पास जाकर नई विधानसभा का गठन करवाएं, अच्छा होगा। मेरी यही राय उस समय भी थी और आज भी है। इसलिए मैं सरकार से अपेक्षा करूंगा कि इस मामले को स्पष्ट कर दे कि इस प्रोक्लेमेशन का उद्देश्य है फिर से जनादेश प्राप्त करना और उस दृष्टि से विधानसभा को डिजाल्व करना। मेरा समर्थन इसी आधार पर है, लेकिन अगर सरकार का ऐसा इरादा नहीं है और अगर विचार यह है कि हम विधानसभा को सस्पेंडेड एनीमेशन में छः महीने रखें तो फिर मुझे अपने समर्थन के बारे

में पुनर्विचार करना पड़ेगा। कभी-कभी स्थितियाँ भिन्न हो सकती हैं। इसी प्रकार का एक और भी प्रोक्लेमेशन आने वाला है।

हरेक प्रोक्लेमेशन की स्थिति अलग-अलग रहती है।

उपाध्यक्ष महोदय, मैं समझता हूँ कि मुझे दो ही विचारों पर चर्चा करनी है। सारे घटनाक्रम को मैं फिर से दोहरा नहीं चाहता। यहां पर पहले भी उस पर चर्चा हो चुकी है। उस आधार पर मैं दो आरोपण करूँ, इसको दो दूँ या उसको दो दूँ, उसके बजाय मैं मानता हूँ कि पिछले दो महीनों में कई घटनाक्रम गोवा में हुए, आगे चलकर झारखंड में भी हुए। इन दो घटनाक्रमों के कारण कुल मिलाकर देश भर में जो पत्र-पत्रिकाएँ हैं, मीडिया है या बुद्धजीवी हैं, जो कानून से सम्बन्धित लोग हैं, उन्होंने जो प्रतिक्रिया व्यक्त की है, क्या सरकार ने और सरकारी पार्टी ने उस पर कुछ सोचा है ? कुछ अंतर्मुखी होकर देखने की कोशिश की है कि क्या कारण है कि मीडिया, पत्र-पत्रिकाएँ, कानून से क्षेत्र में काम करने वाले लोग आज तक हमारी विचारधारा की तीव्र आलोचना करते थे, हमें कोई भी सैटबैक मिलता था तो उल्लास का प्रकटीकरण करते थे, आनंद का प्रकटीकरण करते थे। वे भी इस संदर्भ में चाहे गोवा की घटना हो या झारखंड की, सभी ने लगभग एक स्वर से कहा है कि यह ठीक नहीं किया, सरकार ने ठीक नहीं किया, कांग्रेस पार्टी ने ठीक नहीं किया। इस पर अंतर्मुखी होकर क्या आपने सोचा है ?

मेरी अपनी मान्यता है कि हिन्दुस्तान में कई बार लोकतंत्र पर आक्रमण हुआ। छोटे-मोटे होत रहते थे। 1950 में हमने संसदीय लोकतंत्र स्वीकार किया। उसके बाद कई छोटे-मोटे प्रसंग आते थे, जिसमें हम जब विपक्ष में थे तो आलोचना करते थे। हमारे बहुत से साथी जो इधर थे, आज भले ही सरकार में हों, वे भी कांग्रेस पार्टी की सरकार की आलोचना करते थे कि यह अलोकतांत्रिक है, यह नहीं करना चाहिए या वह नहीं करना चाहिए, अलग-अलग व्यूज होते थे। लेकिन 1975 में जो घटनाक्रम हुआ, जिसके बाद 1975, 1976 और 1977 के उस काल के बाद मेरा अनुभव यह

रहा है कि कभी भी सरकार जब कोई बात करती है, जिसमें तनिक भी एहसास होता है कि यह विरोध हो रहा है या लोकतंत्र का विरोध है। यह कोई बीजेपी का विरोध नहीं है। जो प्रतिक्रियाएं उन लोगों की थीं, जो बीजेपी के आलोचक होंगे, उन्होंने भी एक स्वर से कहा कि यह नहीं होना चाहिए। There has been an extra sensitivity about any action of the Government which seems to be an assault on democracy. मैं मानता हूँ कि गोवा हो या झारखंड हो, चाहे राज्यपाल के निर्णय हों।

कुँवर मानवेन्द्र सिंह (मथुरा) : विधायक तो हमारे पास आ गए थे। .(व्यवधान)

उपाध्यक्ष महोदय : आप क्या कर रहे हैं। आपका कोई पाइंट आफ आर्डर नहीं है।

आप क्या कर रहे हैं। आपका कोई पाइंट आफ आर्डर नहीं है।

.(व्यवधान)

MR. DEPUTY-SPEAKER: Hon. Member, please sit down.

. (Interruptions)

MR. DEPUTY-SPEAKER: Nothing to be recorded except the speech of Shri L.K. Advani.

(Interruptions)* .

उपाध्यक्ष महोदय : जब आपके लीडर बोल रहे थे तो इधर से कोई नहीं बोला। इसलिए जब इधर से इन्होंने बोलना शुरू किया है तो आप भी न बोलें।

श्री लाल कृण आडवाणी : आप मैं समझता हूँ आप योगदान नहीं कर रहे हैं सरकार को अंतर्मुखी होने का। इंट्रोस्पैक्शन की जरूरत है, नहीं तो ऐसी स्थिति नहीं आती। नौ महीने में ऐसा नहीं हुआ।

मैं किसी को कोट नहीं कर रहा हूँ ऐसी-ऐसी भाषा का प्रयोग किया गया - सरकार के खिलाफ, कांग्रेस के खिलाफ। इसका कारण है this extra sensitivity, ultra sensitivity. उसका लाभ है, देश को फायदा है। डिफैक्शन यू.के में अपराध नहीं है। यू.के में आज भी कोई मैम्बर एक

पार्टी छोड़कर दूसरी पार्टी में जाए, तो कोई उस पर आपत्ति नहीं करता। मुझे याद है कि जिस समय पहली बार डिफैक्शन लॉ बनाने की बात आई तो लोग काउंट करते थे कि विन्स्टन चर्चिल ने कितनी बार पार्टियां बदलीं। लेकिन क्या उसको डिस-क्वालिफाई किया गया? यह तो उसकी इच्छा है, जिस पार्टी में जाना चाहे। हमने उसके बाद कमेटी बनाई। उसके जो रिक्मेंडेशन्स थे, उनसे जब संतुष्ट नहीं हुए तो दूसरी कमेटी बनाई। हिंदुस्तान में डिफैक्शन केवल एक विचार को छोड़कर दूसरे विचार को अपनाने का तरीका नहीं है। यहां हरियाणा के हमारे मित्र बैठे होंगे, चंडीगढ़ के तो बैठे हैं। हरियाणा में जब यह शुरू हुआ तो आया राम, गया राम शब्द प्रयोग हुआ और उसका कैसा-कैसा मजाक हुआ? मैं तो एक कार्टून को याद करता हूं। एक सज्जन ने तीन बार डिफैक्शन किया और एक बार तो उसको मकान से कूदकर जाना पड़ा। शायद लक्ष्मण का कार्टून था जिसमें उसने दिखाया कि एक खिड़की में रस्सी लटक रही है, बीच में कोई सज्जन खड़े हैं। नीचे दो पुलिस वाले चर्चा कर रहे हैं कि यह कौन है? एक कहता है कि अगर वह ऊपर जाता है तो चोर है और अगर नीचे आता है तो एमएलए है। मैं स्मरण करता हूं कि डिफैक्शन उस समय एक ऐसा ईवल बन गया, एक ऐसा अपराध बन गया जिससे सब पार्टियों को लगा कि अगर इसका कोई हल नहीं निकालेंगे तो राजनीति अस्थिर हो जाएगी। राजनैतिक अस्थिरता रोकने के लिए एंटी डिफैक्शन लॉ बना। उसमें भी प्रॉविजन कर दिया कि अगर एक-तिहाई डिफैक्शन हो जाए तो चलेगा, अकेला नहीं जा सकता है। इसलिए फिर कई सालों तक वह कानून चला। हमारे जो आज गृह मंत्री हैं, वह उस समय अध्यक्ष थे, उनको भी चिंता हुई। उन्होंने भी मीटिंग बुलाई और कहा कि यह बहुत चिंता की बात है, इसका हल निकालना चाहिए। आगे चलकर एक हल निकला कि रिटेल में डिफैक्शन अपराध है होलसेल में डिफैक्शन परमिटेड है। इसलिए यह

* Not Recorded.

स्पिलिट का प्रॉविजन निकाल देना चाहिए। निकाल देने के बाद भी हमारे राजनैतिक नेता बड़े कुशल हैं। वे कहते हैं कि स्पिलिट निकाल दिया, लेकिन कोई इस्तीफा देने से तो मना नहीं कर सकता।

विज्ञान एवं प्रौद्योगिकी मंत्रालय के राज्य मंत्री तथा महासागर विकास विभाग के राज्य मंत्री (श्री कपिल सिब्बल) : मर्जर अभी भी है।

श्री लाल कृण आडवाणी : लेकिन मर्जर थोड़ा दूसरे प्रकार का है। आज मैं उसकी चर्चा नहीं करूंगा। लेकिन मुझे खुशी है कि इसके अनुमोदन का प्रस्ताव रखा। गृह मंत्री जी ने तो पूरा विवरण रखा कि किस प्रकार से हमारी जो परिकर जी की सरकार थी उसके 22 लोग थे, फिर चार ने इस्तीफा दे दिया और फिर वे 18 रह गये। स्थिति 36 में से 18-18 की हो गयी, फिर 17-17 की हो गयी और बाद में 16-16 की हो गयी। जो विवरण दिया है that in itself is a guide for all of us. हमको इन दोनों बातों की चिंता करनी चाहिए। हमने वास्तव में स्टैबिलिटी ऑफ गवर्नमेंट को बनाए रखने के लिए एंटी डिफैक्शन लॉ बनाया है तो उस एंटी डिफैक्शन लॉ को बाई-पास करने के तरीके निकाले हैं, उनके बारे में भी सोचना चाहिए। किसी को इस्तीफा दिलवा दो और इस्तीफा दिलवा करके तुरंत मंत्री बना दो, तो इस्तीफा दिलवा दिया, मंत्री बना दिया, 6 महीने तो मंत्री बना सकते हो, बिना विधान सभा के और इस तरह काम हो गया। यह जो तरीके हैं, ये सब उसमें से निकले हैं।

Our concern has to be for ensuring political stability in the country. मैं मानता हूँ कि पॉलिटिकल स्टेबिलिटी इंश्योर करने के लिए जरूरत हो गई है कि इस समय हम को एंटी डिफैक्शन लॉ के बारे में फिर से विचार करना चाहिए। मुझे बहुत खुशी है कि बावजूद इसके राणे जी ने अपना बहुमत प्रमाणित कर दिया, केन्द्र सरकार ने तय किया कि हम राष्ट्रपति शासन लगा

दें। मैं उम्मीद करता हूँ कि आप इसकी घोषणा करेंगे कि we want to go to the people, the ultimate authority in the country. We do not want to do anything else.

दूसरी बात यह है कि ये लोग उस समय नाराज हो रहे थे जब मैंने राज्यपाल का जिफ्र किया। मैं

राज्यपाल के इंस्टीट्यूशन की बात कर रहा था। उस इंस्टीट्यूशन को जैसा हम चाहते हैं वैसा बनाए रखना चाहते हैं तो जो सिफारिशें सरकारिया कमीशन ने की हैं और जिन सिफारिशों पर विचार करके इंटर स्टेट काउंसिल ने रिक्मंडेशन्स की हैं, मैं समझता हूँ कि उनको कार्यान्वित करना चाहिए। इंटर स्टेट काउंसिल और सरकारिया कमीशन ने कहा कि बिना कनसल्टेशन के राज्यपाल नियुक्त नहीं करने चाहिए यानी उनकी नियुक्ति करते समय स्टेट गवर्नमेंट से जरूर कनसल्ट करना चाहिए। इंटर स्टेट काउंसिल ने उस पर और जोर देकर कहा कि कनवेंशन के अनुसार उस पर कनसल्टेशन होना चाहिए। हमने कनवेंशन के अनुसार काम किया। हम जितने समय सत्ता में थे, कनसल्ट करके राज्यपालों की नियुक्ति की। इंटर स्टेट काउंसिल ने यह सिफारिश की है कि this should be also made part of the Constitutional framework so that it is obligatory for the Central Government to consult the State Governments insofar as appointment of Governors is concerned. मैं समझता हूँ कि अगर ये दो चीजें हम करते हैं और तीसरी चीज मैंने शुरू में आपसे कही कि आप स्पट अनइक्विवोकल घोषणा करें कि राष्ट्रपति शासन लगाने के दो उद्देश्य थे एक तो बजट पास करना जो केवल संसद ही कर सकती है, वहां नहीं हो सकता था और बजट का काम इस सदन में हो गया लेकिन दूसरे सदन में होना बाकी है। दूसरा काम यह है कि गोवा की जनता को इस बात का अवसर देना कि वह किस को इलेक्ट करना चाहती है?

अपनी बात समाप्त करने से पहले मैं यह भी कह दूँ कि 1987 में गोवा बना। 1987 से लेकर अब तक 12 मुख्यमंत्री हुए। वहां प्रायः एक पार्टी की सरकार थी। हमारी पार्टी अभी मजबूत हुई है लेकिन ज्यादा समय एक पार्टी की सरकार में इतनी इनस्टेबिलिटी .(व्यवधान)

मोहम्मद सलीम (कलकत्ता-उत्तर पूर्व) : आपने उन्हीं की बीमारी ले ली। .(व्यवधान)

श्री लाल कृण आडवाणी : अब नहीं ली। .(व्यवधान)

MR. DEPUTY-SPEAKER: Interruptions need not be recorded.

श्री लाल कृण आडवाणी : Mr. Parrikar has been the longest serving Chief Minister of Goa. केवल मात्र उनका कार्यकाल लम्बा था हमें केवल इसका संतोा नहीं है लेकिन जितने सारे असेसमेंट हुए, हिन्दुस्तान भर की अलग-अलग संस्थाओं ने ऑफिशियल संस्थाओं ने, नेशनल प्रोडक्टिविटी काउंसिल ने गोवा को नम्बर वन दिया। It was ranked first in the economic productivity, in transparency and in competence. इंडिया टुडे ने कहा कि हिन्दुस्तान में सबसे बढ़िया शासित प्रदेश अगर कोई है तो गोवा है। सबसे अच्छा मुख्यमंत्री कोई है तो श्री मनोहर परिकर हैं। मैं ऐसे अनेक उदाहरण दे सकता हूँ लेकिन उन्हें सुनाने की जरूरत नहीं है। उन्होंने जो एचिवमेंट्स की हैं, वे रिमार्केबल हैं, कुशलता है। एंटी डिफैक्शन लॉ कुछ भी हो, क्लियर मैजोरिटी मिली नहीं थी, इलैक्शन हुआ था तो 40 में से 17 बीजेपी के और कांग्रेस के 15 लोग चुने गए। 17 चुने जाने के बाद .(व्यवधान)

हमारी बड़ी पार्टी थी और लगभग आपके बराबर थी । हमारी पार्टी को हमारे कुछ लोगों ने समर्थन दिया । हमारी पार्टी की सरकार बनी । क्लियर मेजोरिटी न होते हुए इतना समय अच्छी तरह से शासन चलाया । फिर एक स्टेज आई जब उनको करप्शन के खिलाफ कोई एक्शन लेना था । उन्होंने विपक्ष के नेता से सलाह की और कहा कि ये जो मंत्री हैं, मेरे मंत्री हैं लेकिन जिस प्रकार से ये कर रहे हैं उसके बाद गोवा बरबाद हो जाएगा, इसीलिए मेरे मन में है कि मैं इनको छुट्टी दूँ । लेकिन छुट्टी दूंगा तो हो सकता है कि इनके साथ जो तीन और आए थे वे चार भी चले

जाएं, यह हो गया । उनको किसी ने सलाह दी कि वैसे तो डिफेक्ट नहीं कर सकते परंतु यह जरूर कर सकते हो कि इस्तीफा दे दो । इस्तीफा दोगे तो तुम्हारा कुछ नहीं बिगड़ेगा, हम आपको मंत्री बना देंगे और आप सरकार में आएंगे, इसमें क्या दिक्कत है । यह हो गया । Now, these are the ways and means which have to be taken into account when we again consider how Anti Defection Law can really be effective and can contribute to political stability.

एक बात मैं यह कहूंगा और दूसरी बात मैंने पहले कही है कि इंटरस्टेट काउंसिल की रिक्मेंडेशन है कि गवर्नरों की नियुक्ति के बारे में कंसलटेशन जरूर होना चाहिए । अगर ऐसा होगा तो कहीं पर किसी ने गलती की है तो मैं इस मत का हूँ कि अगर एक बार भी केंद्र सरकार ने गलती करने वाले राज्यपाल के खिलाफ एक्शन लिया, जैसे उनको रिमूव किया । किसी को रिमूव किया या किसी को ट्रंसफर किया । इससे साल्यूटरी संदेश जाएगा कि इसके बाद कभी इस प्रकार से कोई बात नहीं करेगा । इसके कारण इस सरकार की प्रतिष्ठा बढ़ेगी, लोकतंत्र मजबूत होगा । मैं मानता हूँ कि इस सारे प्रकरण में एक अच्छी बात हुई है कि देश भर में लोकतंत्र के बारे में कितनी चिंता है और लोग एक स्वर से बोलते हैं । पार्टी की बात को छोड़कर एक बहुत अच्छा लक्षण मैंने इन तीन-चार हफ्तों में देखा है और उसका मैं स्वागत करता हूँ । मैं उसका अभिनंदन करता हूँ और सार्वजनिक रूप से कहना चाहता हूँ कि इस समय जो बातें सही हुई हैं, गलती होते हुए भी ठीक कर ली गई हैं, इसका श्रेय मीडिया को जाता है । मैं मीडिया का अभिनंदन करता हूँ ।

मैं इस प्रोक्लेमेशन का समर्थन इस विश्वास के साथ करता हूँ कि आपने बात शुरू में कही थी कि सस्पेंडेड एनीमेशन, यह सही है क्योंकि बम्बई की हमें डायरेक्शन्स हैं अन्यथा यह दोनों हाउसिस से पास हो जाएगा । हम हाउस को डिजाल्व करके इलैक्शन की तैयारी करेंगे ।

SHRI ALEMAO CHURCHILL (MARMUGAO): Mr Speaker, Sir, the Goan people did not want dissolution. They wanted bye-elections. The circumstances that

have led to the presentation of the Goa Budget in Lok Sabha need to be placed on record.

It was in June 2002 that the BJP-led Government, headed by Shri Manohar Parrikar, was formed in Goa through manipulative politics. It took the partners less than two years to realise that the Government was not working in public interest and, therefore, the UGDP and the MGP, as also an independent MLA, withdrew support.

The BJP rule was so disgusting that for the first time in the history of the country, five MLAs from the ruling Party even resigned their seats, thus reducing the Government to a minority. Yet the BJP in Goa desperately clung to power and resorted to lies and disinformation.

The BJP then misused the Office of the Speaker to disqualify Shri Filipe Nery Rodrigues, an independent MLA, who was a Minister in their Government until a few days earlier.

The BJP filed a case by forging documents to show that Mr. Filipe Nery had joined the BJP in October, 2002. On the basis of the forged admission form, the Speaker disqualified Mr. Filipe Nery minutes before the Vote of Confidence was to be taken up. He immediately resigned from the post of Speaker on the ground that his fairness was being questioned. If that were indeed so, he ought to have resigned before passing orders on the disqualification petition. The shocking aspect of the said case is that if Mr. Filipe Nery had joined the BJP then the Speaker ought to have been informed and appropriate changes made in the composition of the House.

श्री शिवराज सिंह चौहान (विदिशा) : उपाध्यक्ष महोदय, माननीय सदस्य स्पीकर को रैफर नहीं कर सकते।

MR. DEPUTY-SPEAKER: I will look into it.

. (*Interruptions*)

MR. DEPUTY-SPEAKER: If anything has been said against the Speaker, that would not go on record.

SHRI ANANTH KUMAR (BANGALORE SOUTH): Sir, I am on a point of order.

MR. DEPUTY-SPEAKER: Under what rule you want to raise it?

. (*Interruptions*)

SHRI ANANTH KUMAR : I am referring to the rule only. They should have that much of patience. According to article 212, sub-Section (1) of the Constitution:

"The validity of any proceedings in the Legislature of the State shall not be called in question on the ground of any alleged irregularity of procedure."

When this is the case, how can he refer to the Speaker? Therefore, that should be deleted.

MD. SALIM : Sir, he has not quoted any rule.

SHRI ANANTH KUMAR : Sir, the Rules of Procedure emanate from the Constitution of India.

उपाध्यक्ष महोदय : मैंने पहले ही कह दिया है कि यदि स्पीकर के खिलाफ कोई लफ्ज़ है तो उसे एक्सपंज कर दिया जायेगा।

SHRI ALEMAO CHURCHILL : Sir, he is no more the Speaker now. He has resigned.

However, for two years the BJP did not claim that the independent MLA had joined their party but only filed such a petition on forged documents after he had withdrawn the support.

Again, the UGDP had issued a whip to its MLA, Shri Matanry Saldanha to vote against the BJP. This whip was defied by the MLA. Consequently, a petition for disqualification was filed before the Speaker. The Speaker after hearing all the sides granted an interim stay withholding Shri Mathany Saldanha's right to vote against the Party whip which order is in line with the directions of the Supreme Court in the Mayawati case.

We demand a special audit into the corruption in the conduct of the International Film Festival when Rs.150 crore were pocketed by Shri Parrikar through his contractor agents. The corruption, commissions and contractor raj run by the BJP and the RSS cadres in Goa must be exposed.

The fascist regime of Parrikar has fallen. (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI BIJOY HANDIQUE): Sir, he cannot be interrupted at every stage like this. (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing, except the speech of Shri Churchill, will go on record.

(*Interruptions*)* .

SHRI ALEMAO CHURCHILL : Sir, his efforts to destroy the communal harmony and religious peace of the Goan society through his communal propaganda, especially the doctored tape on Goa's liberation - which had to be shown in every school - exposed his criminal intentions. Citizens were harassed, opponents jailed, including three ex-Congress Ministers, cases were filed and a reign of terror prevailed under Parrikar.

He and the Speaker of the Assembly did not hesitate to bring in 21 plain-clothed policemen into the Goa assembly to drag out and injure the independent MLA, Mr. Philip Neri. The State of Goa, at last, has been liberated from Parrikar's RSS regime. We thank God for it.

Sir, today the Budget of Goa is being presented and discussed in the Lok Sabha as the State Assembly has been placed under suspension. The BJP cannot be permitted to take advantage of its own misdoing. The *Zila Panchayat* elections

*Not Recorded.

in Goa have been completed three days back and the voters have clearly voted against the BJP and the party has been routed in the elections. The results show that the people of Goa desire that the suspension of the Assembly should be revoked and a popular Government be installed. The bye-elections to five seats in the Goa Assembly should be held immediately so that the will of the people could prevail. There is no reason why the holding of the bye-elections to these five seats should be delayed. The President's Rule is no substitute for a popular rule in the State.

So, finally, Mr. Deputy-Speaker, Sir, on behalf of the people of Goa I demand that the bye-election to the five seats of the Goa Assembly should be held immediately and we want to show it to the people that this Government has done the right thing and that the earlier Government did all wrong things.

SHRI T.K. HAMZA (MANJERI): Mr. Deputy-Speaker, Sir, I am not happy when I stand here to take part in the discussion on the promulgation of the President's Rule in the State of Goa and also on the recent happenings in the State. Our Constitution is a great Constitution in comparison to the Constitution of other countries.

MR. DEPUTY-SPEAKER: Do you want to read out your speech?

SHRI T.K. HAMZA : Sir, I am only looking at the points from this paper.

Sir, not only our Constitution is great, but our expectation from parliamentary democracy is also immense. Though the Governor is the custodian of the constitutional authority in the State, but in actual practice he acts on the advice of the Central Government. The State Government has no authority over the Central Government, but the Central Government is authorised to do many things in the States. The Governor acts on behalf of the Centre. Therefore, the Central Government is only responsible for all that has happened in the State. I can say from my experience that whichever party is ruling at the Centre, be it the Congress or the BJP, cannot tolerate a Government of a different party at the State. I am remembered of an incident where in the year 1959 the elected Government of the late E.M.S Nambudripad in Kerala was dismissed by the Central Government for no reason.

It followed the dismissals of many Governments. When the BJP also came to power in the Centre, they repeated the same process. Both are equal in that respect. We do not agree with applying article 356 indiscriminately. But in certain circumstances, it must be necessarily imposed. Now, the interference in Goa can be justified. The only point is, this action could have been taken much earlier. We could have avoided all the foul play we saw there. The BJP's Parrikar Government in Goa lost its majority when the two MLAs, Mr. Filipe Rodrigues

and Mr. Digambar Kamat left the party and withdrawn their support to the Government. Then the Governor acted constitutionally and dismissed the BJP Government. Even hon. Shri Vajpayee, in a Press Conference, demanded fresh polls in Goa. That itself shows that the majority is lost there. Otherwise, how can the BJP leader say that? When the majority is lost and when the Government cannot continue, what is the way out before the Governor? What is the next process? The Governor dismissed the Government and they say that they wanted to have an election. But the next constitutional liability on the part of the Governor is to invite the Opposition Leader to try to form a Government. And that was done in Goa. Accordingly, Shri Rane formed the Government there. On the day fixed for the Confidence Motion in the House, the trouble started. It was he who had done it, the Speaker, Shri Vishwas Satarkar. He declared in the House that the Member, Mr. Rodrigues was disqualified and informed that another Member, Mr. Kamat had already resigned as MLA of the House. The House adjourned for afternoon for taking up the Confidence Motion.

When the House convened in the afternoon to take up the Confidence Motion, the Speaker again declared that he himself and the Deputy Speaker had resigned their respective posts. That created a constitutional deadlock in the State. What will the Governor do then? The Speaker Deputy-Speaker resigned and the House was adjourned without mentioning any date. Therefore, there was no other way and the Governor had to take action in that matter. The House may see that Mr. Rodrigues was elected as an independent candidate and joined the BJP. Then and there, action could have been taken for defection. Nobody initiated action at that time. When he left the BJP, they demanded action for defection. Now the question comes of double standard. Likewise, there is every right for a Member to resign from his membership as per the Constitution. Thus, Mr. Kamat had resigned. What is the difficulty there? He has resigned his post and he said that he will not sit in the House without another election being held. Anyway, it is true that Mr. Rodrigues and Mr. Kamat left the BJP and the Government lost its majority. If they left the BJP and joined the Congress with

ulterior motives and to facilitate Shri Rane to form the Government, then it is not correct.

MR. DEPUTY-SPEAKER: You are mentioning names of two persons who are not present in the House.

SHRI T.K. HAMZA : Even then, Mr. Rane could not get the majority as the Chief Minister. Even then he did not form the majority. He won the game only by a penalty goal, that is, by a casting vote of Pro-tem Speaker. Whether the Pro-tem Speaker has got the right to exercise a casting vote or not is a question to be debated and decided further.

15.00 hrs.

Finally the Central Government took the correct step in the matter and imposed President's rule in the State for which I congratulate the Government of India. I support the Goa Budget which has been presented today.

श्री मोहन सिंह (देवरिया) : उपाध्यक्ष महोदय, किसी भी राज्य में केन्द्र सरकार दखल देकर, अपनी सरकार चलाए, हम समझते हैं कि हमारे देश की संघीय लोकतांत्रिक व्यवस्था को यह बहुत बड़ी चुनौती है। गोवा, हमारे देश का एक ऐसा राज्य है, जो आबादी के हिसाब से बहुत छोटा है, लेकिन हमारी स्ट्रैटेजी के हिसाब से बहुत ही महत्वपूर्ण राज्य है। अरब सागर से होकर पश्चिमी देशों से, खाड़ी देशों से, हमारे जो भी संबंध हैं, उनका मुख्य केन्द्र बिन्दु गोवा है।

महोदय, गोवा के बारे में, भारत की आजादी के बाद, हमारे देश के प्रथम प्रधान मंत्री, पं. जवाहर लाल नेहरू ने कहा था कि गोवा की हुकूमत हमारे देश के सुनहले चेहरे पर एक बदनुमा दाग की तरह है। वहां कठिन संघर्ष हुआ और वहां जो पुर्तगाली सरकार थी, वह सम्भवतः स्वतंत्रता सेनानियों पर अंग्रेजी हुकूमत से ज्यादा नृशंस थी और ज्यादा दमनकारी थी, लेकिन उसके दमन का मुकाबला करते हुए हमारे देश के बहुत बड़े तबके ने गोवा की आजादी के लिए कठिन संग्राम किया, जिसके चलते हुए भारत सरकार ने 1961 में मिलिट्री एक्शन के जरिए

उसको आजाद करा दिया। आजादी के बहुत दिनों के बाद तक, अलग से उसका स्टेटस नहीं था। वह यूनियन टैरीटरी थी, लेकिन किन्हीं खास परिस्थितियों में वहां के लोगों की आइडेंटिटी को जिन्दा रखने के लिए हमने उसे राज्य का दर्जा दिया।

महोदय, वहां हिन्दी भाषा लोग भी हैं, वहां मराठी भाषा लोग भी हैं, कन्नड़, कोंकणी और तुलुक के लोग भी हैं। वहां आज भी अंग्रेजी और पुर्तगाली भाषाएं बहुत व्यापक पैमाने पर बोली जाती हैं। सभी कौम, सभी बिरादरी के लोग वहां आपसी भाईचारे के साथ रहते हैं। वहां हिन्दू, मुसलमान, सिख, इसाई और पारसी सभी तरह के लोग बहुत प्रेम-भाव से रहते हैं। यदि हम यह कहें कि हमारे धर्मनिरपेक्ष समाज की एक कोई यदि प्रयोगशाला है, तो उसका नाम गोवा है, तो कोई अतिशयोक्ति नहीं होगी, ऐसा मेरा मानना है। उस प्रयोगशाला के रसायन को यदि हम कम्युनलिज्म के जहरीले रसायन से विनाशित बनाने की कोशिश करें, तो मैं ऐसा समझता हूँ कि यह बहुत बुरी बात है। उसका अन्तर्राष्ट्रीय जगत में बहुत खराब संदेश जाता है। (व्यवधान)

हमने आपको बहुत शांति पूर्वक सुना। किसी को नहीं टोका। मेरा आपसे भी आग्रह है कि मुझे कृपया बीच में न टोकें।

महोदय, हम मानते हैं कि उस छोटे से राज्य में, इस तरह का कोई प्रयोग करना, अन्तर्राष्ट्रीय जगत में, हमारे देश की छवि को खराब करने वाला साबित होगा, लेकिन उसी के साथ-साथ, दूसरी बात मैं कहना चाहता हूँ कि वहां किस तरह की सरकार हो, इसका अंतिम फैसला वहां की जनता करने वाली है। दिल्ली में बैठकर भारत की संसद में एकट बनाकर उनको निर्देश देने वाले हम कोई नहीं होते, हम कुछ नहीं होते।

महोदय, हमारे लिए यह अफसोस का विषय है कि जब से यह सरकार दिल्ली में बनी है, हालांकि हम लोग इस सरकार के समर्थक हैं, लेकिन एक अभियान चल रहा है कि जिन राज्यों में इनके मन माफिक सरकारें नहीं हैं, वहां कोई ऐसा राजनीतिक परिस्थिति पैदा की जाए कि किसी

न किसी बहाने दिल्ली की ही सरकार वहां का शासन करने लगे। यह परिस्थिति पैदा करना, मेरी समझ से दुर्भाग्यपूर्ण स्थिति है। जिन राज्यों में आठ-नौ विधायक हैं, जिन राज्यों में पांच-छः विधायक जीतने की हैसियत नहीं है, हम पन्द्रह-पन्द्रह वान से जिन राज्यों में किसी तरह भी अपना बहुमत बनाने में अक्षम हैं या अपनी राजनीतिक शक्ति बनाने में अक्षम हैं, वहां राष्ट्रपति शासन लगा दें जिसके जरिए हम अपने संगठन को, अपनी शक्ति को बढ़ा सकें। यह ठीक नहीं है। हमारा यह कहना कोई अनपेक्षित नहीं है कि पिछले डेढ़ वान से जब से यह सरकार बनी है, हमारे गृह मंत्री महोदय की एक साफ राय है, जब राज्यों के राज्यपालों को बदलने का यहां प्रस्ताव आया था, तो उस पर टीका हुई।

माननीय गृह मंत्री जी ने उसे साफ तौर पर स्वीकार किया। चाहे सरकारिया कमीशन हो या इस तरह के जितने भी आयोग इस देश में बने, उन्होंने संधीय व्यवस्था को ठीक रखने और केन्द्र की गुलामी से राज्यों को बचाने के लिए अपनी राय प्रकट कर दी। ये सब रिकमेंडेट्री चीजें थीं और रिकमेंडेट्री संस्तुतियों को किसी भी कमीशन का मानना या न मानना सरकार का अपना स्वयं का अधिकार है। हम केवल इस रूल बुक को स्वीकार करते हैं, जो संविधान में लिखी हुई है। संविधान की ड्राफ्टिंग करने वाले कमेटी के अध्यक्ष बाबासाहेब भीम राव अम्बेडकर जी ने एक बड़ी प्रमुख बात कही थी। उन्होंने कहा था कि किसी भी संविधान की अच्छाई और बुराई, उसमें क्या शब्दावली लिखी है, इससे नहीं आंकी जा सकती कि संविधान को चलाने वाले किस तरह का आचरण करते हैं, बल्कि संविधान की अच्छाई और बुराई का मापदंड उन संचालकों के ऊपर निर्भर करता है कि किसी भी राज्य के विधान सभा के स्पीकर विधान सभा में किस तरह का आचरण करें। हम यहां से उन्हें संदेश नहीं दे सकते कि राज्यपाल को किस तरह का आचरण करना चाहिए। खबरों में आता है कि उन्हें संविधान की धारा के अनुसार चलना चाहिए। लेकिन अंदरखाने उन्हें इस तरह की हिदायत दी जाए कि तुम्हें वही काम करना है कि राष्ट्रपति शासन

कायम करने की स्थिति पैदा हो जाए। मैं समझता हूँ कि अंदरखाने इस तरह की कोई भी हिदायत इस देश की संधीय व्यवस्था को चोट पहुंचाने वाली होगी, यह दुर्भाग्यपूर्ण है।

महोदय, हम यूपीए के घटक दलों से पूछना चाहते हैं कि अब तक जितने राज्यपाल हुए हैं, इस बात को स्वीकार करते हैं जिनकी मानसिकता सांप्रदायिक है, जो किसी खास सांप्रदायिक संगठन से प्रतिबद्ध हैं, उन्हें तत्काल अपने पद से हटा दिया जाना चाहिए। क्या यह बात भी सही है कि जो रूलिंग घटक का एक अंग है, सारे राज्यपाल उसी अंग के, उसी प्रतिबद्धता के, उसी विचारधारा के नियुक्त हों, बाकी घटक के जो दूसरे सहयोगी हैं, उनका एक भी राज्यपाल नियुक्त न हो। इसके पीछे केन्द्र की मानसिकता साफ तौर पर झलकती है। इसलिए जो कुछ भी गोवा में हुआ, मैं उसकी तीव्र शब्दों में निन्दा करता हूँ और आगाह करना चाहता हूँ कि गोवा का प्रयोग दूसरे राज्यों में नहीं दोहराया जाना चाहिए, वरना उसका जो हथ्र कांग्रेस आज तक भोगती आई है, अपने इतिहास से कांग्रेस पार्टी को सबक लेना चाहिए। अब जो कुछ भी हुआ, वह ठीक है, लेकिन अब दोबारा ऐसा नहीं होना चाहिए। यहां से छः महीने के लिए राष्ट्रपति शासन की अनुमति मिलती है, फिर दोबारा उसका अनुमोदन लाना पड़ता है। आपने राष्ट्रपति शासन किन्हीं परिस्थितियों में पैदा कर दिया, उसे लगाने के लिए कौन जिम्मेदार है, उसका विस्तृत विवरण मैं आपके सामने प्रस्तुत करना नहीं चाहता। मेरे पास विस्तृत में बोलने का समय नहीं है, लेकिन वह जो परिस्थिति पैदा हुई, वह दुर्भाग्यपूर्ण है। अब वहां जल्दी से जल्दी चुनाव हो जाएं और जनता द्वारा चुनी हुई सरकार स्थापित हो जाए।

महोदय, वहां राष्ट्रपति शासन लग गया है, इसलिए हम उसका समर्थन करते हैं, लेकिन फिर से इसके अनुमोदन के लिए आप सदन में आएंगे तो हम उसका पुरजोर विरोध करेंगे, क्योंकि गोवा में मानसून सत्र पहले शुरू हो जाता है। अगर अभी से वहां भारत सरकार चुनाव की तैयारी शुरू नहीं करेगी तो मैं समझता हूँ कि आपको इस संसद का अनुमोदन लेने के लिए आना पड़ेगा।

इन्हीं शब्दों के साथ इस प्रस्ताव का समर्थन करते हुए, भारत सरकार की मंशा और भावना है, उसकी तीव्र शब्दों में निन्दा करते हुए मैं आग्रह करूंगा कि गृह मंत्री जी और इनकी सरकार राज्यों के संचालन के बारे में अपने दिमाग में परिवर्तन लाए और राज्यों को अपने ढंग से अपनी सरकार चलाने की छूट दे। इन्हीं शब्दों के साथ आपको बहुत-बहुत धन्यवाद।

श्री देवेन्द्र प्रसाद यादव (झंझारपुर) : सभापति महोदय, गृह मंत्री जी गोवा में राष्ट्रपति शासन के अनुमोदन के लिए जो प्रस्ताव लाए हैं, मैं समझता हूं कि जब से गोवा में विधान सभा अस्तित्व में आई तब से वहां जो खेल हुआ है, वह बहुत दुखद है। यह संसदीय लोकतंत्र के लिए एक कलंक का काम हुआ है। गोवा में जो घटनाक्रम हुआ है, उसके लिए मैं गंभीरता से चिन्तित हूं और पूरा सदन भी चिन्तित होगा। दूसरे राज्यों में भी यह घटना प्रतिबिम्बित होने लगी है। इस तरह का जो कल्चर, उथल-पुथल का, खरीद-फरोख्त का, आया राम, गया राम की संस्कृति स्थापित हो रही है, गोवा में जो हो रहा है, इससे दूसरे राज्य अछूते नहीं रहेंगे, पूरी लोकतांत्रिक व्यवस्था को दीमक की तरह यह घटना खाएगी। इसलिए यह गंभीर विचार है और इस पर गंभीरता से विचार करना चाहिए।

गोवा में राष्ट्रपति शासन के अलावा सरकार के पास कोई रास्ता नहीं था, इसीलिए राष्ट्रपति शासन के अनुमोदन के लिए सरकार सदन में आई है। लेकिन मैं मोहन सिंह जी की इस बात से सहमत हूं कि दूसरी बार सरकार को इस स्थिति में नहीं आना चाहिए। हमारी पार्टी राष्ट्रपति शासन की कतई समर्थक नहीं है, यहां तो परिस्थिति ऐसी पैदा हो गई है, इसलिए इस बार तो हम लोग अनुमोदन के साथ हैं, लेकिन भविष्य में कभी भी इस प्रकार की परिस्थिति पैदा नहीं हो, इसका निराकरण, इसका समाधान निकालना चाहिए। हम लोग इस बात को कतई पसन्द नहीं करते, इससे कतई सहमत नहीं हैं। गोवा में वहां 13 साल में 12 मुख्यमंत्री हुए, यह अजूबा प्रयोग है कि लोकतांत्रिक व्यवस्था को किस तरह से चलाना चाहते हैं। आगे इसमें कोई आपत्ति का

सवाल नहीं है। मैं तो पूरी व्यवस्था पर कह रहा हूँ, लोकतांत्रिक व्यवस्था आज लोकतांत्रिक संस्था चलाने वालों के हाथ के जरिये खतरे में है।

मैं किसी दूसरे पर आरोप नहीं लगाना चाहता। आपने कहा, ठीक है, मैं जानता हूँ कि संविधान की धारा 212 है, जिसमें हम किसी लेजिस्लेटिव असेम्बली प्रोसीडिंग्स को इन्क्वायर नहीं कर सकते हैं, उसका अतिक्रमण नहीं कर सकते हैं, लेकिन इस देश में घटनाएं घट रही हैं। मैं न्यायपालिका की चर्चा नहीं करना चाहता, लेकिन आपकी नजर से कुछ छिपा हुआ नहीं है, लक्ष्मण रेखा लांघी जा रही है। यह बहुत ही खतरनाक प्रयास हो रहा है, चाहे न्यायपालिका के द्वारा हो, हमारी राय मानें तो हम लोग तो समाजवादी विचारधारा के लोग हैं, इसके लिए कुछ लोगों को जेल जाने का विचार करना पड़ेगा, क्योंकि गोवा राज्य में जो चर्चा हो रही है, पुर्तगाल शासन में जिस तरीके से वहां पर जुल्म हुए, अत्याचार हुए, उस गोवा की आजादी की लड़ाई में हमारे पुरखों ने लहू और पसीने से आजादी की लड़ाई लड़ने का काम किया है। उनको गोवा का दर्द पता है, चाहे डॉ. लोहिया हों, चाहे कम्युनिट पार्टी के नेता हो, चाहे कांग्रेस पार्टी के

लोग हों, इनको मालूम है कि गोवा की आजादी की लड़ाई में कितनी कुर्बानियां देनी पड़ीं। आज उसी गोवा की विरासत खतरे में पड़ गई है, उसका संस्कृति खतरे में पड़ गई है। इन सब घटनाओं से, जैसा गोवा के माननीय सदस्य चर्चिल साहब कह रहे थे, क्या यह बात सही नहीं है कि एक माननीय सदस्य को कहा गया कि तुम पार्टी के मैम्बर नहीं रह सकते। वहां गोवा के रास्ते का नाम और टैक्स्ट बुक बदली जा रही हैं। यह जो घटनाक्रम हुआ है, उसी के बीच की घटना में टैक्स्ट बुक बदली गई। गोवा हमारे कांटीनेंट में है, क्या इसका अन्तर्राष्ट्रीय जगत पर इसर नहीं पड़ेगा? भारत के बाहर कौन-कौन से देश बसे हुए हैं, चाहे यूरोप हो या जो भी कंट्री एशिया के बाहर हों, क्रिश्चियन हमारे यहां चाहे अल्पसंख्यक हो सकते हैं, लेकिन दुनिया में उनकी बड़ी विरासत है, बड़ी ताकत है, बड़ी तादाद है, क्या इसका उन पर प्रभाव नहीं हो सकता? अगर हम उनकी

संस्कृति पर हमला करेंगे, हम उनका इतिहास और उनकी टैक्स्ट बुक बदलने की रिहर्सल करेंगे, प्रयोग करेंगे, यह गोवा में हुआ है और हो रहा है, इसी घटनाक्रम में सब खेल है। इस खेल में सांस्कृतिक विरासत पर भी आघात किया गया है, धार्मिक अल्पसंख्यकों की भावना पर भी कुठाराघात किया गया है।

मैं इस बात को इसीलिए कहना चाहता हूँ कि इस तरह से एण्टी डिफैक्शन पर चर्चा हो गई है। मैं यह जानना चाहता हूँ कि गोवा में बिचौलियों की क्या भूमिका रही है। मैं नाम नहीं लेना चाहता, संसदीय लोकतंत्र में आसन सर्वोपरि होता है, पीठासीन अधिकारी का जो कार्यालय है, उसका वहाँ दुरुपयोग हुआ है। आपको जैसा डिलीट करना हो, कर दिया जाये, लेकिन मैं हृदय से बोलना चाहता हूँ, जो सच है। मैं असंसदीय शब्द इस्तेमाल नहीं कर रहा हूँ, लेकिन स्पीकर आफिस का खुले आम दुरुपयोग किया जा रहा है। यह इतनी ऊंचाई का पद है, उपाध्यक्ष महोदय, जहाँ आप बैठे हैं, वह न्याय का तराजू है।(व्यवधान)

श्री मोहन सिंह : आप भी वहाँ बैठते हैं।

श्री देवेन्द्र प्रसाद यादव : पैनल चेयरमैन का जो आदेश होता है, उसमें स्पीकर साहब के आदेश से हम भी बैठते हैं। लेकिन यह आसन की गरिमा और इस पद के कार्यालय की जो महिमा है, इसको घटाने का अधिकार किसी भी एक व्यक्ति को नहीं है, चाहे वह स्पीकर भी हो, लेकिन उसको घटाया गया है और यह देश में पहली बार घटना घटी है।*.....*

गांवों में लोग कहावत कहते हैं कि:

'टका सार है जगत में, सब सुख देत अपार,

टका नहीं है पास तो, बैठे रहो बेकार।'

... Expunged as ordered by the Chair.

यह कहावत गांव में लोग बोलते हैं, मैं नहीं बोल रहा हूं। मैं कहना चाहता हूं कि गोवा में पीठासीन पदाधिकारी की जो भूमिका रही है, वह अभूतपूर्व है, उसकी चर्चा करने में भी शर्म होनी चाहिए। आसन न्याय का तराजू है, वहां से न्याय होता है, वहां न पक्ष है न विपक्ष है। जिस नियमन से सिर्फ न्याय निकलता है, उस नियमन ने गोवा में क्या खेल किया है, क्या वह किसी से छिपा हुआ है।

समय नहीं है, मैं चाहता हूं कि और माननीय सदस्य भी इसमें भाग लें। लोकतांत्रिक संस्था का अवमूल्यन हो रहा है। मेरे कहने का मतलब है कि सबसे बड़ा डेमोक्रेटिक इंस्टीट्यूशन, स्टेट के सबसे बड़े लोकतंत्र का मंदिर विधान सभा है। देश की सर्वोच्च संस्था सदन है, जहां से हम आज बोल रहे हैं। इस कार्य से लोकतांत्रिक संस्था की प्रक्रिया पर जबरदस्त धक्का पहुंचाया गया है। मैं कहना चाहता हूं कि लोकतांत्रिक प्रक्रिया को पुनः बहाल करना ही एकमात्र रास्ता बच गया है। लोकतांत्रिक व्यवस्था आजाद भारत में, आजाद संविधान में जीवन की शैली है। इस जीवन शैली को जो तोड़ रहा है, चाहे सभापति का कार्यालय हो, चाहे पैसा, लोभ और व्यक्तिगत स्वार्थ हो, मैं बहुत कट के साथ कहना चाहता हूं कि गोवा की आजादी के समय लड़ाई की जो विरासत थी, वह लड़ाई जिन मूल्यों के लिए लड़ी गई थी, आज उस इतिहास को बदलने की कोशिश की गई।

श्री मोहन सिंह सोशलिस्ट नेता हैं और उन्होंने ठीक कहा कि गोवा एक प्रयोगशाला थी। उन्होंने याद दिलाया कि गोवा की भौगोलिक स्थिति ऐसी थी। गोवा की जो सामाजिक बनावट रही, हिन्दु, मुस्लिम, सिख, ईसाई, ऐसी बिरादरी को समेटे हुए गोवा एक आदर्श राज्य है। देश के संविधान का जो सैकुलर ढांचा है, संविधान की जो भावना है, गोवा उसे प्रतिबिंबित करता है। गोवा धर्मनिर्पेक्ष समाज की एक मिसाल है। उस गोवा को गुजरात की प्रयोगशाला बनाने का प्रयास किया गया। मुझे यह कहने में कोई हिचक नहीं है। गोवा को गुजरात की प्रयोगशाला न

बनने दिया जाए। ऐसा करने से इस देश के संविधान की मूल भावना पर आघात हो जाएगा। इस तरह की रिहर्सल से जो घटनाक्रम चल रहा है, वह ठीक नहीं है। मैं निवेदन करना चाहता हूँ कि सदन की संख्या का जो स्वरूप बदला गया है, उसमें पीठासीन अधिकारी की प्रमुख भूमिका रही है। सम्पूर्ण सदन की संख्या का स्वरूप बदला गया, इसलिए इतनी हलचल हुई। वहाँ अभी से नहीं, 13 साल से यह क्रम चल रहा है। वहाँ शुरू से ही कोशिश की गई है जिसके चलते 13 साल में 12 मुख्य मंत्री हुए। यह अजूबा उदाहरण है, ऐसा उदाहरण कहीं देखने को नहीं मिलेगा।

मैं विपक्ष के नेता का आदर करता हूँ। वे एंटी-डिफैक्शन बिल पर बोल रहे थे। एंटी-डिफैक्शन इसी से जुड़ा हुआ है। एंटी-डिफैक्शन लॉ, 2003 के समय हम इस सदन में अकेले उठकर खड़े हुए थे। श्री स्वाई इतिहास नहीं जानते, वे मात्र दो बार संसद में आए हैं और मैं पांचवी बार चुनकर आया हूँ और भारत

सरकार में कैबिनेट मंत्री भी रहा हूँ। मैंने ऐसा कानून बनाते हुए नहीं देखा। पोलिटिकल डिक्टेटरशिप वाला कानून बना दिया गया। देश के लोकतंत्र के बड़े हिमायती बनते हैं। पार्टी के अंदर जो जनतंत्र है, एनडीए सरकार ने उस पर अंकुश लगा दिया। जिस दिन श्री जेटली एंटी-डिफैक्शन बिल सदन में लाए थे, मैंने उसी दिन अकेले खड़े होकर कहा था। हम अकेले भी बोल सकते हैं। जिसके पास सच है, उसके पास साहस है और साहस वाला व्यक्ति अकेले भी अपनी बात कह सकता है। हमने अकेले खड़े होकर जेटली जी से कहा कि लोकतांत्रिक व्यवस्था में चालाकी से देश नहीं चलता। आप देश की लोकतंत्र का बहाना बनाकर पोलिटिकल पार्टी की डिक्टेटरशिप का काम कर रहे हैं। जो व्यक्ति ऑफिस के लिए, मंत्री बनने के लिए, पैसे से, लोभ से दल बदलता हो, उसके लिए कड़ा कानून होना चाहिए। फांसी का इंतजाम लोकतंत्र में नहीं है। अगर इससे भी कड़ा कानून हो तो वह ऐसे मैम्बर पर लगाया जाए।

लेकिन वैचारिक स्तर पर जो लोग दल बदलना चाहें, ये लोग वही प्रयोग कर रहे थे। विचार के आधार पर कह रहे थे कि तुम लोग रास्ते का नाम बदल दो, वह पुराना नाम हटा दो, विचार ही बदल दो और उस पार्टी से हट जाओ। यह प्रयोग गोवा में बदला है। इसलिए मैं कहना चाहता हूँ कि वैचारिक स्तर पर दल बदलने का नया-नया अनुसंधान हो रहा है। रिटेलर में जब दल बदलेंगे तो अपराध है लेकिन जब झारखंड में होलसेल में पूरी एनसीपी पार्टी को बदलवा दिया तो वह अपराध नहीं है। (व्यवधान) वह मर्जर हो गया। झारखंड में टेकओवर हो गया और पूरी एनसीपी पार्टी को बदल दिया। क्या यह कदाचार नहीं है ? (व्यवधान)

विज्ञान एवं प्रौद्योगिकी मंत्रालय के राज्य मंत्री तथा महासागर विकास विभाग के राज्य मंत्री (श्री कपिल सिब्बल) : होल सेल में दाम कम होते हैं।

श्री देवेन्द्र प्रसाद यादव : आपका कहना ठीक है कि होल सेल में दाम कम होता है। (व्यवधान)

MR. DEPUTY SPEAKER: It is not to be recorded. Nothing will go on record except what Shri Devendra Prasad Yadav says.

(Interruptions) .*

श्री देवेन्द्र प्रसाद यादव : उपाध्यक्ष महोदय, होल सेल में दाम घट जाता है। रिटेलर में अगर एक तिहाई सदस्य दल बदलें तो वह बहुत बड़ा अपराध है। (व्यवधान)

*Not Recorded.

उपाध्यक्ष महोदय : उन्होंने सीरियस मूड को थोड़ा चेंज करने के लिए ऐसा कहा था।

...(व्यवधान)

श्री देवेन्द्र प्रसाद यादव : यदि होल सेल में दल बदला जाये तो वह कोई अपराध नहीं है। आज चोर लोग, भ्रष्ट लोग भी नये-नये अनुसंधान कर रहे हैं चाहे वह कोई भी मैम्बर हो। मैं सबके लिए कह रहा हूँ, खुद अपने लिए भी कह रहा हूँ कि यदि सदस्य भी भ्रष्टाचार का अनुसंधान कर रहा है,

रिसर्च कर रहा है कि और कैसे दल बदलेंगे, एक बार तो इसे रोक दिया कि एक तिहाई सदस्य दल नहीं बदल सकते लेकिन अब नया सिस्टम शुरू हो गया है। आज कोलिएशन की संस्कृति चल पड़ी है। इसमें दो-चार एमएलए का बहुत महत्व है। यदि 20-25 एमएलए हो गये तो समझिये कि वारे-नारे हो गये। तब तो कोई बात ही नहीं है। होल सेल की बात तो ठीक है। अभी सिब्बल साहब ने ठीक कहा कि कीमत घटी है।(व्यवधान)

श्री कपिल सिब्बल : सभापति महोदय, मैं आपकी अनुमति से कुछ कहना चाहता हूँ। जब टैन्थ शैड्यूल की कांस्टीट्यूशनेलिटी की बात आई तो सर्वोच्च न्यायालय में इसकी चर्चा हुई। उस समय इस बात पर बहुत बहस हुई। क्योंकि स्पीकर अंडर दी टैन्थ शैड्यूल खुद फैसला करते हैं। हिन्दुस्तान में स्पीकर जब अपने पद पर बैठ जाते हैं तो वे अपनी पार्टी से अलग नहीं होते। हालांकि ब्रिटेन में यह कन्वेंशन है कि जैसे ही कोई व्यक्ति स्पीकर बन जाता है।(व्यवधान)

MR. DEPUTY SPEAKER: Once the Speaker, always the Speaker.

श्री कपिल सिब्बल : उसके बाद वह वापिस कभी पार्टी में नहीं जाता। वह हाउस ऑफ दी लार्ड्स में नामीनेट हो जाता है। यह चर्चा भी हुई कि अगर स्पीकर को हम ऐडज्यूडिकेटिंग अथॉरिटी बना देते हैं, तो स्पीकर अपनी पार्टी से अलग नहीं रहता और जब फैसला करने का टाइम होता है तब यह प्रॉब्लम आती है। उस समय तीन जज इस मत के थे और दो जज दूसरे मत के थे कि स्पीकर को ऐडज्यूडिकेटिंग अथारिटी का नहीं होना चाहिए। मेरा ख्याल है कि वक्त आ गया है। मैं कोई व्यक्तिगत बात नहीं कर रहा हूँ, सभी को विचार करना चाहिए कि क्या यह सही है कि एक ऐसे आदमी को जो इतने ऊंचे पद पर बैठा है, उसको इस इंज़ट में लाने का फैसला जो अपनी पार्टी के खिलाफ फैसला दे, कई बार असंभव हो जाता है। हम सबको इस पर बैठकर विचार करना चाहिए।(व्यवधान)

उपाध्यक्ष महोदय : इन्होंने जिस बात को बेस बनाया, जहां से हमने डेमोक्रेसी ली है, वहां Parliamentary form of Government England में Once the Speaker, always the Speaker की प्रथा थी। उनका इशारा उधर था। आप अपना भाषण कन्टीन्यू करिये।

श्री देवेन्द्र प्रसाद यादव : उपाध्यक्ष महोदय, इससे बहस लम्बी हो जायेगी। संविधान समीक्षा की रिपोर्ट अभी है। इससे बहस लम्बी हो जायेगी। .(व्यवधान)

उपाध्यक्ष महोदय : मैंने यह इसलिए कहा कि कहीं वह अधूरा न रह जाये।

श्री देवेन्द्र प्रसाद यादव : सरकार के सामने संविधान समीक्षा की रिपोर्ट है। इससे बहस लम्बी हो जायेगी और मैं बहस को लम्बी नहीं करना चाहता। .(व्यवधान)

श्री मोहन सिंह : सरकार के साथ स्पीकर नहीं बदला करते, वे बने रहते हैं। .(व्यवधान)

श्री देवेन्द्र प्रसाद यादव : ठीक है कि स्पीकर बने रहते हैं, चुनाव में भी बने रहते हैं जबकि हम लोग सदस्य नहीं रहते। फिर चुनाव होता है। यह भी व्यवस्था रही है। अभी जो एंटी डिफेक्शन लॉ है। .(व्यवधान)

MR. DEPUTY SPEAKER: It is not to be recorded.

(Interruptions)* .

श्री देवेन्द्र प्रसाद यादव : मैं पक्ष-विपक्ष की बात नहीं कर रहा। मैं यह कह रहा था कि .(व्यवधान)

उपाध्यक्ष महोदय : अब आप अपना भाषण समाप्त करिये।

श्री देवेन्द्र प्रसाद यादव : मैं यह कह रहा था कि जो दुरुपयोग हो रहा है, मैंने शुरू में निवेदन किया था कि हमें संसदीय लोकतंत्र पर विचार करना पड़ेगा कि आखिर इस तरह से जो उथल-पुथल और आया राम गया राम की संस्कृति है, उस पर कठोरता से विचार नहीं किया गया। मेरा कहना है कि इस पर पुनर्विचार करने की जरूरत है। जो दल परिवर्तन का कानून लाया गया है, एंटी डिफेक्शन लॉ है, उस पर पुनर्विचार करना होगा।

जो इसमें छेद आया है, उसे इसमें कैसे रोका जाएगा ? क्योंकि झारखंड में इधर भी मंत्री हैं, उधर भी मंत्री हैं, होलसेल में एनसीपी उधर चला गया, जो अच्छा हो गया और इधर था तो खराब हो गया। यह क्या हो रहा है? गोवा में देख लीजिए कि क्या हो रहा है? .(व्यवधान)

उपाध्यक्ष महोदय : अब आप समाप्त करिए।

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*Not Recorded.

श्री देवेन्द्र प्रसाद यादव : उपाध्यक्ष महोदय, एक मिनट में समाप्त कर रहा हूं। तीन-तीन आदमी का इस्तीफा राजसत्ता के लिए, स्वार्थ के लिए हो जाता है। इसीलिए मैं कह रहा हूं कि यह विषय बहुत गंभीर है। यह लोक तंत्र कैसे बचेगा और किस तरह से स्थायी सरकार बनेगी ? मैं समझता हूं कि सभी दलों को इस पर गंभीरता से विचार करना चाहिए कि आज गोवा में लोकतांत्रिक प्रक्रिया कैसे बहाल हो?.(व्यवधान)

उपाध्यक्ष महोदय : लालू जी, आपकी पार्टी के ही माननीय सदस्य बोल रहे हैं, आप ही डिस्टर्ब कर रहे हैं। यह अच्छा नहीं लगता। आप कुछ कहें, फिर मैं कुछ कहूं।

(Interruptions)* .

MR. DEPUTY-SPEAKER: Whatever Shri Lalu Prasad has said is not to be recorded.

श्री देवेन्द्र प्रसाद यादव : गोवा की समस्या का हल राष्ट्रपति शासन नहीं है। यह हमारी पार्टी का मत है। हम कभी भी नहीं चाहेंगे कि लोकतांत्रिक प्रक्रिया को किसी तरह से अवरुद्ध किया जाए या उसको किसी तरह से आघात पहुंचाया जाए या किसी तरह से उसे ठेस पहुंचायी जाए। लेकिन जो परिस्थिति निर्माण होकर आई है, उसमें सरकार के पास कोई विकल्प नहीं है सिवाए गोवा में

राष्ट्रपति शासन लगाने के। इसीलिए उसके अनुमोदन के लिए सरकार प्रस्ताव लेकर आई है। मैं इस प्रस्ताव के पक्ष में हूँ लेकिन मैं यह साफ कर देना चाहता हूँ कि आगे किसी तरह के प्रस्ताव में हम लोग अनुमोदन नहीं करेंगे। इसीलिए गोवा में राष्ट्रपति शासन हल नहीं है। हम लोग राष्ट्रपति शासन के हक में नहीं हैं। इसीलिए हम यह कहना चाहते हैं कि न सैद्धान्तिक तरीके से और न नैतिक तरीके से हम गोवा में राष्ट्रपति शासन के पक्ष में हैं। इसीलिए हम चाहते हैं कि जितनी जल्दी हो सके, गोवा में लोकतांत्रिक, स्थिर व जनप्रिय सरकार कायम की जाए या जो भी जनादेश का तरीका है या जैसे भी सरकार को स्थिर करना है, अस्थिरता को समाप्त करके स्थिर सरकार बनाने पर जोर दिया जाना चाहिए। इस बीच में एंटी-डिफैक्शन लॉ में परिवर्तन लाना हो या खरीद-फरोख्त को रोकना हो या आयाराम-गयाराम संस्कृति पर रोक लगानी हो, जो भी करना हो, इसको कीजिए और जो गोवा में हमारी विरासत और संस्कृति है, जिसे बदलने की कोशिश की जा रही है, किसी भी तरह से वहां के क्रिश्चियन कम्युनिटी पर किसी भी तरह से कोई आघात नहीं होना चाहिए, यह भी सुनिश्चित होना चाहिए।

*Not Recorded.

SHRI KHARABELA SWAIN (BALASORE): Sir, I am very happy that the maturity of the democratic process in India is deepening. Is it not a very excellent thing in India that even if a Party which supposedly owned the majority in a State Assembly was dismissed by its own Government which is at the Centre? That is why I say that the democratic process is deepening. It happened only because of the developments and because of the pressure from the people of this country.

15.27 hrs. (Shri Arjun Sethi *in the Chair*)

When the Central Government came to know that everybody--the people of this country, the media, the intelligentsia--is against it, against the process, and when they came to know that even the names of their leaders are being tarnished because of this, they were compelled to dismiss their own Government. Hats off

to democracy. Hats off to the people of this country. That is why, I say that the democratic process is deepening.

What happened in Goa was a virtual political terrorism, totally hijacking the Government process, that is, the democratic process. Two of the hon. Members raised points like this that in Goa the BJP Government was formed by manipulation and the BJP rule was disgusting.

They say that it was a fascist regime but it could be said against anybody. .
(Interruptions)

MR. CHAIRMAN : Nothing will go on record except what Mr. Kharabela Swain says.

(Interruptions)* .

*Not Recorded.

SHRI KHARABELA SWAIN : That is why our hon. Leader of the Opposition Shri Advani has been demanding and our party has been demanding that the moment the proclamation is approved in both the Houses of Parliament, let us go to the people. He has talked about the people and about going to the people. Let us go to the people and see what they say. They are our masters. . (Interruptions)

MR. CHAIRMAN: Nothing will go on record.

(Interruptions)* .

SHRI KHARABELA SWAIN: Secondly, there are very cunning people in our country. When they change parties, they say that they have changed parties because of ideological reasons; when somebody else changes parties, they say that it is because of self-interest. They say that in Goa the BJP Government went against the culture. Why did they change the names given by the Portuguese people? I would give you an example to explain this.

The hon. Members from the Left parties are sitting here.

MR. CHAIRMAN: Please address the Chair.

SHRI KHARABELA SWAIN : Sir, I am looking in that direction but addressing you!

We have hon. Members here from the Left, who are from Kolkata. From my childhood, I was brought up in Kolkata. There was a place called Dalhousie Square. It is a very famous name. What is its name now? Its new name is Binay Badal Dinesh Bag. The new name of Hastings Street is Ram Mohun Roy Sarani. So, could we say that the Left Government in West Bengal is against the Christian culture? There was a colonial rule. When there was colonial rule, the British had named these places after their own people. So, should we not change those names when we come to power? When we do that, we are castigated and told that we are communal and against the culture. How can they say so? What the BJP has done

*Not Recorded.

in Goa has been done for the cause of this country and for the pride of this country. . (*Interruptions*) If they say that names have not been changed in Kolkata, it means they are in favour of the imperialists. . (*Interruptions*)

MR. CHAIRMAN: Mr. Swain, look at this side.

SHRI KHARABELA SWAIN : I am looking at you, Sir. . (*Interruptions*)

MR. CHAIRMAN: Nothing will go on record.

(*Interruptions*)* .

MR. CHAIRMAN: Mr. Churchill, you have already spoken. Please sit down.

SHRI KHARABELA SWAIN : Sir, he has spoken twice and I did not utter even a single word.

MR. CHAIRMAN: Please continue, Mr. Swain.

SHRI KHARABELA SWAIN : What happened in Goa was pre-planned. As our hon. Leader of the Opposition said some time ago, if you ask somebody to resign his Membership and offer to make him a Minister instead, there would be many people rushing to do that. After all, they are not losing any thing and they could

win the seat through a bye-election. That is exactly what has happened in Goa. .
(Interruptions)

SHRI ALEMAO CHURCHILL (MARMUGAO): Sir, not only Members but Ministers have also resigned. He is misleading the House. . (Interruptions)

MR. CHAIRMAN: Mr. Churchill, you have already spoken. Please sit down.
. (Interruptions)

MR. CHAIRMAN: Nothing will go on record except the speech of Mr. Swain.

SHRI KHARABELA SWAIN : The anti-defection law was subverted there deliberately. There was a time when in the North-East Members would *en bloc* change party affiliations.

Thirty people from this side were going to that side and all of them were becoming Ministers. Even in one of the States, out of the entire number of 40 MLAs, 38 were Ministers. . (Interruptions)

* Not Recorded.

MR. CHAIRMAN : Please sit down.
. (Interruptions)

SHRI KHARABELA SWAIN : Sir, they are not allowing me to speak. .
(Interruptions)

MR. CHAIRMAN: I am constrained to say that when the hon. Member from the other side will speak, he can repudiate the charges that he is making. So, please sit down.

. (Interruptions)

MR. CHAIRMAN: Shri Alemao Churchill, you have already spoken.

Nothing will go on record except what Shri Kharabela Swain says.

(Interruptions)* .

SHRI KHARABELA SWAIN : Kunwar Manvendra Singh, I am not going to sit down. You must have understood me by now. . (Interruptions)

I am not going to sit down. . (Interruptions)

Now, I was talking about the North-East. That is why, when the NDA Government was in power, they changed the law. They brought in the Anti-Defection Law.

Somebody may say that it was wrong. But we have fixed as to how many Members can become Ministers. It was 15 per cent. That was a great disincentive for the people to cross sides. This is not happening nowadays because they have to resign. But once they face the election and they are defeated by their own people, nobody will dare to do it - resign in future. This is going to happen.

Now, let us come to the role of the Governor. I am not just naming anybody. Now, as per the Governor . (*Interruptions*) I am not mentioning anybody. I am raising a constitutional point. There is a provision that at the pleasure of the Governor, the Chief Minister and the Council of Ministers will be appointed. Somebody could be appointed a Chief Minister or a Minister for six months without facing an election. So, what I mean to say is - does the pleasure of the Governor mean that he can appoint his*....*

* Not Recorded.

. Expunged as ordered by the Chair

as the Chief Minister also? This is a constitutional point. Can he do so? Is it the pleasure of the Government to appoint anybody? . (*Interruptions*)

MR. CHAIRMAN: Unless the person is elected how can he appoint that person?
. (*Interruptions*)

SHRI KHARABELA SWAIN : Sir, as you know, that somebody without being elected to any of the House can be appointed. . (*Interruptions*)

MR. CHAIRMAN: Please do not enter into controversy.
. (*Interruptions*)

SHRI KHARABELA SWAIN : If I do not enter into controversy, then what will I say? . (*Interruptions*)

MR. CHAIRMAN: Nothing will go on record except the speech of Shri Kharabela Swain.

(*Interruptions*)* .

SHRI KHARABELA SWAIN : Sir, you must protect me. I cannot be directed by them to speak. . (*Interruptions*)

MR. CHAIRMAN: That word will be expunged.

SHRI KHARABELA SWAIN : But can the Governor appoint anybody? . (*Interruptions*)

MR. CHAIRMAN: Shri Alemao Churchil, I am very sorry. You had your say. So, please do not disturb.

. (*Interruptions*)

SHRI KHARABELA SWAIN : Now, the question is being raised because the hon. Speaker of the Goa Assembly had committed some mistake in the House, that is why the Governor was constrained to dismiss Parrikar's Government. My question is: is the Governor a court of appeal against the functioning of the Speaker in the House.

Let me give you one example. Everybody knows that late Prime Minister, Shrimati Indira Gandhi, was assassinated by her own bodyguards. Many people had seen it with their own eyes. But did we hang those murderers on the next

* Not Recorded.

day? There is a due process of law. There are very prominent advocates and lawyers of this country sitting on that side. Should we not go by the due process of law? Should the Governor not summon the Speaker of the House? Should he not ask for the report from him before he takes any decision? But exactly that was not done. How is it that a Governor hardly gives less than 48 hours to the incumbent Chief Minister to prove the majority whereas he is giving 30 days to some other person?

That actually shows that 'because I am in power, might is right; because I am in power, I can do anything and everything. There is no convention, there is no due process of law because 'I am the Governor, I am in power and I can do anything.' That is exactly what is being told by the hon. Member from the other side.

You take the example of the Speaker. They say that actually he prevented a Member of the House from casting his vote. I do not appreciate his action. I say

it. I do not appreciate what the Speaker did at that time. Probably, had I been the Speaker, I would not have done the same thing. But my point is, even if the Member was not prevented from voting, even if he would have voted, still the number of the Congress and its allies would have been 18 and the number of the ruling Party, that means the BJP-led coalition would have also been 18 including the Speaker.

Hon. Minister Shri Kapil Sibal, a prominent lawyer from that side was saying that even if somebody becomes a Speaker and he sits on the Chair, he does not leave his Party affiliation because again he will have to seek the ticket from the same Party and he will have to contest the election and it becomes very difficult on his part to give a ruling against his own Party.

MR. CHAIRMAN : Shri Swain, please conclude.

SHRI KHARABELA SWAIN : Sir, you will have to give me some more time. A lot of time was consumed by others.

MR. CHAIRMAN : Other speakers are there from your Party.

SHRI KHARABELA SWAIN : There is only one Member from our side to speak, not many.

MR. CHAIRMAN : You have already taken 14 minutes.

SHRI KHARABELA SWAIN : Sir, the ruling party must have its way, but the Opposition must have its say. Besides speaking what else can we do?

MR. CHAIRMAN : I am giving you time. I had given you 14 minutes. You please conclude in another 3-4 minutes.

SHRI KHARABELA SWAIN : Sir, most of the time was consumed by bickering from the other side.

MR. CHAIRMAN : You conclude in another 3-4 minutes.

SHRI KHARABELA SWAIN (BALASORE): Yes, sir.

Because there was a technical difficulty with the Parrikar Government, because they were having one of their supporters sitting in the Speaker's chair, that is why you say that they are in minority. How can you say that? It is not so. They were not in a minority. There was a tie. The maximum you can say is that there was a

tie. But we will have to just find out what did the *Pro-tem* Speaker do? Does the *Pro-tem* Speaker have the power or have the capacity to disqualify somebody from the House? Could he take such a very serious decision?

The pleasure of the Governor should not be arbitrary. It cannot be arbitrary. In the landmark judgement in Bommai case, the Supreme Court has already given instructions as to how the floor test should be conducted. My point is that the election of the Chief Minister should be done in the House. This is my suggestion. It should not be done in the Raj Bhavan. The Governor should not arbitrarily decide who should be or who should not be the Chief Minister.

How do we elect the Speaker in this House? The same process should be adopted to elect the Prime Minister here and to elect the Chief Minister in the Assembly. I can give you one example. In 1995, the Supreme Court had given a judgement when Shri Kalyan Singh's Government in U.P. was removed and Shri Jagadambika Prasad Pal was appointed as the Chief Minister. What did the Supreme Court say at that time? They said - you take a composite voting. That means two names will be presented before the House and the Members of the House will decide who is going to be the Chief Minister.

Hon. Minister of Home Affairs is here. He is a prominent lawyer of this country. He should consider this thing as to whether we could have a system so that we could keep the Governor away from this.

When the Constitution-makers were deliberating in the Constituent Assembly, they did not want that there should be an elected Governor because they thought that if there was an elected Governor, he would usurp the power of the elected Chief Minister. That is why, they did not want that; they wanted that the Governor should be nominated; and they wanted that the Governor should not enter into this sort of politicking. So, my suggestion is that now the Chief Minister or the Prime Minister should be elected in the House and the *pro tem* Speaker for his election could be a neutral person. Even you can approach the Election Commission to have somebody who will not have the power to vote because once somebody becomes the Speaker and *pro tem* Speaker, he is unable to vote. Let him be allowed to vote also. Let there be a neutral person

who should conduct it. His only job will be to elect the Chief Minister or the Prime Minister of this country.

Sir, I will just come to another suggestion. With regard to floor test, some conventions have already been set and some instructions have been given by the Supreme Court about how the floor test should be conducted. In Great Britain, they do not have any Constitution; they have only conventions. They do not have any written Constitution. In the United States of America, they are having only seven clauses in their Constitution. Then, what is the Constitution in those countries? The Constitution is what the Supreme Court says it to be. There, the Supreme Court, from time to time, in its judicial review, has interpreted what is

Constitution. That is exactly what our Supreme Court is also doing. .
(Interruptions)

श्री राम कृपाल यादव (पटना) : सभापति महोदय, माननीय सदस्य को बोलने के लिए कितना समय दिया जाएगा? .(व्यवधान) हम लोगों को भी उतना समय दिया जाए। .(व्यवधान)

MR. CHAIRMAN : He is concluding.

SHRI RAM KRIPAL YADAV : Sir, he is not concluding.. (Interruptions)

MR. CHAIRMAN: Shri Swain, please look at the Chair.

(Interruptions)

MR. CHAIRMAN: This will not go on record.

(Interruptions)* .

MR. CHAIRMAN: Shri Swain, please look at the Chair.

. (Interruptions)

MR. CHAIRMAN: Nothing will go on record except the speech of Shri Swain.

(Interruptions)* .

MR. CHAIRMAN: Shri Swain, please look at the Chair.

. (Interruptions)

MR. CHAIRMAN: This will not go on record.

(Interruptions)* .

MR. CHAIRMAN: Please do not talk to him directly.

. (Interruptions)

MR. CHAIRMAN: Shri Swain, please look at the Chair.

. (Interruptions)

श्री खारबेल स्वाई : मैं आपसे अनुरोध करता हूँ कि आप डीसेंसी मेंटेन करिए। जब आप हाउस में बोलते हैं तो मैं आपके साथ ऐसा व्यवहार नहीं करता। आप करते रहिए। मैं विरोध नहीं करता। ऐसा बहुत लोग करते हैं। .(व्यवधान) मैं आपसे निवेदन करता हूँ कि आप हाउस में एक सीनियर मैम्बर के साथ ऐसा व्यवहार मत कीजिए।.(व्यवधान) मैंने कभी आपके साथ ऐसा व्यवहार नहीं किया। (व्यवधान) मैंने आपको ऐसा कभी नहीं कहा। .(व्यवधान) मैंने कभी ऐसा व्यवहार नहीं किया। मैंने ऐसी लैंग्वेज में कभी व्यवहार नहीं किया। .(व्यवधान)

* Not Recorded.

Sir, the last point I would like to say is that Raj Bhawan test should be abolished because most of the time, it is arbitrary and corrupt. Under normal circumstances, it is not part of the Governor's constitutional function to entertain petitions that the Chief Minister has lost majority. If somebody approaches him during the time Assembly is in Session, he should ask him to have a No Confidence Motion against the Chief Minister. When somebody comes to him during the time when the Assembly is not in Session, the Governor must ask the complainant to take No Confidence Motion when the House is in Session, noting that the Constitution allows a gap of six months' time between two Sessions.

The Assembly should not be recalled -- during the inter-session -- at the instance of a political contender. He should not be allowed to force the Governor to summon the Assembly Session, as and when he requires. If the complainant informally informs him that he has lost his majority, it is for the Chief Minister to

decide whether the expensive process of recalling the Assembly is necessary in such a situation.

Last but not least I would like to ask two questions. Why is it that the Governors start behaving in a very irrational manner when the Congress Party comes to power? They did the same thing with Shri Mulayam Singh's Government when he was in power. They had to give their floor-test twice.

MR. CHAIRMAN: Please conclude your speech.

SHRI KHARABELA SWAIN : Shri Namboodripad's Government was also dismissed without any reason. The same thing has happened to Shri Kalyan Singh's Government also. Why does it happen when only Congress comes to power?

Lastly, I will appeal that the Governor of Goa, and of Jharkhand should be recalled. Once this proclamation is passed in both the Houses, the Goa Assembly should be dissolved and fresh election should be held.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Mr. Chairman, Sir, the hon. Leader of the Opposition while initiating the debate had said that he did not wish to apportion blame. But all that we have heard from the other side is only blaming the others for the entire imbroglio.

I, certainly, do not want to refer to the proclivity, the tendency, the wont, or rather the expertise of Shri Parrikar in engineering defections in the past, but I am constrained to do so for the simple reason that a repeated reference has been made to the undesirable practice of defections. We also had to bring about the Anti-Defection Law to deal with defections in the form of the 10th Schedule to the Constitution.

I have always respected Shri L. K. Advani. Today also, like many other occasions, he referred to the fact that the Anti-Defection Law had been misused in the past. He said that through the 91st Amendment, if I am correct, a novel way

has been found out and by innuendo he was blaming us for the same, he said that a way has been found out to circumvent, and circumnavigate the Constitutional Amendment by bringing about resignation of Members.

Sir, Shri L. K. Advani is not present here at the moment. I only wish to point out to him that the first time -- if I am mistaken I may please be corrected -- this law was circumnavigated -- I am using the word circumnavigated -- through the device of resignations in Goa, and it was by none other than Shri Parrikar himself. If you are not clear about the dates, I can remind you about the same. It was in August 2004, when one Congress Member was made to resign and then was given the BJP ticket. What was the need for doing it?

This only brings me back to the point. I do not like to do it, but I would only like to refer to what somebody had said. Shri Advani was repeatedly asking पिछले नौ महीने से क्या हुआ ? जो लोग पहले भारतीय जनता पार्टी को चाहते नहीं थे, बुद्धिजीवी, मीडिया, वे सब भारतीय जनता पार्टी की बात कर रहे हैं । भारतीय जनता पार्टी को आसमान पर ले गए हैं । आपके सामने गोवा का रिजल्ट आया है । गोवा में तीन दिन पहले क्या हुआ? वहां की लोकल बॉडीज़ पंचायत के इलैक्शन में क्या हुआ? मैं इस चीज़ का जिक्र क्यों करता हूं । They are trying to paint themselves holier than the cow. ऐसा दिखाने की कोशिश कर रहे हैं जैसे दूसरी तरफ ही सब कुछ अच्छा है । ऐसा माहौल बनाकर दिखाने की कोशिश कर रहे हैं कि चार रेसिगनेशन्स इस तरफ से हो गए हैं, जो कांग्रेस ने करा दिए।

आप यह बात क्यों भूल जाते हैं? अभी श्री डी.पी.यादव और श्री मोहन सिंह जी ने इस बात का जिक्र किया था। गोवा में क्या हो रहा था। जब एक संस्था जिसको कोई जानते नहीं थे, उस संस्था के जिम्मे लगा दिया गया। जब संस्था के पास पैसा होता है, देने के लिये होता है उनको कह दिया : "You be on the rampage; destroy the streets, and blacken the signboards." और क्या हुआ, ये कहते हैं कि कम्युनल बात की गई थी। "The chemistry of communalism was

spreading the virus in that State. A mosque was vandalised." आप नामों की बात छोड़ दीजिये - Was not a mosque vandalised there? उन्होंने क्या किया?

श्री श्रीपाद येसो नाईक (पणजी) : सभापति जी, माननीय सदस्य जो कुछ बोल रहे हैं, गलत है।

MR. CHAIRMAN : Your name is in the list. When your name is called, you can speak then.

. (Interruptions)

MR. CHAIRMAN: Mr. Churchill, please sit down.

श्री पवन कुमार बंसल : मुझे यह कहते हुये अच्छा नहीं लगता कि सैफर्न रंग अच्छा नहीं । भगवा रंग सत्कार योग्य होता है। लेकिन इन लोगों ने भगवे रंग को कलंकित कर दिया। इन लोगों ने वी.सी.डी. निकाली कि आजादी की लड़ाई में इन लोगों ने क्या क्या किया You demonised Christianity. इन लोगों का एक ही मंत्र था जिसका इन्होंने पालन किया। क्या कारण था कि उनके एम.एल.एज. पार्टी में रिवोल्ट करके चले गये। श्री मनोहर पारिकर अपने काम में लगे हुये थे। श्री आडवाणी जी कह रहे थे कि हमारी सरकार को गिरा दिया गया। वे यह भूल गए कि वे खुद उस समय गृह मंत्री थे। जब श्री सुंदर सिंह भंडारी बिहार के गवर्नर थे जिन्हें गुजरात में भेजा गया था।

CHAIRMAN : Please do not take names.

श्री पवन कुमार बंसल : सभापति जी, अगर कोई बुरी बात नहीं है तो इतिहास में नाम गया है और नाम भरे हुये होते हैं और नाम लेते हैं। अगर वे इस हाउस में नहीं हैं, उनका नाम ले लिया, अगर कोई गलत बात कही हो तो कहा जाये कि नाम नहीं लेना चाहिये। मैं आपकी बात मान लेता हूँ। इतना ही कहूंगा कि एक सज्जन बिहार में राज्यपाल थे जिनकी रिपोर्ट आई कि बिहार में एक भी दलित नहीं मारा जाना चाहिये था क्योंकि वहां 5 दलित मार दिये गये थे। वहां प्रेजीडेंट रूल लगाने के लिये रिपोर्ट भेजी गई। जब वे गुजरात में गये, क्या वहां उन्होंने नहीं देखा कि क्या हो रहा है? हजारों लोग मार दिये गये, क्या उसकी रिपोर्ट आई, क्या उसका जिक्र किया गया कि

गुजरात में प्रेजीडेंट रूल लगा देना चाहिये? नहीं हुआ। हमें इस बात की खुशी नहीं होती कि मैं यह सब कहूं। अभी स्वाई साहब कह रहे थे - Recall the Governor. For what? He performed a duty. At that time, he rightly felt that democracy was being murdered in the State and, therefore, he acted.

इसलिये मुझे इस बात का जिक्र करना पड़ा। हमारे गृह मंत्री जी ने शानदार शब्दों में संक्षेप में इतिहास के बारे में कह दिया कि पिछले दिनों गोवा में क्या हुआ और प्रेजीडेंट रूल लगाने की नौबत क्यों आई? मुझे इस बात की खुशी नहीं होती कि कहीं प्रेजीडेंट रूल लगाया जाये। वहां के लोग अपनी अपनी सरकार चलायें। आज सरकार पर कोई प्रेशर नहीं था और न लोगों का दबाव था। सामने बैठे लोग इस खुशफहमी में न रहें कि लोग लांछन लगा रहे हैं। मैं उस दिन की बात को दोहराना नहीं चाहता। लेकिन कुछ आंकड़ों का जिक्र करना चाहूंगा। डिफेक्शन की बात हो रही थी। जब पारिकर साहब मुख्यमंत्री बने तो 10 कांग्रेसी सदस्यों का डिफैक्शन कराया, वे डिफैक्शन कराने में माहिर हैं लेकिन अब अपनी ही गेम में फंस गये हैं क्योंकि उनके लोग ही उन्हें छोड़कर चले गये हैं। उनके टूरिज्म मिनिस्टर ने मंत्रिमंडल की बैठक में उनसे कह दिया था कि जो वह रास्ता अख्तियार कर रहे हैं, वह गलत है। लेकिन स्थिति क्या बनी? यह बात स्पष्ट है कि मई 2002 में जब गोवा में चुनाव हुये थे, उस समय उनका बहुमत नहीं था। अगर आज ये कहते हैं कि उनके पास 17 सदस्य और कांग्रेस के पास 16 सदस्य थे लेकिन उनके पास बहुमत नहीं था और इन्होंने दूसरे लोगों को गुमराह करके आपने साथ लिया।

16.00 hrs.

मैं गुमराह क्यों कह रहा हूं। वे पार्टीज यूजीडीपी और एमजीडी थीं। Sir, a prominent, important, well-known journalist of the country then said, "Shri Parrikar cannibalized politics by poaching on the members of the parties who extended support to him." अपने साथ लोगों को लगाओ, फिर उन्हें खा जाओ। पहले पार्टीज को साथ लगाओ,

Not based on any faith and trust. जिस तरह से यू.पी.ए. है। पार्टीज को साथ लिया। एक-एक करके उनके मैम्बर्स को ही खाना शुरू कर दिया ताकि वह पार्टी को खत्म कर दें। यह खेल वहां खेला गया और उसी का रिजल्ट था, जो वहां हुआ। .(व्यवधान)

SHRI B. MAHTAB (CUTTACK): Congress never does that! What happened in Bihar?

श्री पवन कुमार बंसल : बिहार पर कल बात करेंगे। बिहार पर मैं कल पूरी बात करना चाहूंगा। उसके कारण स्थिति ऐसी पहुंची, जिसके कारण कांग्रेस ने गोवा में गवर्नर साहब से रिक्वेस्ट की कि उनकी सरकार माइनोरिटी में हो गई है, आप उनकी सरकार को बर्खास्त कर दीजिए। The Governor did not oblige us. उन्होंने हमारी बात नहीं मानी। आप जिस बात का आज हमारे ऊपर इल्जाम लगा रहे हैं कि केन्द्र से बैठकर उन्हें इशारे हो रहे थे, यहां से आदेश हो रहे थे। मैं कहना चाहता हूं कि उस दिन कांग्रेस की सरकार वहां बन सकती थी। लेकिन नहीं बनाई। उन्होंने कहा - Go for a floor test. तारीख तय हो गई। उन्होंने सब संवैधानिक तरीके से किया। लेकिन जिस दिन तारीख तय हुई, उस दिन क्या हुआ, आपके साथ जो किसी वक्त एक इंडिपेंडेंट एम.एल.ए. थे, जो आपको सपोर्ट कर रहे थे, जब आपने उसकी जलालत की, वह आपके साथ नहीं रहे, आपने महसूस किया कि आप हार जायेंगे, मैम्बरशिप से खत्म कर दिया। Who misused the office of the Speaker? I would like to ask this question. Who was instrumental? जब यह बार-बार कहते हैं कि उधर से होता था। I would like to know. I wish Mr. Advance was present here. Who was instrumental in misusing the position of the Speaker there? हाउस में उस दिन क्या हुआ, मेरे पास फोटो का एक-एक फ्रेम है। कैसे उन्होंने मार्शल को अंदर बुला लिया और केवल मार्शल ही नहीं, 20 पुलिस के आदमी भी बुला लिए, बिल्कुल साफ पता लगा रहा है, आप एक-एक फ्रेम देखिये और कैसे वहां से घूमकर आ रहे हैं। एक मि. फिलिप एन. रोड्रिगज हैं, कैसे उन्हें घेरे में डालकर दो लोग पकड़कर उन्हें बाहर निकालकर खींच रहे हैं। इस तरह से वोट जीती जा रही है। जब यह हालात हो गये तो उस हालात

में गवर्नर साहब के पास और कोई रास्ता नहीं था। उन्होंने दुखी होकर कहा कि आज यहां लोकतंत्र का कत्लेआम हुआ है और उस कारण से उन्होंने उस सरकार को बर्खास्त किया। क्योंकि स्पीकर ने जो 18 और 6 वोट का जो फैसला किया था, वह स्पीकर ने नहीं कहा। वह भी रिकार्ड पर है। परिकर साहब बोल रहे थे और स्पीकर साहब उनके बाद वही बात दोहरा रहे थे। जैसे स्टेज पर ड्रामे में कोई बोल रहा होता है और पीछे से प्रोम्प्ट कोई और कर रहा होता है, ऐसा काम उस वक्त हुआ। इस कारण अपनी संवैधानिक जिम्मेदारी को निभाते हुए उस दिन गवर्नर साहब ने यह एक्शन लिया। उसके बाद अपनी-अपनी राय हैं, हमारे अपने साथी कुछ और बात समझ रहे हैं। क्योंकि इस केन्द्रीय सरकार की बिन्हा आदर्श हैं, based on ideology and on principles of good governance. जब इस सरकार ने महसूस किया, बल्कि उस पर दो राय थी। अगर हम अपने लिये सोचते तो अपनी सरकार क्यों भंग कर देते। लेकिन इन्होंने उस वक्त कहा, उन्होंने देखा कि तकरीबन ऐसी ही बात हुई है। उसका एक जवाब, स्पटीकरण हमारे साथ चर्चिल जी ने दिया कि जिस हालत में वोटिंग सस्पेंड हुई थी। लेकिन यहां की यू.पी.ए. सरकार ने, गृह मंत्री ने, प्रधान मंत्री ने कांग्रेस की सरकार बनाये रखने की कोशिश नहीं की। उन्होंने एकदम से महसूस किया और केन्द्र ने साथ के साथ वहां प्रेसीडेन्ट रूल लगा दिया और आज आप कहते हैं कि हम उसका समर्थन करते हैं। लेकिन साथ ही एक कंडीशन आप लगा देते हैं कि हम समर्थन इस कारण करेंगे, इसलिए करेंगे, उस वक्त तक करेंगे, जब तक आप फैसला नहीं करते हैं कि उसके बाद भंग कर देंगे। मैंने नहीं सुना जम्हूरियत में अपोजीशन और रूलिंग पार्टी दोनों तरफ के लोग होते हैं और अपने-अपने विचार देते हैं। हार जाने के बाद जब आप समझ नहीं रहे थे कि हारेंगे। आज उस बात पर रिकंसाइल नहीं कर सके। आज भी चाहते हैं कि सरकार के फैसले ये ऐलान करें। यह लोकतंत्र में कहां होता है कि अपोजीशन यह कहे कि हम फैसला कर देंगे, सरकार को बता देंगे और सरकार उस फैसले को लागू कर देगी। सरकार को सब बात पर

जिम्मेदारी से काम करना है। सरकार ने देखना है कि क्या बात है, कैसा माहौल है। उसके लिए जैसा समय होगा, वैसा करेगी। मुझे पूरा विश्वास है उस वक्त सरकार उसको देखते हुए जो निर्णय लेगी, वह निर्णय लोगों के हित में होगा, लोगों की भावनाओं को देखते हुए होगा और गोवा के हित में होगा।

मैं इस बारे में बहुत ज्यादा नहीं कहना चाहता। गोवा ऐसा प्रांत है, जिसके लिए बहुत बड़ी लड़ाई लड़ी गई। मैं उस बात पर बार-बार नहीं जाना चाहता। स्वाई जी और जगह के उदाहरण दे रहे थे। मैं उनसे पूछना चाहता हूँ कि कोई एक नाम अपनी तरफ से बता सकते हैं जो गोवा के स्ट्रगल में थे, जो छोटे-छोटे पिंजरों में बंद हुए थे? गोवा में ऐसी लड़ाई हुई थी कि बहुत से कैदियों को बहुत बड़े सैल्स में नहीं छोटे-छोटे तीन गुना चार फुट के पिंजरों में रखा गया था। वे लड़ाई लड़ने वाले जो संघानकारी थे, क्या उनमें से कोई एक नाम आप लेंगे?

प्रो. विजय कुमार मल्होत्रा (दक्षिण दिल्ली) : कैलाशनाथ जोशी को गोली लगी थी जो हमारे सैक्रेटरी थे। वसंतराव को गोली लगी थी। They were all about a hundred Jana Sangh members who were injured in that incident. उनको इसमें गोली लगी थी। जगन्नाथ राव जोशी थे।

श्री पवन कुमार बंसल : मैं जिस बात को कह रहा था, जिस हालात में वे पिंजरों में रहे, जिस हाल में रहे, क्या कोई नाम ले सकते हैं? खैर, उस बात में मैं नहीं जाना चाहता। मुझे खेद हुआ जब स्वाई जी ने कहा कि "There was political terrorism in Goa. There was hijacking of the political process." Who did it? हर कानून को आप तोड़-मरोड़कर जो अपने हिसाब से लगाना चाहते हैं, वह न कीजिए। हर बार जब देश में कहीं भी कुछ होता है तो भविय के लिए कुछ न कुछ सीख देनी चाहिए कि किस ढंग से काम होना चाहिए। अगर आप कानून में संशोधन लाना चाहते हैं तो हम सब आपके साथ हैं, मिलकर लाएंगे, अच्छे कानून बनाएंगे और जब यूपीए की

सरकार ने इस मांग को देखते हुए जरूरत समझी और वहां राष्ट्रपति शासन लगाया तो इसका समर्थन करना चाहिए इस विश्वास के साथ कि सरकार आगे जो कदम उठाएगी, वह लोगों के हित में होगा, इस बात का मुझे पूरा विश्वास है।

इन्हीं शब्दों के साथ मैं आपको बहुत-बहुत धन्यवाद करता हूँ कि आपने मुझे बोलने का मौका दिया।

SHRI SURAVARAM SUDHAKAR REDDY (NALGONDA): Hon. Chairman, Sir, I feel, today this discussion is not only on the subject of Proclamation of President's Rule in Goa, it is becoming a discussion on parliamentary democracy and its way of getting implemented in different places in our country. Now, we are discussing about the standards, morals and values of parliamentary democracy. I think, it will be good and useful also. What happened in Goa is a sad commentary on the parliamentary democracy. I was listening very carefully to the statement of our hon. Home Minister, Shri Shivraj Patilji and also very carefully listened to our Opposition Leader's speech. Unfortunately, the Proclamation is to be supported by everybody. We have no other go. Even Opposition is also supporting it. I think, in this House, nobody who will oppose the President's Proclamation. But what happened in Goa is very unfortunate. I do not want to go into the details because everybody knows it and everybody has got his own way of interpreting the developments that have taken place in Goa.

We have an anti-defection law. Earlier, we did not have this type of law. Even the Congress Party had two-thirds majority in Parliament. They felt that it was necessary to bring an anti-defection law but at that time one-third of the Members had to go out if they had to get out of the Party. Later, an amendment was moved. Now, if anyone wants to defect, he will lose his membership or he has to bypass the membership of his Party. This type of provision is in vogue in the Constitution. In Goa, some of the legislators have taken the course of resigning from the Assembly. As such, nobody can say that it was wrong to resign.

We all knew what happened inside the House, what happened inside the Raj Bhavan. This type of horse-trading to snatch the power from one party to another is the most unfortunate thing. This is not the first time. The crisis in Goa is not sudden. Several times, when there was a change in the power at the Central level, there were always tremors in North-Eastern States. We have seen that defections will take place suddenly and the Governments will get changed.

I remember, there was a State in the North-East, Manipur, where there were only two Members in one political party which was the constituent of the National Democratic Alliance. A massive defection took place and the Government was installed in Manipur. In the next elections, there was no trace of that political party. What is the use of this type of defections? Now, everybody is talking that the parliamentary democracy should be restored. But, I blame both the Congress and the Bhartiya Janata Party for all this. These two parties are mainly responsible for whatever happened in this country in the recent past. My friend Shri Swain has very effectively put his point. I congratulate him for that.. *(Interruptions)* Please bear with me. I do understand that you do not like the criticism. But, you have to bear with me.

Regarding the role of independents and all that, recently there were elections in Jharkhand State. Both the Congress and the BJP fought with their allies on all the seats. They tried to defeat each other. Suddenly, five independent Members who fought against the BJP became good friends and they took oath as Ministers. Yesterday, the BJP tried to defeat these five independents and today they are all Ministers. What is this type of double standard? What is the way of asking us that the standards of democracy are to be defended? This way, democracy cannot be defended.

The major political parties should accept the established norms in this country. Unfortunately, the most important institutions like that of the Speaker and the Governor are being misused. It is not for the first time that we are discussing it here. We have discussed such issues several times. The first time it started in 1959 in Kerala when the EMS Namboodripad Government was dismissed utilising the Governorship. I think, there was only one instance when a

Governor was recalled or asked to resign. In Andhra Pradesh, when the NTR Government was dismissed unconstitutionally and undemocratically, the Governor was asked to resign and go out. That was good and that helped restoration of democracy in the State. It has given a good signal to the democratic activities throughout the country. Now, what happened in Goa is that serious injuries were inflicted on democracy. This type of thing should not be allowed. I think, the Congress Party should have been more careful. They were in a hurry to snatch the power.. (*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing will go on record.

(*Interruptions*)* .

SHRI SURAVARAM SUDHAKAR REDDY : In the last elections, the BJP had no majority. Since they were in the Union Government, they could manoeuvre it successfully. Some independents were brought in and they formed the Government. Some of them resigned. Had the Congress Party been more careful, it would have been more useful for them.

But they tried to snatch power at the earliest. . (*Interruptions*) They have to take the lessons from the history. These types of things should not be repeated.

What happened in Goa did not enhance the image of the Congress party. It has really created more problems for them, though at the end, the parliamentary democracy is being defended, at least, with Proclamation now.

Sir, I would like to say that in Telugu, there is a proverb that 'all are vegetarians but the basket of the fish disappeared'.. (*Interruptions*) Here, everybody is saying that democracy should be defended, but what role each party has played in defending the democracy?

I believe, Sir, politics is the most holy profession in our country or in the whole of the world. But unfortunately, people are losing confidence in the democratic institutions, particularly in political parties. We should all think and review our activities. More moral standards and values should be restored. The parliamentary democracy should have its own respect. Governors, Speakers should all play their due role. Unfortunately, in the last few weeks what was happening in the Parliament, we have all seen. We are seeing in the newspapers

* Not Recorded.

that one political party is trying to give mandate to the Speakers in the States being ruled by their party not to attend the meeting called by the hon. Speaker, Lok Sabha. Once a Speaker goes out into that position, he is no more supposed to be under the mandate of any political party. You can advise your Speaker with your political ideas to go and argue and oppose any particular move, but trying to control, trying to use the mandates or political affiliations and other things, will damage everybody.. (*Interruptions*) Everybody knows, it is the Bhartiya Janata Party, which is said to have given the mandate to its Speakers in the States not to attend the meeting called by the hon. Speaker, Lok Sabha.

MR. CHAIRMAN : Please conclude now.

. (*Interruptions*)

SHRI SURAVARAM SUDHAKAR REDDY : Please do not irritate me. I would try to be careful. (*Interruptions*) I never interrupted you. (*Interruptions*)

Sir, I feel, now the Proclamation of the President's Rule in Goa is inevitable. But keeping the Goa Assembly under suspended animation is of no use. The Legislature of Goa has lost its credibility. It does not anymore represent the will of the people of Goa, and it should go. Let them go to the people and let the fresh elections be organised there.

But at the same time, I would like to appeal that taking the lessons from Goa, taking the lessons from Jharkhand, we should be very careful, what is to take place in the House. The role of the Speaker is being snatched by the Governors at some places, and the role of the Governors is being snatched by the courts. The intervention like this will not only tarnish the image of the parliamentary democracy, it will also create very serious conflict between the Legislature, the Executive and the Judiciary. These types of things should not happen.

While supporting the Proclamation of the President's Rule in Goa, I would like to appeal to the Union Government to think of dissolving the Goa Assembly and go in for fresh elections there.

श्री ब्रज किशोर त्रिपाठी (पुरी) : सभापति महोदय, गृह मंत्री जी गोवा में राष्ट्रपति शासन संबंधी प्रोक्लेमेशन के लिए जो प्रस्ताव लाये हैं, गृह मंत्री जी के पास इसके अलावा और कोई चारा नहीं था। देश में कांग्रेस दल को बचाने के लिए, गोवा के राज्यपाल महोदय ने जैसे कार्य शुरू किये थे, उससे सारे देश में जनमत कांग्रेस के विरोध में जा रहा था, उसे बचाने के लिए, आदरणीय गृह मंत्री जी ने राष्ट्रपति शासन लागू करने के लिए केन्द्र सरकार को सिफारिश की। ऐसे रेयर केस हैं, जब राज्यपाल की बिना सिफारिश के भी राष्ट्रपति शासन लागू हुआ हो।

गोवा में ऐसे ही हुआ। राज्यपाल ने एक कांस्टीट्यूशनल सरकार को तोड़ने की कोशिश की। 1967 से कांग्रेस की यह मंशा रही है और तब से देश में ऐसा ही चल रहा है। कांग्रेस के हाथ से जब सत्ता निकल जाती है, तो उसने राष्ट्रपति शासन लागू करके हर समय विरोधी सरकार को तोड़ने की कोशिश की है।

महोदय, राजस्थान में 1967 में ऐसा ही हुआ था। वहां उस समय जो यूनाइटेड फ्रंट की सरकार सत्ता में थी, उसे तोड़ने की कोशिश की गई। उस समय जिस दल का सदन में बहुमत था, उसकी सरकार नहीं बनने दी गई। 1967 में वेस्ट बंगाल में, जब श्री अजय मुखर्जी की सरकार थी, तब भी इसी तरह वहां राष्ट्रपति शासन लागू हुआ था। जहां से कांग्रेस का शासन चला गया, वहां उन्होंने राष्ट्रपति शासन लागू करने की कोशिश की है। 1984 में एनटीआर सरकार के मामले में ऐसा ही हुआ जो सदन में डिसकशन हुआ था। 1984 में कांग्रेस सरकार ने, आंध्र प्रदेश की एनटीआर गवर्नमेंट को अनकांस्टीट्यूशनल तरीके से बर्खास्त करके वहां कांग्रेस सरकार को बैठा दिया था। 1995 में, यूपी में भी ऐसा ही हुआ। वहां कल्याण सिंह की सरकार न बनने देने के लिए पूरी कोशिश हुई और मुलायम सिंह सरकार को भी नहीं बनाने देने के लिए कोशिश हुई। मुलायम

सिंह सरकार को भी इसी तरह बर्खास्त किया गया। जहां कांग्रेस की सरकार नहीं बनती है, वहां कांग्रेस ऐसा ही करती है।

महोदय, झारखंड में जिस तरह का नाटक हुआ, वैसा भारत के इतिहास में पहले कभी नहीं हुआ। एनडीए की मेजोरिटी देख कर भी, वहां के राज्यपाल ने शिबू सोरेन की सरकार बना दी। अब झारखंड में एनडीए की सरकार बनी है। सरकारिया कमीशन की रिपोर्टें हैं, 1993 में बोम्मई केस में सुप्रीम कोर्ट का जो डिसेजन है, उसे भी केन्द्र सरकार मानना नहीं चाहती है। राज्यपाल महोदय को विश्वास मत का फैसला राजभवन में न करके असेम्बली में कराना चाहिए, लेकिन वे ऐसा नहीं करते बल्कि राजभवन में ही फैसला करना चाहते हैं। वे अपनी डिस्ट्रिक्शनरी पावर के तहत, जिसे चाहें सरकार बनाने के लिए अनुमति दे सकते हैं। उन्होंने गोवा में भी वैसा ही करने की कोशिश की।

अब सुप्रीम कोर्ट के फैसले को लेकर तरह तरह की बात की जा रही है। हम देश में ज्यूडिशियरी एक्टिविज़म की बात करते हैं। झारखंड के मामले में सुप्रीम कोर्ट ने इंटरवीन किया। हम कहते हैं कि यह लेजिस्लेचर के मामलों में ज्यूडिशियरी का हस्तक्षेप हुआ है। गवर्नर जो केन्द्र सरकार द्वारा एपाइंट होता है, उसमें गोवा के स्पीकर के आदेश को खंडित करने की क्षमता कहां से आ गई। एग्जीक्यूटिव जब स्पीकर की रूलिंग में हस्तक्षेप करती है, तो सुप्रीम कोर्ट को उसमें इंटरवीन करना पड़ता है। सुप्रीम कोर्ट ने जो डेट आगे-पीछे करने की बात कही, उसमें हम डिस्कशन करके इंटरफियर नहीं कर सकते। इसलिए सुप्रीम कोर्ट का अभी का जो डिसेजन है, उसके मुताबिक गवर्नर द्वारा सरकार को चेंज नहीं करना था।

It can go only for judicial scrutiny. No intervention is required in the Speaker's decision. Nobody can term his decision as *mala fide*. Court can only intervene and properly scrutinise whether the decision of the Speaker is correct or wrong.

गोवा में क्या हुआ? स्पीकर साहब ने डिसीजन दिया कि वह मेजॉरिटी की सरकार है। गवर्नर ने पांच मिनट में उस सरकार को बरखास्त कर दिया। इसलिए सरकारिया कमीशन की रिक्मेंडेशन्स पर चिन्ता करने की जरूरत है। गवर्नर की पोस्ट की जरूरत है या नहीं, इस बारे में विचार करने की जरूरत है। The Chief Justice of The High Court can play the role of a Governor. At the time of Emergency, he can do the same thing. गवर्नर संविधान के मुताबिक काम नहीं कर रहे हैं। वे जनतंत्र के खिलाफ कार्य कर रहे हैं, इसलिए जनतंत्र खतरे में पड़ गया है। मैं गृह मंत्री जी को धन्यवाद देना चाहूंगा, जिनकी वजह से गोवा में ठीक कार्य हुआ। उन्होंने झारखंड विधान सभा के लिए भी कोशिश की। उन्हें लगा कि राज्यपाल को ऐसा कार्य नहीं करना चाहिए। वहां जो कुछ हुआ, उसके लिए कौन जिम्मेदार है? यू.पी.ए. गवर्नमेंट को जरूर जिम्मेदारी लेनी चाहिए। यह कैसे हो सकता है कि गोवा और झारखंड में जो कुछ हुआ, उसके लिए यूनियन गवर्नमेंट रिस्पॉन्सिबल नहीं है? गोवा विधान सभा में जो कुछ हुआ, वह प्रधान मंत्री या गृह मंत्री की कंसलटेशन से नहीं हुआ। मैं जानना चाहता हूं कि फिर यह किसकी कंसलटेशन से हुआ।

मैं कहना चाहता हूं कि राज्यपालों को संविधान के अनुसार कार्य करना चाहिए। गणतंत्र की पद्धति की रक्षा करना उनका काम है। गृह मंत्री जी ने गोवा में राष्ट्रपति शासन लगाकर अच्छा कार्य किया। वहां मार्च में प्रोक्लामेशन शुरू हुआ। वहां की असेम्बली को डिज़ॉल्व करके तुरन्त इलैक्शन कराए जाने चाहिए। हमने एंटी-डिफैक्शन लॉ पास किया है। विधायकों को कोई मौका नहीं देना चाहिए और वहां जल्दी चुनाव कराए जाने चाहिए। चुनाव में जो भी लोकमत निकलेगा, सब उसका आदर करेंगे। गृह मंत्री जी यह जरूर बताएं कि वहां चुनाव कब कराएंगे। वह सदन को आश्वस्त करें कि गोवा में जल्दी ही चुनाव करवाएंगे।

SHRI ANANTH KUMAR (BANGALORE SOUTH): Sir, I rise to support the Resolution regarding Proclamation for imposing President's Rule in Goa with the

hope that the Government will also dissolve the Assembly and pave way for fresh elections. बारह साल में ग्यारह मुख्य मंत्री और तीन दिन में तीन मुख्य मंत्री, यह गोवा का किस्सा है।

In 1994, first Mr. Wilfred D'Souza became the Chief Minister of Goa. The next day, Mr. Ravi Nayak became the Chief Minister and on the third day, again Mr. D'Souza became the Chief Minister. All this was happening even when the Congress was having majority. At that time, they called back the then Governor.

Sir, the hon. Home Minister made a statement regarding the recent political happenings in Goa. I would like to tell him that he needed to state some more facts before this House. I want to raise those facts here.

Goa is a story of political conspiracy to destabilise the Government. Before the UPA Government came to power at the Centre, the Government in Goa, under the leadership of Shri Manohar Parrikar, was stable and was providing very good governance. As soon as the UPA Government took over, they changed the Governors of the States, especially, the hon. Governor of Goa was changed, rather I would say removed on the ground that he belonged to a different ideology.

SHRI ALEMAO CHURCHILL : Would you please explain the ideology?

SHRI ANANTH KUMAR : I would definitely explain that.

Sir, when the hon. Home Minister would reply to the debate on this proclamation of President's Rule in the State, I would like to request him to kindly explain as to what provisions of the Constitution of India empower the Union Government to make ideology a criterion for choosing and nominating Governors of States.

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Sir, why is he raising this issue now? I have explained this when we discussed about the removal of Governors and the role of the Government on the floor of the House. I did say that this is not the criterion on which Governors are removed.

SHRI ANANTH KUMAR : Sir, both, in this House and outside the Government has said, the leaders of the UPA have said that because they belonged to a different ideology, the Governors have been removed. (*Interruptions*)

SHRI SHIVRAJ V. PATIL: I have not said that. I am not responsible for this kind of a statement which is brought to your notice because I have not said it.

SHRI ANANTH KUMAR : The leaders of the UPA have said it. (*Interruptions*) If you want to read it, you can read it. (*Interruptions*)

MR. CHAIRMAN : The hon. Home Minister was on his legs and he has rightly pointed out the facts and Shri Churchill, you should not now come in between this.

. (*Interruptions*)

SHRI ANANTH KUMAR : Sir, I would also like to request you that you have given ample opportunity to Shri Churchill to have his say and so while other Members are speaking, he should exercise restraint. (*Interruptions*)

SHRI ALEMAO CHURCHILL : When I was talking, you also disturbed me. (*Interruptions*)

SHRI ANANTH KUMAR : We never disturbed you. (*Interruptions*)

MR. CHAIRMAN: Nothing, except the speech of Shri Ananth Kumar, will go on record.

. (*Interruptions*)

SHRI ANANTH KUMAR : Sir, the hon. Governor of Goa was changed saying that he belonged to RSS ideology and because he was inspired by RSS ideology.

Sir, I would like to place on record that the former Prime Minister of India, the former Deputy-Prime Minister of India - all belonged to the RSS ideology * .

MD. SALIM (CALCUTTA - NORTH EAST): Sir, he cannot claim that ... He is holding a Constitutional position. (*Interruptions*)

SHRI ANANTH KUMAR : Sir, why is Shri Salim coming to his defence?. (*Interruptions*)

MR. CHAIRMAN: Shri Ananth Kumar, you are a very senior Member. You know the rules of the House. You should not refer to persons who are holding Constitutional positions in the country. Please do not refer to them.

. (*Interruptions*)

SHRI ANANTH KUMAR : Sir, getting inspired by the ideology of RSS of selfless service and patriotism is not a taboo for holding a position. I think the entire conspiracy started from there. (*Interruptions*)

श्री मोहन सिंह (देवरिया) : ऐसा .. मत कहिये। बाकी सब ठीक है। .(व्यवधान)

श्री अनंत कुमार : . *

MR. CHAIRMAN: I am sorry Shri Ananath Kumar, this will not go on record. References to persons holding high offices in the country will not go on record.

. (*Interruptions*)

MR. CHAIRMAN: I am sorry. He is a very senior Member of this House and he knows everything. I need not tell him these things. Please have restraint.

. (*Interruptions*)

* Not Recorded.

SHRI ANANTH KUMAR : Therefore, in the entire conspiracy, changing the Governor was Stage-I. And Stage-II was using resignation as a new device of defection. My dear colleague, Mr. Pawan Kumar Bansal said that Mr. Manohar Parrikar started the resignation issue. I want to place the facts straight. Mr. Egidero Fernandes resigned in 2004. He had resigned on his own volition. Later, he contested on BJP ticket and won the Assembly seat. He never became a Minister soon after he resigned. . (*Interruptions*)

SHRI ALEMAO CHURCHILL : He had shown him the way.. (*Interruptions*)

SHRI ANANTH KUMAR : Then we were enjoying the majority also. . (*Interruptions*)

SHRI PAWAN KUMAR BANSAL : When you talk of public perception or what the public says, media covered exactly that way. I do not want to use those words. It was said that Goa has earned a dubious distinction under Mr. Parrikar of circumnavigating the 91st Amendment.

SHRI ANANTH KUMAR : There was no circumnavigation because after resigning, Mr. Egidero Fernandes was not made the Minister. He contested election on BJP ticket... (*Interruptions*) The MLAs who resigned and became Ministers should also have contested... (*Interruptions*) Sir, through you, I appeal to the hon. Home Minister that the NDA Government, under the leadership of Shri Atal Bihari Vajpayee brought this amendment to the Constitution to prevent horse-trading and *aya Rams and gaya Rams*. In the anti-defection law, there are some loopholes. Therefore, I request the Government to plug those loopholes. If anybody resigns, then he should not be accepting the post within six months or within a year. Some such precautionary clause or safeguard has to be instituted.

Stage-III of the conspiracy which the hon. Home Minister did not mention was the way the vote of confidence was done.

MR. CHAIRMAN: How long will you take to conclude?

SHRI ANANTH KUMAR : I need ten more minutes as I have just started.

MR. CHAIRMAN: I am sorry. You have already taken ten minutes and there is no time for your Party.

SHRI ANANTH KUMAR : There were interruptions also.

MR. CHAIRMAN: Please conclude in two or three minutes.

SHRI ANANTH KUMAR : The Governor exhibited double standard in conducting the Vote of Confidence. He gave 48 hours to Mr. Manohar Parrikar. Whereas, he gave one month to Mr. Pratap Singh Rane. I do not understand this point. Though Speaker's role cannot be debated constitutionally, outside the purview of this House, it can be debated. But the point is, the Governor of Goa dismissed Parrikar's Government without even waiting for the Speaker's report. How far is Vidhan Sabha from Raj Bhavan? It is only five kilometres away. Mr. Churchill knows that it is only five kilometres away. . (*Interruptions*) What had happened at 5 o'clock in Vidhan Sabha? At 5.24 p.m., the Assembly was adjourned and at 5.30 p.m., that means, in six minutes, the Government was dismissed. Therefore,

through you Sir, I want to ask the Home Minister as to whether the Speaker had sent a report to the Governor or not and why the Government had acted in such a post haste manner to dismiss Parrikar's Government.

He could have waited for the report to come and then he could have dismissed the Government. He could have dismissed the Government after two hours or so, heavens would not have fallen.

After the dismissal of the Government, at 11.30 a.m. we come to stage five of the conspiracy, that is the swearing-in ceremony. The swearing-in ceremony was held at 11.30 a.m. After the swearing-in ceremony, again a question of constitutional propriety comes into play. We have the recommendations of the

Sarkaria Commission and we have the landmark judgement in the S.R. Bommai case. Why was not a date fixed for the Vote of Confidence as soon as Mr. Pratapsingh Rane was invited to take oath? The Governor should have indicated that within a timeframe, say within two weeks or a fortnight or three weeks -- as he had fixed a time limit of 48 hours for Mr. Manohar Parrikar -- Mr. Rane should prove his majority in the Assembly. But no such time frame was fixed.

When the hon. Governor came out to address the Press conference, the media asked him about this, but he was evasive. For three days there were rumours that Governor did not fix a clear date for the Vote of Confidence. Afterwards, he gave one month's time to Mr. Pratap Singh Rane, whereas he gave only 48 hours to Mr. Manohar Parrikar.

Then, I come to the question of suspended MLA, Mr. Filipe Nery. I would like to know whether he approached the court of law. Why has he not approached the court of law till now? If his suspension is illegal, he should have gone to the court. Till Mr. Digambar Kamat was made to resign, the Governor did not convene the Assembly. Why was there a delay in convening the Assembly? After this, through the pro tem Speaker, an hon. MLA was prevented from voting and he was disqualified.

After all this happened, the hon. Prime Minister and the hon. Home Minister entered the scene. I want to bring to your kind notice that as the

Governor did not wait for the report from the Speaker, the hon. Home Minister did not wait to get the report from the Governor. Without getting the report from the Governor, he dismissed the Government. The Governor did not wait for the report of the Speaker and the hon. Home Minister and the Government of India did not wait for the report of the Governor. What is happening? But we congratulate and welcome the decision to dismiss that Government.

Our only request is that the suspended animation of the Assembly should not continue because there is no chance or hope now for any party. The suspended animation of the Assembly should come to an end now. They should dissolve the House.

I hope while giving the reply, the hon. Home Minister will assure this august House that he will dissolve the Goa Assembly and go to the people to get a fresh mandate. Justice should be done.

I once again request, through you, the hon. Home Minister that he should reply to whatever points that I have raised here, from changing the Governor to not taking the report of the Speaker before the dismissal of the Manohar Parrikar Government. They should form part of his reply. At least now he should amend his statement and add them to his reply. He should dissolve the Assembly and allow the people's mandate to reign there.

SHRI L. RAJAGOPAL (VIJAYAWADA): Sir, I thank you very much for giving me this opportunity to speak on this subject.

In fact, yesterday I had the opportunity of making my maiden speech. Unfortunately, the hon. Deputy-Speaker was not aware that it was my maiden speech and he gave only three minutes to me to speak. The moment he pressed the buzzer, as a disciplined, obedient school boy, I just sat down. That is why, today, my party chose me and requested me to speak on this very important topic.

Now, I will speak about the different dimensions of it. Of course, most of the topics have been covered, most of the issues have been covered. We have always to remember that the mind is a parachute which works only when it is kept open. When I say it is kept open, we need to have a broad-minded approach so that we will understand what is right and what is wrong, what is *dharma* and what is *adharma*. The reason why I am saying is that today, a lot of people think that development means when we widen the roads and streets. But the most important thing in development is that we need to widen our minds and we should have a broad-minded approach. We should have a very good *Imann*, very good mind and a very good heart.

This is the modern age. We are talking about the gender-sensitive Budgets. We are talking about how to empower women, how to make women independent like Indira ji was, like Sonia ji is. In 1989, the late Shri Rajiv Gandhi was the first one who brought about the DWACRA or the Self-Help Groups because he wanted every woman in India to be an iron woman like Indira ji. But what are we witnessing? We are trying to glorify the burning of women in the name of *Sati*. When did it happen? It happened in the stone-age. We have moved from the stone age to this modern age but still there are certain parties which are trying to glorify *Sati* and trying to build temples. They are not thinking about Bharat Nirman. Is this what we are here for in this House? I feel ashamed that we are here to do that work today.

I will come to the main issue about why Goa is under President's Rule, why President's Rule in Goa was promulgated. What is the reason? The people of Goa, especially the MLAs, especially the four or five Ministers who had resigned, understood what the people are thinking, what is the mind of the people, what they have wanted. That is the reason why they decided about it.. (*Interruptions*) They consciously told them that we cannot continue with this Government which is a narrow-minded Government, which is being headed by a narrow-minded party and hence we need to resign. Their conscious told them and they resigned. They are Ministers and they are not MLAs. They have not resigned for money or

power but they have resigned just because they did not believe in the ideology of the then Government in Goa.

When it comes to Goa, I remember my childhood days. The first time that I visited Goa in 1974 was when I was ten years old. I looked at Goa in a different way in 1974. The next time I visited Goa in 1984 as a teenager. At that time, I saw Goa in a different perspective, in a different angle. The third time that I went to Goa was in the year 2002, when, I think, the Manohar Parikkar Government had just been sworn. During October-November, I visited Goa with my kids. I saw Goa in a different perspective. Today, I have the opportunity of talking about Goa, about the Proclamation of President's Rule in Goa. I am happy to talk about Goa because I love Goa. It is a magnificent place, it has magnificent beaches and wonderful places. Goa is a gateway to our tourism. In fact, I am quite appalled and unhappy that such a State ultimately came to be ruled by a fascist and narrow-minded Government. It is not because of people's mandate, not because of majority that they came to power. Like our friend Shri Churchill has said, they came to power by using money and muscle power that they had then.

I would also like to quote one thing the respected Opposition leader has said about. He was quoting about a cartoon which appeared in the *Times of India*. Two days back, I also saw a cartoon. Then, I remembered what was told in Gujarat, what was told in Delhi and what was told in Washington by the then Prime Minister. The point is that there was no consistency in that. I would like to recollect what the cartoon of the *Times of India* had brought out two days back. There is a person who is reading a newspaper and the cartoon says that this person is a very precise and a proper person.

He is checking his speech that he made in a different meeting yesterday because he does not want to contradict what he said then. So, there is consistency. He is checking his speech to understand whether he is consistent and he wants to know what he spoke yesterday. This is not the behaviour or the culture of the Congress Party or the UPA Government. Today, if we look at what happened in Goa and what the Governor of Goa did, we can see that he has

been consistent in January as well as on 3rd February when he asked the Chief Minister to prove his majority in the House.

16.51 hrs. (Shri Varkala Radhakrishnan *in the Chair*)

At that time, one of the MLAs was disqualified. Immediately, the Governor dismissed that Government and gave an opportunity to some person who happened to be from the Congress Party. What happened when the Congress Chief Minister faced the trial of strength? The Speaker disqualified one of the MLAs at that time also. So, the Governor has been consistent with his actions. He felt that you cannot disqualify Members and try to prove majority in the House. What I am trying to say is, this Government and the Governor have been consistent in their approach. So, we cannot blame them. The reason for the resignation of Ministers then has been demonstrated recently, because in the local body elections held there, out of 50 seats, the Congress Party has won 45 of them. So, you can understand as to what is the mandate of the people.

Sir, I would like to recollect certain other instances when democracy has been hijacked, has been taken as a hostage and has been murdered. Apart from what has happened in Jharkhand recently, there was an instance in Andhra Pradesh also and at that time, in 1995, the then Chief Minister did not even get a chance to prove his majority on the floor of the House. The reason for that was, all the MLAs have been taken as hostages and they were put up in a hotel. That particular Chief Minister and his party happens to be a constituent of the NDA.

What are we witnessing in Jharkhand now? We have seen how five MLAs have been taken as hostages. All of them have been made as Ministers. Is this not trying to bribe them with ministership? Is taking them as hostages not a shameful act? I would like to ask them this question. Of course, my friend here said that we need to devise some method or pass some sort of a legislation where there is no Governor and the majority is proved on the floor of the House by having a Caretaker Chief Minister just like we have a *pro tem* Speaker. But before that, I would like to say what we need to do or what we are supposed to do. When a party takes some MLAs as hostages and takes them around India as

if they are taking them on a *Bharat Darshan*, how are we going to come out with a legislation to tackle this problem?

SHRI KHARABELA SWAIN : In Maharashtra, Shri Vilasrao Deshmukh took away your own party's MLAs. . (*Interruptions*)

MR. CHAIRMAN : Nothing will go on record.

(*Interruptions*)* .

MR. CHAIRMAN: If he yields, it will go on record. Otherwise, it will not go on record.

(*Interruptions*)* .

* Not Recorded.

SHRI L. RAJAGOPAL (VIJAYAWADA): Sir, I am not saying that all the parties are indulging in this kind of behaviour. You know what happened in 1984 when Shrimati Indira Gandhi was the Prime Minister. The then Governor of Andhra Pradesh dismissed the Government headed by Shri N.T. Rama Rao and he gave a chance to some other person. What did Indiraji do at that time? She immediately recalled the Governor. Can they cite some instance like that? .

(*Interruptions*)

Her conscience made her to do that. . (*Interruptions*)

SHRI KINJARAPU YERRANNAIDU (SRIKAKULAM): The whole country revolted at that time. . (*Interruptions*)

SHRI L. RAJAGOPAL : Sir, what did they do? They have thrown *chappals*. They hijacked the MLAs and kept them as hostages.. (*Interruptions*)

SHRI KINJARAPU YERRANNAIDU : For the first time, a Governor was recalled from Andhra Pradesh due to the people's movement. . (*Interruptions*)

MR. CHAIRMAN: Shri Rajagopal, please conclude.

SHRI L. RAJAGOPAL : Sir, they took the MLAs away from Shri N.T. Rama Rao. That is not a problem. But I am very sad to say that because of that, Shri N.T. Rama Rao had a very miserable end to his life.

Can anybody think of an end in such a way? What are they doing now? They are trying to bring back his name on some sort of plaque by changing the name of an airport. Is that what we want? Is it not a shameful act?. (*Interruptions*)

MR. CHAIRMAN : Shri Yerrannaidu, you have the chance to speak. You can speak when your turn comes. Please take your seat. Shri Rajgopal, please conclude now.

SHRI L. RAJAGOPAL : Sir, it is my maiden speech. I do not want to be disrupted. I do not want to yield to them.

Now, I would like to say about the culture about which Shri Ananth Kumar mentioned. I do not want to talk about the President or the Vice-President or the Prime Minister. I would like to remind him that there are so many Opposition stalwarts who have been Congressmen, who believed in Congress culture. I am telling you this because they have been fed with mother's milk, that is, Congress. What did they do? They did not stab the Congress in the back. They stabbed her looking in her eyes in her heart. Is it a fair deal? Can we expect such things? These people are doing that. (*Interruptions*)

MR. CHAIRMAN: You have made your point, please conclude now.

SHRI L. RAJAGOPAL : I would like to conclude by saying that we have such a great leader, Shrimati Sonia Gandhi. What did they do? They abused her.

MR. CHAIRMAN: Why do you take trouble in saying that. Shri Shivraj Patil is here. He is quite capable to defend her.

SHRI L. RAJAGOPAL : Sir, they abused her. They named her. They did everything. And what did she do? She said, "I do not want the Prime Ministership". Why did she say that? Why she opted to sit there? She wants the entire NDA, the entire BJP to look at her and learn from her. She wants them to remorse and reform themselves. Mahatma Gandhi has said one thing. He said, "do not hate the sinner, hate the sin". That is why she is there without hating them.

SHRI KINJARAPU YERRANNAIDU (SRIKAKULAM): Mr. Chairman Sir, I rise to support this Statutory Resolution, moved by the hon. Home Minister, imposing President's Rule in Goa. Even though my Party is against the imposition of article 356 in any State, there is no other option but to approve this Proclamation.

Article 356 of the Constitution is a danger that looms large over every regional party. The late Indira Gandhi was the Prime Minister when for the first time the Congress Government misutilised article 356 in the year 1959 against the Namboodripad Government. He enjoyed majority till last moment, but in the name of law and order, they imposed President's Rule there. He hailed from Kerala, where you, Mr. Chairman, come from. From Kerala to Goa and Jharkhand, no part of the country has been spared by Congress, from Shrimati Indira Gandhi till the present UPA leadership.

From the beginning, we have been hating this Governor system. What happened in Andhra Pradesh in the year 1984? The majority of the MLAs were in Delhi and a minority Government was ruling in Andhra Pradesh. The whole country revolted. The people of the country revolted and the political parties, the Communist Parties, the Janata Dal, even the BJP, and all other Parties, except the Congress, joined together and held rallies and dharnas, etc. Finally, Shrimati Indira Gandhi reinstated the late N.T. Rama Rao's Government. For the first time, it happened in India that one Chief Minister was dismissed and after one month, again he came to power in Andhra Pradesh. Immediately, the Governor, Shri Ram Lal, was recalled so that democracy was restored at that time.

At this moment also, I would request the hon. Home Minister that whenever there is a visible proof that a Governor has acted in a manner that is viewed as unconstitutional or unbecoming of such a high office, he should be immediately withdrawn in the interest of the people of that State. It is not only in the case of Goa, but if it happens in any State, we should recall that Governor.

17.00 hrs.

What was the Supreme Court judgment in the Bommai case? What are our conventions? What were the recommendations of the Sarkaria Commission?

What were the recommendations of the Inter-State Council? Everybody knows. The NDA Government and even the present UPA Government appointed the politicians as Governors. I am asking the Government, through you, Sir, one question. What is the necessity to appoint politicians as Governors? The NDA Government had appointed Shri Madan Lal Khurana as the Governor of Rajasthan. Now, the UPA Government appointed Shri S.M. Krishna, Shri Sushil Kumar Shinde and Sardar Buta Singh as Governors. They were our colleagues in this House. Now, they were appointed as Governors in this country. .
(Interruptions) I am not criticising those people. . (Interruptions)

MR. CHAIRMAN : Now, the hon. Home Minister is in possession of the House. Nobody should interfere.

SHRI SHIVRAJ V. PATIL: Sir, I would like to thank Shri K. Yerrannaidu for allowing me to just put one question to this august House. If we should not appoint the persons who know politics, governance and society, then who else should be appointed?

SHRI KINJARAPU YERRANNAIDU : Sir, I do agree with the Home Minister but I would like to mention that there are so many personalities in this vast country. .
(Interruptions)

MR. CHAIRMAN: Nothing will go on record except what Shri K. Yerrannaidu says.

(Interruptions)* .

SHRI KINJARAPU YERRANNAIDU : Sir, I have quoted the Supreme Court judgment in Bommai case. Even the Sarkaria Commission had made certain recommendations. I am just mentioning them. Sir, in this vast country, we have 100 crores of people. Do we not have other persons who can be appointed as Governors? This is my question.

*Not Recorded.

Sir, no person who is in active politics should be appointed as the Governor of any State. Today, even the students know what is politics, what is democracy, what is majority, and what is minority. Everybody knows about these. What is

required is common sense. Justice has to be done. Any person with common sense can act as Governor. That is why, our Party, TDP demanded the abolition of the Governor system, and in place of the Governor system, the Chief Justice of the concerned State can take care of it. . (*Interruptions*)

SHRI BRAJA KISHORE TRIPATHY : You are supporting me. . (*Interruptions*)

SHRI KINJARAPU YERRANNAIDU : Yes, I am supporting you.

To avoid all these controversies in the Governor system, it is better that you remove the Governor system, and in place of the Governor system, you entrust this job to the Chief Justice of the concerned State so that these problems will not arise in future.

Sir, the UPA Government, due to the pressure and to do a damage control, has finally imposed the President's Rule in Goa. Okay, I thank the Government for this. If the Central Government is interested in having a popular Government in Goa, then it should dissolve the Goa Assembly immediately and go to the people. Only then, the people in this country will hail the UPA Government. Otherwise, nobody will believe the UPA Government. . (*Interruptions*)

MR. CHAIRMAN: Now, you please conclude.

SHRI KINJARAPU YERRANNAIDU: Sir, the Central Government should dissolve the Assembly and go to the people. If the people elect the Congress Government in Goa, then they will be happy; and if they elect the BJP Government in Goa, then we will be very happy. We have to restore a popular Government in Goa without any delay immediately. That is our demand.

MR. CHAIRMAN: Shri Ganesh Prasad Singh - not present.

Now, Shri Madhusudan Mistry.

श्री मधुसूदन मिस्त्री (साबरकंठा) : मैं, आज गोवा के प्रेजिडेंट रूल का जो प्रस्ताव लाया गया है, उसका समर्थन करने के लिए खड़ा हुआ हूँ। सामने से अभी तक जो बातें आई हैं उसे देखकर हिंदी की कहावत याद आती है "चित्त भी मेरी पट भी मेरी"। यह इनका रवैया है कि दोनों साइड मेरी है यानि हेड एंड टेल। वैसे तो इनका रवैया रहा है कि, they have taken a very high moral

ground and they are asking us to adhere to that high moral ground while they go on poaching.

The poachers have no right to talk of high moral grounds. They take people from Jharkhand and bring them right up to Delhi. The people who fought against the BJP have been cornered and brought here. The story of their bravery for bringing those people from there to here and at what level and how this work was done has been printed even in the media. Despite that fact, सब को लालच दिया गया और तमाम को मिनिस्टर बना दिया गया, ये हाई मोरेल गाउंड की बात कहते हैं। Why did he not resign? Why did you not ask him to resign? Why did you wait till the Governor dismissed him? नहीं, ये वह बात नहीं करेंगे, वह हम लोग करेंगे कि हाई मोरेल स्टैंडर्ड है। आप पोचिंग करेंगे और आप ही सरकार बनायेंगे, यही रवैया आपका रहा है। Mr. Yerrannaidu, I am addressing you. This is for Mr. Yerrannaidu.

MR. CHAIRMAN : You address the Chair.

SHRI MADHUSUDAN MISTRY : Sir, I am addressing you. I am not addressing Shri Yerrannaidu.

They are all talking about the high moral standards as well as the criteria for appointing a Governor. Who appointed Shri Khurana as the Governor of Rajasthan? On what ground he was appointed? . (*Interruptions*) That is why I am asking you what is wrong if we appoint. You have been questioning us. I am asking you why the Governor of Bihar was brought from Bihar to Gujarat? Where were all those high moral grounds when thousands of people were butchered and killed? Where was this Government? Why did they not ask for the Governor's report? Why did you not dismiss the Government of Gujarat at that time? These are all double standards which your Party had adopted. Literally, you have no moral ground to take a high moral standard. You simply used and planted some people to carry out those stories.

This is my request to the Home Minister. मेरी रिक्वेस्ट है कि जितनी जल्दी हो सके जहां तक जात-पात का सवाल है, जिन भाइयों ने रिजाईन किया है, वहां इलैक्शन कराया जाये,

पापुलर सरकार बनाई जाये। जब ये लोग इधर बैठते थे तो हम लोगों से कहते थे और आज उधर बैठे हुये है तो भी हम से कहते हैं कि आप ऐसा करिये। ये लोग उधर बैठे हुये अच्छे लगते हैं। यही कहें कि हम वैसा करें तो यह कैसे होगा? अगर आपको करना होता तो उधर न जाते और हम इधर न बैठते। आप लोगों की जगह वही है। You can only be an effective Opposition. You cannot govern this country. It is out of your wish to govern the country, and even the States. Thank God आज गुजरात के अंदर जो कुछ हुआ है, उसके कारण हमारी 12 सीटें आई हैं, 14 भी आ सकती थीं जो हमारे गृह मंत्री कहेंगे, वैसा करेंगे। The Government of Gujarat has become so unpopular. कि वहां धारा 356 लगाकर प्रेजीडेंट रूल लगा दिया जाये। Let there be an election in Gujarat and we will come in majority. मैं इन लोगों से बताना चाहता हूं कि इन लोगों के रवैये को इस देश की जनता ने जान लिया है। गोवा में कांग्रेस की सरकार थी, गवर्नर ने जो कदम उठाया, उसके लिये कांग्रेस सरकार सजेशन दे सकती है। अगर आपकी सरकार ने बहुमत साबित किया होता तो कहने की हकदार होती। ये भले ही कहें कि इनकी मैजोरिटी है लेकिन लोग जानते हैं कि ये लोग सत्ता हथियाना जानते हैं, देना नहीं जानते। इन लोगों का हमेशा यही रवैया रहा है। मैं सरकार का ध्यान इस ओर आकर्षित करना चाहता हूं कि हाई मोरेल ग्राउंड की बात कहना बंद कर दें लेकिन ये और भी करते जा रहे हैं।

इसलिए मैं आपसे कहता हूं कि आपके राज में आपका शासन पूरे देश और दुनिया में इतना बदनाम हुआ कि आज आपके चीफ मिनिस्टर को अमरीका सरकार ने वीजा नहीं दिया। They said that because of the way governance was carried on by the BJP in Gujarat they did not want the Chief Minister in their country. The people of different countries of the world did not want him in their own countries. It is very unfortunate for the people of Gujarat as a whole. इसलिए मेरा आपसे यही कहना है कि आप अच्छी तरह से अपना शासन जहां चलता है चलाइये। झारखंड के अंदर चाहे कुछ हो, थोड़े

दिन के अंदर वहां कांग्रेस की सरकार होगी और आप मुंह देखते रहेंगे। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

SHRI TATHAGATA SATPATHY (DHENKANAL): Thank you, Sir, for giving me the opportunity to speak about Goa today.

All the hon. Members who have spoken before me have spoken very eloquently. The hon. Minister has also intervened once or twice to give his point of view, which the whole House has appreciated. So, I would only limit my speech to a few points.

We are all aware of the lovely State of Goa, the beaches of Goa, the people of Goa; and, in my opinion, Goa is probably, along with Pondicherry, the only State which truly represents the international character of India. So, giving respect to the citizens of Goa, as we discuss about the political future of the State, we must keep in mind that there has been a major botch up on the part of the present United Progressive Alliance at the Centre not only in Goa but also in Jharkhand.

I do not wish to condemn any political party. I represent a regional party, the Biju Janata Dal, led by Mr. Naveen Patnaik of Orissa. So, I am speaking on behalf of a regional party, as a representative of the people of Orissa. What we find today is that all the national parties - I am not barring any party - have consistently, over the years since Independence, only tried to serve their particular interests and political goals. They have not bothered about the Constitution of India. This is perhaps the only country in the world which, in about half a century, has had the largest number of amendments to its Constitution. So, the Constitution is not respected. The political fibre of this country has been deliberately destroyed and we have not given respect to the wishes and feelings of the people.

A lack of clear administrative and political foresight was the main reason for this confusion that we see today in Goa and in what has happened recently in Jharkhand. So, when you think only of politics, you forget that you have, as the Government of the day, an administrative responsibility towards the people of the

country. You cannot afford to be short-sighted; you cannot afford to be lop-sided in your view. I am not saying that it is the fault of one particular party. Please do not misunderstand me. Any national party that has ruled this country has had a lop-sided view, past and present. So, it is time that all of us unite; and, Goa is an excellent opportunity. It is an excellent example which showcases before us the dangers that are fraught in article 356 of the Constitution.

Like my senior colleague, Shri Kinjarapu Yerannaidu, said whether it is the Namboodiripad Government of Kerala, about which you must be very aware. Historically that was late Shrimati Indira Gandhi and now another Shrimati Gandhi is creating history again by the present activities. I am not condemning anybody. I am only pinpointing what has been happening. Then, it was the Left Parties who, for their stand and their convictions, were victimised and today for their convenience, they might be supporting the UPA. But they are political beings who understand where the danger lies.

Today, the Left Parties are ruling certain States. Shri Lalu Prasad ruled Bihar. Our Party is in power in Orissa. We should all get together, put our minds together and reconsider as to what is the utility of this article in the Constitution.

Secondly, as the hon. Leader of the Opposition spoke, he said that the recommendations of the Sarkaria Commission and Inter-State Council suggested that consultation must be made a part of the Constitution regarding appointment of Governors. This I consider is a very necessary amendment. Therefore, it is important that Article 356 be reviewed in a very balanced manner and wherever we find that Governors are becoming unconstitutional or they are showing behaviour which is unbecoming of a very high office, they should be forthwith withdrawn. Preferably, we should omit bureaucrats and politicians from the post of Governor and we should go in for neutral people as Governors.

MR. CHAIRMAN : Now, the hon. Minister of Home Affairs will reply.

Before you begin, as a Member of this House and a student who is interested in law, will you please enlighten me the provisions under which a legislature can be kept in a suspension animation and the elected

representatives without pay and allowances? Is there any provision? Please tell me about it.

. (*Interruptions*)

SHRI TATHAGATA SATPATHY: Like in Bihar. . (*Interruptions*)

MR. CHAIRMAN: Is there any constitutional provision by which you can keep the elected body in a suspension animation and keep the elected representatives without pay and allowances? Is there any provision in the Constitution?

. (*Interruptions*)

SHRI TATHAGATA SATPATHY : Our support is there. . (*Interruptions*)

MR. CHAIRMAN: I would like to know whether you can keep the MLAs without pay and allowances.

. (*Interruptions*)

SHRI TATHAGATA SATPATHY : Sir, first of all, the hon. Minister of Home Affairs should answer your question. . (*Interruptions*)

MR. CHAIRMAN: There is no ill-will. With best of intentions, it is simply to clarify the position. There is a provision for a dismissal, etc. But is there any provision under which a legislature can be kept in a suspension animation?

. (*Interruptions*)

MR. CHAIRMAN: Now, Mr. Minister, you can start.

. (*Interruptions*)

THE MINISTER OF HOME AFFAIRS : Sir, I would like to thank all the hon. Members and all the political parties. They have said that they would support this Motion for approval of the Proclamation. They have also made very good points. Sir, you have also made two very important points. First, I would like to deal with the two important points made by the Chair.

Then, I will touch upon the other points which are mentioned by other hon. Members.

The first question you put was - whether there is any law or any rule which can allow the presiding officers to stop a Member from voting. My very respectful submission is, Sir, that I have not come across any rule or any law which can

empower the presiding officer to stop a Member from voting in the proceedings in the House.

Now, the second question you posed was - whether the House can be put under suspended animation. The Constitution is silent on this point. But the Supreme Court is very eloquent. In Bommai case, the Supreme Court has said in clear terms that you do not dissolve the House in the first instance. If you dissolve the House and if the proclamation dissolving the House is not approved by the Parliament, a very peculiar situation develops. Actually, the Supreme Court has said that first the House should be put under suspended animation and then after the proclamation is approved, the Government can decide to dissolve the House.

So, though there is no specific provision in the Constitution, what is pronounced by the Supreme Court also becomes a law and that law is there. That ruling given by the Supreme Court has the same effectiveness, efficacy as the provision of the Constitution. So, I would submit, Sir, that there is this law available in the country.

MR. CHAIRMAN : Here the question is they have taken oath as MLAs. But here, no oath; they are not even MLAs.

. (Interruptions)

श्री रघुनाथ झा (बेतिया) : सभापति महोदय, मैं माननीय मंत्री जी से जानना चाहता हूँ कि सुप्रीम कोर्ट ने इस बात को होल्ड किया है कि जब इलैक्शन कमीशन नोटीफिकेशन निकाल देता है, तो

.(व्यवधान)

श्री तथागत सत्पथी : होम मिनिस्टर साहब को बोलने दीजिए। .(व्यवधान)

श्री रघुनाथ झा : हम क्वेश्चन पूछ रहे हैं। आप हमें बीच में क्यों रोकते हैं। आप हमारी बात सुनिए। आप बैठिए। .(व्यवधान)

MR. CHAIRMAN : He is not yielding. It is time for the hon. Minister to reply.

. (Interruptions)

श्री रघुनाथ झा : सभापति जी, मैं माननीय गृह मंत्री जी से यह जानना चाहता हूँ कि सुप्रीम कोर्ट ने एक केस में यह बात भी होल्ड की है कि जब इलैक्शन कमीशन नोटीफाई करता है, तो उसी

रोज से हाउस कांस्टीट्यूट हो जाता है। जब हाउस ने ओथ नहीं ली, कांस्टीट्यूट नहीं हुआ, तो किस हाउस को आपने सस्पेंड किया ? पहले हाउस को गवर्नर ने डिजॉल्व कर दिया, तो किस हाउस को आपने सस्पेंड किया ? फिर कोर्ट ने होल्ड किया है कि लैजिस्लेटिव बिजनेस छोड़कर, लैजिस्लेचर को दूसरी सभी सुविधाएं प्राप्त होंगी, इस बारे में आपका क्या मत है, यह मैं जानना चाहता हूँ ?

श्री शिवराज वि. पाटील : सभापति जी, मैं इस बारे में आज नहीं, कल बोलूंगा, क्योंकि कल यह विषय आने वाला है। यह बहुत अहम मुद्दा है। इस बारे में हम पहले से ही सोच रहे हैं कि जो परिस्थिति निर्माण हुई है, उसमें किस प्रकार से रास्ता निकाला जा सकता है। मगर इस बारे में, मैं आज नहीं, कल जवाब दूंगा।

Sir, the points which have been raised by the hon. Members are these. What is the role of the governor? In fact, we were discussing the Proclamation. But many of the Members were discussing the conduct of the Governor. I would very respectfully submit that if you want to discuss the conduct of the Governor, we have to follow a procedure which is laid down in the Constitution.

If you want to discuss the Governor's conduct, you shall have to give a notice of 14 days and then say what the Governor has done is correct or wrong, but unfortunately, many references were made to the decisions taken by the Governor and I thought at that time that it would prolong unnecessarily the discussion on that point if I had got up and objected to it, but I would like to say that the Governor's conduct should not be discussed in this fashion.

A very important point has been made by the hon. Leader of the Opposition and that important point related to the appointment of the Governor. It is not about the conduct of the Governor, but it is about the appointment of the Governor. I think when we are discussing a matter of this nature, we are well within our right to discuss this issue also. I would like to read out certain kinds of decisions taken by the previous Government, not by the present Government. I

do think that the decisions taken by the previous Government were not wrong; they were correct.

The Sarkaria Commission had recommended that the Governors' appointment should be done in consultation with the Chief Ministers. This issue was discussed in the Inter-State Council and the Council also had come to certain conclusions, but later on when this matter was referred to the Law Ministry and the previous Government discussed all aspects relating to that point, they came to certain different conclusions. I will seek your indulgence to read out that relevant portion and I do think that what the previous Government had done was not wrong.

Since the President appoints the Governor, he may also remove or transfer a Governor from one State to another State. Prior consultation for appointment, therefore, will necessarily involve prior consultation in case of removal and transfer also. The proposed provision will politicise the whole issue of appointment of the Governors.

17.27 hrs. (Mr. Deputy-Speaker *in the Chair*)

It is the Governor's responsibility to uphold the Constitution and to act as a check against any abuse of power by the Chief Minister. This purpose would be defeated if the Governor is beholden to the Chief Minister for his appointment. It may be stated that the institution of Governor provides a balancing act to support the federal set up enshrined in the Constitution. The founding fathers of the Constitution never intended to give a legal power to the Chief Ministers to be consulted for appointment of a Governor of a State. The Governor has to perform an honest duty cast on him by the Constitution to send periodical reports to the Centre on the activities in the States. Thus, it is imperative that the Centre may continue to have a final say in the matter of the appointment.

The Deputy Prime Minister had also stated in the meeting of the Inter-State Council that not a single Governor had been appointed by the present Government without consultation or against the wishes of the Chief Minister. Thus, the scope of any complaint will, therefore, be non-existent. Since the things are moving smoothly, there is perhaps little point in legislating on a matter which

is otherwise handled without any problem. It may also be stated that in case there is an amendment and the consultation is made obligatory, this consultation would slowly devolve into concurrence and may ultimately degenerate into approval by the Chief Minister. Such an amendment is likely to result in abnormal delay in appointment of the Governors resulting in unnecessary and avoidable controversy involving sacrosanct institution of the Governors as enshrined in the Constitution. Thus, it would be in the best interest of the Union Government not to accept the recommendations of amending the Constitution and making consultation with the Chief Minister obligatory. The Governor is a representative of the Union Government.

He has a role, as the eyes and ears of the Union Government, and he is expected to report when the administration of the State Government is not carried out in accordance with the provisions of the Constitution. The Governor has a role in ensuring that there is coordination in legislation between the States and the Union, and that he ensures reserving Bills for assent by the President. The need for prior consultations -- which should, in practice, imply concurrence -- with the Chief Minister will place the Governor under the obligation to the Chief Minister, and thereby, hamper him in conduct of his duties.

Also, under article 153, a Governor may be appointed for two or more States. A Governor may be transferred from one State to another. This would imply consultations with more than one Chief Minister, which will make the whole process cumbersome. Consultations will also not be possible if a State is under the President's Rule.

In view of the aforesaid, the recommendation of the Inter-State Council, that the Constitution be amended to make the consultation with the Chief Minister obligatory, has not been accepted. With the approval of the Deputy Prime Minister, the Inter-State Council Secretariat has been informed accordingly.

SHRI L.K. ADVANI (GANDHINAGAR): Mr. Deputy-Speaker, Sir, I would not have intervened, had it not been for the fact that the Home Minister has been gracious enough to readout the whole thing.

He has just now said that the recommendation of the Inter-State Council, namely, that there be a Constitutional Amendment to provide for consultation with the State Government statutory. The earlier Government has not accepted this, and this Government agrees with it. But while giving the rationale as to why we did not agree, you were kind enough to have readout the whole thing, in which it has been very categorically mentioned that not a single case of appointment of a Governor took place, during the last six years, without consultation with the State Chief Minister, and things are going smoothly. Therefore, the Law Ministry advised that we might not go into the statutory provisions, which, they apprehend, might deteriorate into becoming concurrence, instead of consultation. I am saying this because, in our case, it is true that we did take their concurrence for all practical purposes. But the recommendation of the Inter-State Council was that consultation be made obligatory.

It is because of the last few days' experience that I made this suggestion today that this recommendation of the Inter-State Council -- which represents all the Chief Ministers in the country, and not merely the Chief Ministers belonging to my party -- should be accepted. If that was accepted, perhaps there would have been some kind of a check, which would ensure federal balance to a much larger extent than the present arrangement, in which, instead of a federal balance, it is a unitary bias in favour of the Centre. This is all that I have got to say on this issue.

SHRI SHIVRAJ V. PATIL: Sir, fortunately, there is no divergence of opinion on this point. The point is that there should be consultation. The second point that I wish to make is this. Will it escalate into concurrence, and will it graduate into approval? The Law Ministry and the previous Government stated here that consultation as a convention should be there, but it is not necessary to amend the Constitution for this purpose. The previous Government as well as this Government, and all the jurists also have been saying -- after considering the federal structure of the Constitution -- that consultation should not mean concurrence, and concurrence should not mean approval. Now, what is being

done is that we are consulting. Concurrence may or may not be there, but, of course, approval is not there.

SHRI L.K. ADVANI : No, but even consultation, as a convention, has been given the go-by.

SHRI SHIVRAJ V. PATIL: No, it is not so.

SHRI L.K. ADVANI : In the case of Shri Parrikar, in the case of Gujarat, and in all these cases there has been no consultation with the Chief Minister.

SHRI SHIVRAJ V. PATIL: No, it is not so.

श्री मोहन सिंह : कंसलटेशन और इन्फार्मेशन दोनों दो चीजें हैं। कंसल्ट करने के बजाए इन्फार्म कर दिया गया कि हम किसको नियुक्त कर रहे हैं और उत्तर प्रदेश में ऐसा ही हुआ।...(व्यवधान)

SHRI SHIVRAJ V. PATIL: Unfortunately, the hon. Member who is speaking is not the Chief Minister, and I would not like to say anything in absence of the Chief Minister on the floor of the House whether it was a consultation or information.

Let us leave that point. The only point I was making was that as far as the role of the Governor is concerned, Governors are the 'eyes' and 'ears' of the Union Government. They are expected to give the information to the national Government as to the happenings in a particular State. Now, you have the present case and you have the cases at other places also. On the one hand, we are saying that let us not have Governors, and on the other hand we are saying that article 356 is not required. And we have exactly the case in which the Governor has played a role and article 356 has been used in order to see that what was done over there, and which was not expected, was corrected also.

In view of these facts, we shall have to take a very balanced view. Going to any extreme is not going to help. To say that the Governors are not required is not helpful. To say that article 356 is not required is not accepted. Now, these points have been discussed at length on many, many occasions, and I am happy that on this occasion also, in a very correct manner, these points have been presented. Advaniji's contribution in this debate, I think, when he intervened and when he made the speech, is that he has made these points more clear to all of us.

The previous Government was not for amending the law. The previous Government was certainly not for approval of the Chief Minister. It did also not go to the extent of saying that there should be concurrence. But the previous Government was very clear that the consultation should take place, and, I think, this is a correct position and there will not be any deviation from that. But consultation does not mean concurrence; consultation does not mean approval because we do not have full information with us. If we make allegations against each other, that does not help. If there is some mistake or some disease in one's hand or leg, you please apply the medicine at that place where the disease is there. If the hand is suffering and if you are applying the medicine to the leg, the hand is not going to get the relief. The difficulty is this. We are saying that this particular thing has happened. But whom are we blaming or whom are we giving credit to? Let the blame go to the right place, and let the credit also go to the right place. Credit need not go to the right place, but blame need not go to the wrong place. That is my submission.

While discussing this issue, Anti-Defection Law was also discussed. I am sorry that the hon. Leader of the Opposition made a statement, which is generally made by the media while discussing Anti-Defection Law. During the debate, there was a discussion on one-third provision. He said, "Wholesale defection is allowed, whereas the retail of defection is not allowed." This has been said many times. I am one of the Members who participated in the discussions when the Anti-Defection Law came into existence originally. May I make a submission on this floor of the House in order to correct the perception about the Anti-Defection Law that the hon. Members have? The original bill did not have this one-third provision in the Act. In fact, Prof. Madhu Limaye and Mr. Nani Palkivala referred to that; and Mr. Devendra Prasad Yadav made a reference to that. They said that by giving the power to party leaders to give directions to the Members, the Government was making them powerful and it was making the Members of the political parties, who have to vote here, very, very weak; and that this was not correct and this was against the democratic principles.

Hon. Advaniji also referred to what is happening in UK - Members have been going from one party to the other. Governments have been formed and Governments have been pulled down there also not once but many times. Leaders like Churchill also moved from one party to the other. That does not mean we should also do it here. We would rather not like to do it here.

When the law was made, this question was raised. One of the Members from Maharashtra Legislative Assembly who happened to be the Speaker of Maharashtra Legislative Assembly also - it was after I left the legislature - vehemently opposed it. He insisted that this provision should not be there in the law. Suppose the party leaders give a wrong direction. Will it be binding on all Members? Then it was said that if a majority of the Members thinks that a direction given by the party leader is not correct, they should be allowed to vote as they like. The question discussed at that time was as to what should be that number. In the initial stage the number suggested was two-thirds of the number of Members. Then it came down to half the Members. Ultimately it settled at one-third of the Members. It was then that this one-third provision was made in order to see that Members in the House have the liberty to vote as they wish.

Suppose the manifesto says that a certain thing has to be done and the leader of the Parliamentary party says that a Member should vote in a particular fashion. The question discussed at that time was whether the Members would be bound by it or not. Then it was amended. It was said that if one-third of the Members wanted to go against the direction given by the Party, it should be allowed. That became a part of the law at that time. Later on it was found that even this provision was misused. That is why, I think, the last Government removed that provision. At that time I suggested that though your removing that provision was very good, this kind of a provision should not be made binding on the Members at all times and in all cases. I said that this provision should be made binding on Members only in the cases when the existence or continuity of the Government is in question and on other points, the Members should be allowed to vote as they want. Probably at that time this issue was not clearly perceived by the Members.

The amendments were there. We were sitting in the Opposition. We also did not want to oppose it and it went on. However, we did have this in mind.

Now, if Members are resigning from their Membership, can we have a law which would say that a Member shall not be allowed to resign? Who instigated the resignation is a point.

SHRI L.K. ADVANI : They cannot be made Ministers. Law cannot say that they cannot resign. But you cannot resign and become a Minister.

SHRI SHIVRAJ V. PATIL: That is right. Advaniji, let me submit very humbly that you cannot have all the five Independent Members as your Ministers.

SHRI ANANTH KUMAR : They were elected and they gave support to us.

SHRI L.K. ADVANI : I would be happy if I were able to implement what you have said. But that is not a question of bypassing the Anti-Defection Law. This is bypassing the Anti-Defection Law.

SHRI SHIVRAJ V. PATIL: Advaniji, I would definitely not blame any leadership at the national level for this. I would say that they have done it. If a disease is there at a particular place, apply the medicine there. Do not apply the medicine at a wrong place. . (*Interruptions*)

SHRI L.K. ADVANI : In the Anti-Defenction Law, see that it cannot be binding.

SHRI SHIVRAJ V. PATIL: There developed a particular peculiar situation. They wanted to overcome it and they did it, wrongly or rightly. We can say that they were wrong. Some people say they were right. This is a question of our perception. But this is the position.

That is why this Anti-Defection Law has been brought into existence. It was enacted in order to see that a better stability is provided to the Government. It was enacted to see that the opinion expressed by the voters in the election is respected by the elected Members who are sitting in the legislature making the laws, passing the budget and taking decisions. This was the intention.

I do agree with you that the stability of the Government is very important. On many many counts, the Governments have been disturbed. I have been saying since 1992 that in democracy, accountability is very important. Without accountability, democracy cannot exist. But supposing in the name of

accountability or in the name of procedures or in the name of law, every Government is destabilised. If you have a situation in which in 13 years, 12 Chief Ministers were there or in 12 years, 13 Chief Ministers were there, what kind of Government would be there? Will that be a really democratic Government? That is why, a question which has to be answered by us, not in a partisan manner but collectively in the House is: How to provide not absolute stability but reasonable stability to Government? When we are sitting on this side, we would say that stability should be there. If we are sitting on that side, we would say that accountability is more important. If we do not strike a balance between accountability and reasonable stability, the situation can develop in a country like ours, which is too big, where elections cannot take place every year or every six months or every two years. If that situation develops, it is going to be very difficult. The stability can be provided by the ethos and ideology.

Shri Lalu Prasad was sitting here and he was telling me that if people do not have ideological moorings, they are likely to float like this from one party to the other. He is right, hundred per cent right. Nothing is more important than the ideological moorings for a Member to remain in his party, where the character of the leadership, character of the Members and the character of the voters also can provide stability. But supposing if it is not going to be easily available or can be easily used, then there should be something in the Constitution which can give reasonable stability. As to what can be given? People have thought about it. When the occasion comes, it can be discussed. If it is acceptable, it can be incorporated in the Constitution. If it is not, we can live with the situation which is existing here. But the situation is developing fortunately not so much at the national level but at the State level that the stability is not available to the Government over there and they are suffering because they are not stable over there. But this is an issue which cannot be answered very clearly and fully in a debate like this. But this issue has been touched upon by many of the Members. I do think that the thinking Members would certainly apply their minds and give the suggestions to the Government, to the House, and to the people at large through the media or by participating in the debate in this house.