

Title: Regarding dismissal of Pratapsinh Rane Government and appointment of Wilfred D'Souza Government in Goa.

MR. SPEAKER: The House will now take up issues pertaining to 'Zero Hour'.

... (Interruptions)

SHRI BHUBANESWAR KALITA (GUWAHATI): Sir, democracy was murdered in Goa. ... (Interruptions)

श्री सत्य पाल जैन (चंडीगढ़): अपनी पार्टी को संभालो।

... (व्यवधान)

SHRI A.C. JOS (MUKUNDAPURAM): You have murdered democracy.

श्री सत्य पाल जैन : अभी और टूटेगी।

... (व्यवधान)

श्री वी. धनंजय कुमार (मंगलौर) : ये कह रहे हैं कि मरे हैं, वे कौन मरे हैं ? हम जानना चाहेंगे कि कौन मरे हैं ? ये गोवा में मरने की बात कर रहे हैं। ... (व्यवधान)

SHRI P. SHIV SHANKER (TENALI): Mr. Speaker, Sir, what has happened, yesterday, in Goa is nothing but a rape of the Constitution with the active connivance of the Central Government. I charge this Government of having connived with the Governor of Goa in dismissing the Government of Rane and bringing the Government of D'Souza.

Sir, it is unfortunate that this Party, which had been clamouring that Article 356 has been misused and that no Government should be dismissed except when it loses the confidence on the floor of the House, has generated a situation where they have not shown any respect to the constitutional provisions.

श्री राम विलास पासवान (हाजीपुर): यह सामने क्या टैस्टिंग हो रही है, इसे बंद करवाएं।

... (व्यवधान)

SHRI SOMNATH CHATTERJEE (BOLPUR): What is this which is being shown on the screen in the House? (Interruptions)

SHRI RAM VILAS PASWAN (HAJIPUR): This is not the time for making a trial of all these things in the House. (Interruptions)

SHRI P. SHIV SHANKER : The manner in which this Government has acted in conniving with the Governor of Goa clearly gives an impression to the nation and to the world that this Government does not have any faith in the Constitutional system. It has given a go by to the Constitutionalism and to the provisions of the Constitution. (Interruptions)

SHRI VAIKO (SIVAKASI): Who appointed the Governor? (Interruptions)

SHRI P. SHIV SHANKER : Let us recall on this occasion the case of Shri Somappa R. Bommai and the various other cases that have passed by where it has been decided categorically, and conventions and customs have been clearly laid down, that the test of majority has to be necessarily on the floor of the House. (Interruptions)

SHRI SATYA PAL JAIN : We cannot discuss the conduct of the Governor in the House. (Interruptions)

SHRI P. SHIV SHANKER : Unfortunately, what the Governor has done is that under Article 164 of the Constitution ... (Interruptions)

SHRI AJIT JOGI (RAIGARH): Shri Satya Pal Jain, you don't give a running commentary like this. . (Interruptions)

SHRI CHETAN CHAUHAN : This is too much. (Interruptions) You are not to decide. You are nobody to decide that.

MR. SPEAKER: Shri Chetan Chauhan, I allowed Shri P. Shiv Shanker to speak. How can you question him? Please take your seat. After Shri P. Shiv Shanker speaks, you can say something. You please take your seat now. Please understand the procedure. I allowed Shri P. Shiv Shanker. How can you say anything? That is not the procedure.

... (Interruptions)

SHRI CHETAN CHAUHAN : We represent our Constituencies. People have expectations from us also.

MR. SPEAKER: Please take your seat, Shri Chetan Chauhan.

SHRI P. SHIV SHANKER: I would like to make the position absolutely clear.

MR. SPEAKER: Today I have 63 notices for Zero Hour. I want to accommodate all the hon. Members today.

SHRI P. SHIV SHANKER : I would like to submit that I am not discussing the conduct of the Governor, but I am discussing the actions of the Governor. I can always find fault with the actions of the Governor without assailing his personal conduct. I am entitled to that under the Constitution and I am exercising that right. I would like to bring to your kind notice that the manner in which the Governor has saddled Wilfred De' Souza in the Government shows that Article 164 has been totally twisted. Under Article 164 of the Constitution where a Governor could appoint a Chief Minister, he cannot appoint ipso facto under his own discretion. He has always necessarily to go by the majority view of the legislature party. Unfortunately what he has done in this case is that he just saddled one person with the Chief Ministership and has gone to dismiss another Chief Minister which is setting a completely wrong precedent giving a total go by to the Constitutionalism in this country. I would just like to briefly bring to your notice the facts.

On the 24th of July, five of the MLAs were expelled. This matter was brought to the notice of the Speaker that five MLAs had been expelled. This was brought to his notice on the 25th of July itself. Then, on that day, two UGP Members and two independents had also joined. If five Members had gone out of the 23 Members who were there, the total strength being 39, 18 remained. Five Members having gone, two independents and two UGP Members having joined, they made the entire situation to 22. This was the position which remained. I would not further go into the other details. What I would like to bring to your kind notice is that - all this had happened before 27th - on the 28th, the Governor addresses a letter to the Speaker and equally a letter to the Chief Minister...(Interruptions). The letter that he has addressed to the Speaker reads like this. The letter has been sent to the Speaker at 2.30 p.m. It says:

"The House may, on 28th July, 1998, before transacting any other business, consider and dispose of the following matters in the order indicated, namely:

- (i) The Motion of Vote of Confidence in the Ministry headed by Shri Pratapsingh Rane;
- (ii) all stages of motions or motions for which notices have been given but not yet taken up;
- (iii) passing of all the remaining budgetary demands and
- (iv) passing of the Annual Appropriation Bill and also the Supplementary Appropriation Bill."

This order has been issued by the Governor under Article 175 (2) of the Constitution. Equally, on the same day, he sent a letter to Shri Rane, the Chief Minister. At 2'o clock he received that letter. The Governor says that by 3.30 p.m. the Chief Minister should prove his majority in the House. One-and-a-half hours' time was given to him. While sending it to the Speaker, he said that before transacting any business, this should be done. It is because 3.30 p.m. is the time when the Assembly meets. Therefore, hardly about an hour and a half's time was given to the Chief Minister. And, he proved his majority in the House. This is what has happened... (Interruptions)

MR. SPEAKER: Please conclude.

SHRI P. SHIV SHANKER : Sir, this is a very important matter. So, kindly give us time. Coming to my original point, the entire business was transacted. The entire business was transacted for two days and all the matters were completed. Then, yesterday, lo and behold, the Governor decided to dismiss the Chief Minister, he installed the other Chief Minister without any rhyme or reason, without even showing that this man has the majority and he has given him twenty-one days' time.

The one aspect which I would like to bring to your kind notice at this stage is, the House may kindly recall that in the case of Shri Kalyan Singh in Uttar Pradesh, when Shri Bhandari had given three days' time, the entire House, and particularly the Opposition, including Shri Khurana, had found fault that sufficient time was not given to the Chief Minister to prove his majority on the floor of the House...(Interruptions)

SHRI SOMNATH CHATTERJEE : They are following Shri Bhandari now!...(Interruptions)

SHRI P. SHIV SHANKER: In this case, hardly an hour and half's time was given to Shri Rane and surprisingly to Shri De Souza, the Governor gives twenty one-days' time for the purpose of proving the majority in the House! This is something which is very strange. This shows the partiality, the manner in which the Governor has acted.

Having said this, I would like to bring to your kind notice yet a very peculiar situation in which the Central Government is actively conniving. The Centre's stand, as per their spokesman is that -- I am reading from what has appeared in The Hindustan Times -- "Centre tonight distanced itself from the Governor's action by saying that he had acted on his own under Article 163 of the Constitution." Under Article 174 of the Constitution, the Governor has to summon the House and he can prorogue and dissolve the House. Can a Governor, without the aid and advice of the Council of Ministers, under Article 153 of the Constitution, go to the extent of proroguing and dissolving a House? Are we giving these powers to a Governor? Is this the thinking of the Central Government?... (Interruptions)

SHRI HARIN PATHAK (AHMEDABAD): In the Gujarat affairs, we had proved our majority at Rashtrapati Bhavan when 94 MLAs were present. Yet the Government was dismissed by the then Governor...(Interruptions)

श्रीमती भावना देवराजभाई चिखलिया (जूनागढ़) : गुजरात में भी तो भारतीय जनता पार्टी की सरकार को तत्कालीन राज्यपाल ने बर्खास्त कर दिया था जबकि सरकार के पास बहुमत था। उस समय किसी ने कुछ नहीं कहा।

... (व्यवधान)

SHRI P. SHIV SHANKER : You will have your say...(Interruptions)

SHRI KHARABELA SWAIN : He is saying the same thing. You should first reply to this and then only you should say something...(Interruptions)

SHRI P. SHIV SHANKER : I am speaking on the basis of the facts. You will have your say. What I am trying to bring to your kind notice is that this is something very strange. If this is the situation which the Central Government perceives as constitutionalism, then this House could as well be prorogued or dissolved even without the decision of the Cabinet. This is a situation which is most unwarranted. This will create a constitutional chaos. This will be the case where the constitutionalism will be put to a test. I submit that the

Central Government by its action, is trying to support the Governor and extricate itself. This extrication by itself shows the active connivance of the Central Government with the action of the Governor.

MR. SPEAKER: Shri Shiv Shanker, please conclude. You have already taken 20 minutes.

... (Interruptions)

SHRI P. SHIV SHANKER : It is always the case of summoning of the House or of prorogation or of dissolution at the behest of the Cabinet. It cannot be done at the free will of the Governor...(Interruptions)

SHRI KHARABELA SWAIN : The two groups of the Congress are fighting against each other...(Interruptions)

SHRI P. SHIV SHANKER : Without going further, what I would like to bring to your kind notice is that the Governor has acted in a brazen manner, illegally and without any constitutional authority. The Governor's action is questionable. Therefore, I would submit that the Government should come forth immediately with the statement. They should immediately recall the Governor under Article 156 of the Constitution because the Governor enjoys the authority during the 'pleasure' of the President.

Secondly, I would like to submit that the Government will have to find the way out as to how the constitutionalism has to be restored. It is for them to decide. They will have to find the way out to see the end of D'Souza's Government which is a usurper in Goa...(Interruptions)

श्री रतिलाल कालीदास वर्मा (धन्धुका): गुजरात में भी भारतीय जनता पार्टी की सरकार को तत्कालीन राज्यपाल ने सरकार द्वारा बहुमत सिद्ध करने के बावजूद भी बर्खास्त कर दिया था।

... (व्यवधान)

और रा.ज.पा. की सरकार बनाई थी।

... (व्यवधान)

SHRI P. SHIV SHANKER (TENALI): They will have to restore the Government of Rane. This is the only way out. They will have to find the way out; otherwise, this Government are totally incompetent and they are conniving with the Governor in unconstitutionalism.

... (Interruptions)

SHRI KHARABELA SWAIN : The Rajiv Congress has defeated the Sonia Congress... (Interruptions)

">SHRI PURNO A. SANGMA (TURA): Mr. Speaker, Sir, I will not take more than three minutes. I will be very very brief.

Sir, it is with a lot of pain and anguish that I am taking the floor. Shri Jain said, 'why do you not take care of your party?'. Maybe, he is very right. But today, the question has gone beyond party lines. Today, the question is, 'how do we take care of our Constitution?'. Today, the question is, 'how do we take care of our democracy?'. Today, the question is 'how do we take care of our country?'.</p></div>
<div data-bbox="54 811 945 915" data-label="Text">
<p>What has happened in Goa yesterday? Similar situation happened in the State of Uttar Pradesh. I am not going into that. At that particular time, I was the Presiding Officer of this august House, and then the BJP leader Shri Jaswant Singh gave a notice of Substantive Motion under Rule 184 for recall of the Governor. The BJP is a responsible party. Shri Jaswant Singh had given that notice with very careful consideration. Our institutions which have been created by the Constitution of India are being today denigrated. I would come to that when the actual debate takes place.</p></div>

I would only appeal to this House to take this issue very seriously because it will affect the future of our country and the future of our democracy. I applied my mind at that time as the Speaker of the House and ultimately, I came to a conclusion that the action of the Governor of Uttar Pradesh could not be ignored in the interest of the preservation of our democracy, and therefore, I allowed the Motion under Rule 184 then. It could not be discussed because the situation changed in Uttar Pradesh and the Motion under Rule 184 was not moved in the House. I was not happy with that because I really wanted a serious debate on the floor of the House. Since it could not take place, I took this matter to the Conference of the Presiding Officer' at Shimla. In that Conference, the Presiding Officers passed a unanimous resolution, a special resolution on U.P. situation, on the role of the Governor.

Sir, I think, this is a matter which we should take very seriously as a nation. I would appeal to you, not to take this issue so lightly. Let us apply our mind together. Our institutions are in danger. Our country is in danger. Our democracy is in danger. I would plead with the hon. Speaker to please admit a Motion under Rule 184 and let us have a serious debate on this issue.

">SHRI SOMNATH CHATTERJEE : (Interruptions) At least give us the time of the Question Hour also. You have extended the House. So well organised the Government is.

Personally speaking, I am not surprised because the BJP have preached many things and have breached everything. As Shri Sangma rightly reminded us, the fulminations, if I may use that word without any derogatory sense, from the then Opposition Party, from the very articulate Deputy Leader of the BJP and other Members of the BJP, against what I also said wrongful action of the then Governor of UP. Exactly a similar action has been taken. Today it is being said 'you have done it, therefore we have done it.' Therefore, let them say Congress is their idol and whatever illegalities and unconstitutional acts they have committed, you are scrupulously following them. Say that, you admit that, let us understand. That is their version.

Mr. Speaker Sir, I wish to express our deepest sense of objection and protest against the way it has been done, it happened in Goa. The Governor has arrogated to himself the powers of what the Legislative Assembly alone holds. I am not trying to be an expert. The Supreme Court of India has categorically stated that the Governor is not chosen by the people, the Legislative Assembly is chosen by the people. Representatives of the people sit in the Legislative Chamber; they do not sit and operate in the Raj Bhawans.

But, unfortunately by grossest misuse of the Constitution the Raj Bhawans have acquired more importance than the Legislative Chambers. This is precisely what is happening. What sort of constitutional propriety is there? A Chief Minister is given one-and-a-half hours time to move a motion for the vote of confidence. That is what we have got from the paper. Then they are asked to immediately pass the financial business in the House because he realised that if the financial business was not passed within the time allotted there will be constitutional difficulties. Therefore, he forces the House to pass the financial Bills and then immediately dismisses the Government by withdrawing his pleasure. I cannot think of a more draconian and more near-fascist action of the Governor.

It has been very categorically said by the Supreme Court which I would like to quote just now. I hope my learned friends would not mind my quoting the Supreme Court. They are so impatient. It was contended before the Supreme Court that the Governor was justified in not giving time because it would have resulted in horse-trading. I am reading from the Bommai case at Page 127 of 1994, three Supreme Court cases, paragraph 118, Justice Sawant:

"It is not known from where the Governor got the information that there was horse-trading going on between the legislators. Even assuming it is so, the correct and the proper course for him to adopt was to await the test on the floor of the House which test the Chief Minister had willingly undertaken to hold".

He has not only willingly undertaken it, he has in fact gone through the process. In terms of the Governor's requisition he came to the House and obtained a vote of confidence.

Then, it has been said: 'through any day and any time the Governor chose' and they have done it.

Now, I quote again from the S.R. Bommai's case:

"It appears that the Governor was in a hurry to dismiss the Government and dissolve the Assembly."

Of course, that part has not come up because of various reasons.

I now quote what the other learned judge, Justice Jeevan Reddy, a part of the majority, said:

"The High Court, in our opinion, had held that the floor test was not obligatory. If only one keeps in mind the democratic principles underlying the situation and the fact that it is only the Legislative Assembly that represents the will of the people and not the Governor, the position would be clear beyond any doubt."

Then, he goes on to observe and I quote:

'The loss of confidence of the House was an objective fact which could have been demonstrated one way or the other on the floor of the House. In our opinion, wherever a doubt arises whether the Council of Ministers has lost the confidence of the House the only (the Supreme Court has put it, giving emphasis, in italics) way of testing it is on the floor of the House except in extraordinary situation where because of all-pervasive violence the Governor comes to a conclusion ... (that it should be done some other way).'

No such thing has happened. This is an extraordinary situation where a Ministry is dismissed after obtaining a vote of confidence. I am not holding a brief, per se, for Shri Rane or anybody else but the question that Shri Sangma has raised is a question of principle. It is a question not only of the year 1998 or of the Twelfth Lok Sabha but it is a perennial question.

We, in this fiftieth year of Independence, are very happy, trying to tell the world that we have passed a formal resolution expressing our great determination to continue the principles of parliamentary democracy. We have asserted, reasserted and whatnot our faith in maintaining the decorum of the House. This House represents the nation. The Assembly represents the State or the people of that State. By ignoring Parliament or ignoring the Assembly, it is a declaration of war against the people who have expressed their opinion. If these appointed persons, these selected people will arrogate to themselves the power of the people of this country, we can never accept it.

I am very sorry but I have said that I am not surprised. I cannot expect good behaviour from them. I mean, good constitutional behaviour and not personal behaviour. When it comes to personal behaviour, they are excellent. I have the largest number of friends there. But I cannot expect good constitutional behaviour from them because of the way the Governors were appointed, because Raj Bhavans are allowed to be occupied by their leading functionaries who are active political participants. We knew that this was going to happen and Raj Bhavans were going to be additional places of conspiracy with a Government which does not have the mandate of the people, all sorts of wonderful combinations. This is a Government of packages. I said that the Prime Minister is in bondage and they are now taking the country for a ride.

We cannot but strongly protest against the misuse of the Constitution. This is nothing but, I am sorry to say, an addition to the list of incidents where there has been a rape of the Constitution through the Office of the Governor and we strongly protest against that.

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श्री हरिन पाठक : अध्यक्ष जी, मैं पिछले करीब नौ साल से इस सदन का सदस्य हूँ। प्रजातंत्र में हम सब का विश्वास है। प्रजातंत्र की बुनियाद हमारा संविधान है। संविधान का अमलीकरण अनेक परम्पराओं के माध्यम से किया जाता है। मैंने पिछले पांच सालों में कई बार इस सदन में देखा है कि जब संविधान का अमलीकरण कोई एक व्यक्ति, समूह और राजनीतिक दल करता है तो उसका मुआयना अलग ढंग से होता है। गोवा में जो कुछ हुआ, यहां उसके बारे में जिक्र मेरे साथी पक्ष ने और मेरे बुजुर्ग साथी संगमा साहब से लेकर शिव शंकर जी, सोमनाथ दा ने किया।

जब गुजरात में यह घटना घटी, उस समय मैं इस सदन का सदस्य था। वह कृत्य संविधान पर वज्रपात था। गुजरात में उस समय श्री सुरेश मेहता की सरकार चल रही थी। जब उस सरकार को हटाया गया था, उस वक्त आप लोग नहीं बोले थे। श्री सुरेश मेहता साधारण बहुमत से, दो विधायक ज्यादा, यानी ९४ विधायक

लेकर दिल्ली आये थे। उन विधायकों को पत्रकारों के सामने खड़ा करके उनकी गिनती की गई थी। वही विधायक राष्ट्रपति भवन गये जहां उनकी गिनती की गई। लेकिन तत्कालीन राज्यपाल ने प्रजातांत्रिक ढंग से चुनी सरकार, जिसे गुजरात की साढ़े चार करोड़ जनता का समर्थन प्राप्त था, को एक कलम के गोदे से हटा दिया। हम यहां सदन में चिल्लाते रहे। उस समय आप में से किसी माननीय सदस्य ने विरोध नहीं किया, न ही आपके साथी पक्ष और न ही सोमनाथ बाबू ने खड़े होकर इस असंवैधानिक कृत्य का विरोध किया। आपके सभी साथी इस पक्ष में खड़े हो गये कि गुजरात में जो कुछ हुआ है, वह गुजरात के राज्यपाल ने अपने अधिकार के अन्तर्गत किया है

... (व्यवधान)

आप जो परम्परा डालेंगे, उसी परम्परा से सदन चलेगा, उसी परम्परा से देश चलेगा। हम दावा करते हैं कि हम देश के नुमाइंदे हैं। (व्यवधान).. अध्यक्ष महोदय, २१ फरवरी, १९९८ की बात है। अगले दिन २२ फरवरी को उत्तर प्रदेश और देश में लोकसभा के चुनाव चल रहे थे लेकिन उत्तर प्रदेश के राज्यपाल श्री रोमेश भंडारी द्वारा रातों-रात श्री जगदम्बिका पाल को उत्तर प्रदेश का मुख्यमंत्री बना दिया गया। सोमनाथ बाबू, उस समय आप कहां थे, क्या उस समय संविधान का हनन नहीं हुआ था? तब कांग्रेस ने इसका समर्थन किया था, युनाइटेड फ्रंट ने समर्थन किया और आपके साथी पक्षों ने भी समर्थन किया। मैं इस संदर्भ में यही कहना चाहता हूँ कि हाथी के दांत खाने के और दिखाने के और। जब अपने नीचे बात आती है तो संविधानिक बन जाती है और जब कोई संविधान के अनुरूप नहीं होता तो कुछ और हो जाता है

... (व्यवधान)

श्री मदन लाल खुराना, पार्लियामेंटरी अफेयर्स मिनिस्टर अपनी बात कहेंगे मगर मेरे पास जो रिपोर्ट है, उसके अनुसार गोआ में कांग्रेस की अंदरूनी लड़ाई चल रही है जिसमें कांग्रेस के कुछ लोगों ने राज्यपाल से मिलकर कह दिया कि वे सोनिया गांधी के साथ नहीं बल्कि उनके पति स्व. राजीव गांधी की बनाई हुई कांग्रेस के साथ हैं।

अध्यक्ष महोदय, जब प्रजातांत्रिक ढंग से चुनी हुई सरकार अस्त-व्यस्त हो जाती है या अस्थिर हो जाती है तब राज्यपाल का यह कर्तव्य बनता है कि जिसके पास बहुमत हो या बहुमत होने की संभावना हो, उसे शासन की बागडोर सौंपे। गोआ में जो कुछ हुआ, उसके अनुरूप हुआ, लेकिन जो उत्तर प्रदेश में हुआ, वह असं वैधानिक था। उसके लिये आपको पछताना चाहिये। मुझे सिर्फ इतना ही कहना है।

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संसदीय कार्य मंत्री तथा पर्यटन मंत्री (श्री मदन लाल खुराना): अध्यक्ष जी, अभी श्री संगमा जी ने जो बात रखी, मैं उससे शतप्रतिशत सहमत हूँ कि देश में दल-बदल की घटनाएँ हो रही हैं और सरकारों को किस तरह हटाया गया। मैं यह बात गोआ के संदर्भ में नहीं कह रहा हूँ, मैं जनरल बात कह रहा हूँ। गोआ के बारे में बाद में कहूँगा। अध्यक्ष जी, यह चिन्ता का विषय है।

... (Interruptions)

MR. SPEAKER: No. Please sit down.

... (Interruptions)

MR. SPEAKER: No. Please sit down.

... (Interruptions)

श्री मदन लाल खुराना : मैं संगमा जी से इस बात में पूरी तरह से सहमत हूँ कि पिछले कुछ वर्षों से जिस तरह से सारी घटनाएँ हो रही हैं, जिस तरह से कुछ दलबदलू इकट्ठे होकर सरकार को पलटते हैं और यह सब हो रहा है, यह डेमोक्रेसी के लिए खतरे की घंटी है, यह बात ठीक है। अगर अपोजीशन चाहे तो हम सब मिलकर, बैठकर इस समस्या का हल कैसे करें, हम उसके लिए तैयार हैं।

... (व्यवधान)

आपने कह दिया है, मुझे भी अपनी बात कहने दें।

जहां तक गोवा का सवाल है उस पर भी मैं कहूँगा। माननीय सोमनाथ दादा अच्छे ऐडवोकेट हैं, योग्य हैं, अपने केस को अच्छी तरह से प्लीड करते हैं, लेकिन मेरा कहना है कि सोमनाथ दादा को ये केस उस समय भी पेश करना चाहिए था जब यूपी का मामला हुआ था।

... (व्यवधान)

श्री सोमनाथ चटर्जी : हम लोगों ने अपोज़ किया था।

We have been consistently opposing this. ... (व्यवधान)

श्री मदन लाल खुराना : आपने कहा होगा। लेकिन मैं कहना चाहता हूँ कि हिन्दुस्तान में

... (व्यवधान)

आपको बोलने का अधिकार नहीं है क्योंकि आप उस कैबिनेट में थे।

... (व्यवधान)

मैं कहना चाहता हूँ कि यह इस देश में पहली बार हुआ है। ... (व्यवधान)

SHRI SOMNATH CHATTERJEE : It is not correct; it is incorrect. I know that. What he has been trying to do to Shri Sahib Singh Verma, he is trying to refer to us. ... (Interruptions)

श्री मदन लाल खुराना : मैं आपको सुनता रहा था। मेरा कहना है कि यह इस देश में पहली बार हुआ है कि कैबिनेट ने एक सरकार को धारा ३५६ के अंतर्गत डिसमिस किया। हमको न्याय कहां से मिला? राष्ट्रपति से मिला। उन्होंने आदेश को वापस लिया। हमको न्याय कहां से मिला? एक दिन बाद लोक सभा के चुनाव हुए और आप सब लोगों ने मिलकर कल्याण सिंह सरकार को डिसमिस कर दिया। हमको न्याय कहां से मिला? कोर्ट से मिला। आप सब लोगों ने इकट्ठे होकर बीजेपी को किसी तरह से खत्म कर देना चाहिए, यह साजिश की थी। उस समय डेमोक्रेसी के बारे में आप क्यों नहीं बोले?

... (व्यवधान)

आप हमको कांस्टीट्यूशनल बिहेवियर की बात कहते हैं। मैं तब मानता जब आप कहते कि मैं सरकार से समर्थन वापस ले लूंगा अगर धारा ३५६ नहीं हटाई गई। ज़बानी भाषण दे दिया, ऐक्शन में कुछ नहीं किया। इसलिए मेरा कहना है कि यह समस्या गंभीर नहीं है जैसे शुरू में मैंने कहा। मैं संगमा जी की इस बात से सहमत हूँ कि इस देश के भविष्य के लिए, इस देश की डेमोक्रेसी के भविष्य के लिए ऐसी घटनाएं न हों, उसके बारे में हमको कोई कानून में फेरबदल करना चाहिए।

... (व्यवधान)

SHRI SOMNATH CHATTERJEE : Then, you are not supporting the action of the Governor of Goa. You have to say that.

श्री मदन लाल खुराना : मैं उस पर भी आ रहा हूँ। अगर आपने केवल उतनी बात कही होती तो मैं वह बात कहता, लेकिन आपने जो हमको सरमन दिये, मैं उसका जवाब दे रहा हूँ।

... (व्यवधान)

SHRI SOMNATH CHATTERJEE : You need some good sermons and not the RSS sermons. ... (Interruptions)

MR. SPEAKER: Let him complete, please.

श्री मदन लाल खुराना : आप अच्छे ऐडवोकेट तो हैं, आप किसी मर्डरर को छुड़ाने के लिए भी अच्छी ऐडवोकेसी कर सकते हैं, लेकिन डेमोक्रेसी का मर्डर जब हुआ तो आप चुप रहे और इसलिए

you are not a good advocate.... (Interruptions)

SHRI SOMNATH CHATTERJEE : We are the only party who are consistently opposing the use of Article 356 of the Constitution. We are always opposed to this. No party has a better role in opposing than our party. ... (Interruptions)

MR. SPEAKER: When the Minister is giving reply, why do you all stand up?

... (Interruptions)

श्री मदन लाल खुराना: अध्यक्ष महोदय, मैं कहना चाहता हूँ कि जहां तक यहां का मामला है, मैं डीटेल में नहीं जाना चाहता। यह मैं मानता हूँ

... (व्यवधान)

PROF. P.J. KURIEN (MAVELIKARA): Are you ready to recall the Governor or not? You may inform us on that point...(Interruptions)

SHRI VAIKO (SIVAKASI): You do not have the right to speak about the role of Governors...(Interruptions)

श्री मदन लाल खुराना: आप बैठिये, आप मेरी बात सुन लीजिए

... (व्यवधान)

मैं उसी पर आ रहा हूँ।

... (व्यवधान)

आपने यू.पी. में भी कॉल किया था, आपने गुजरात में भी कॉल किया था।

... (व्यवधान)

मैं इस समय

... (व्यवधान)

जब आप बोल रहे थे मैंने कुछ नहीं कहा था। अब आप मेरी बात सुन लीजिए। यह आपका अपना झगड़ा था। २६ में से १० सदस्य आपको छोड़कर चले गये थे, एक-तिहाई से भी ज्यादा लोग आपको छोड़कर चले गये थे। हाउस में आपकी मेज्योरिटी नहीं रही। अब उसके बाद गवर्नर ने कैसे एक्शन लिया, क्या किया, गोवा का निर्णय वहां के माननीय राज्यपाल महोदय का व्यक्तिगत निर्णय है। संविधान की धारा १७४ के तहत उन्होंने यह निर्णय दिया। इसमें केन्द्र सरकार का

... (व्यवधान)

SHRI BHUBANESWAR KALITA (GUWAHATI): How can a Governor function as an individual?... (Interruptions)

MAJOR GENERAL BHUVAN CHANDRA KHANDURI, AVSM (GARHWAL): Sir, he is going on giving a speech. He is disturbing all the time...(Interruptions)...You lectured us on how to behave. But how are you behaving now?...(Interruptions)

SHRI BHUBANESWAR KALITA (GUWAHATI): The Governor cannot function as an individual.... (Interruptions)

MR. SPEAKER: Let him complete.

... (Interruptions)

श्री मदन लाल खुराना: अध्यक्ष महोदय, आप इन्हें बैठाइये

... (व्यवधान)

मुझे कंक्लूड करने दीजिए। धारा १७४ के तहत गवर्नर ने यह फैसला किया है, उससे केन्द्र सरकार का कोई लेना-देना नहीं है। राज्यपाल की यह जानकारी गृह मंत्रालय को पहुंच चुकी है, उसकी रिपोर्ट आ गई है। आपने जो आरोप लगाया है, उस पर मैंने कहा कि इसमें हमारा हाथ नहीं है। धारा ३५६ के बारे में हमने कहा है कि उसे हम किसी राज्य के विरुद्ध इस्तेमाल नहीं करेंगे, उसकी दुरुपयोग नहीं करेंगे। यह हमने पहले ही कहा है और आपने देखा होगा कि इतने महीने हो गये, हमारे ऊपर कितना प्रेशर पड़ा, अगर हम कुछ राज्यों के विरुद्ध धारा ३५६ का इस्तेमाल करें तो वहां की जनता खुश हो जायेगी।

... (व्यवधान)

MR. SPEAKER: Shri Athawale, please take your seat. What is this?

... (Interruptions)

श्री मदन लाल खुराना: यह हम जानते हैं। लेकिन उसके बावजूद भी हमने धारा ३५६ का प्रयोग नहीं। हम जो कहते हैं वही करते हैं। हम संविधान की पूरी तरह रक्षा करना चाहते हैं, मैं यही कहना चाहता हूँ।

... (व्यवधान)

SHRI RAJESH PILOT : Mr. Speaker Sir, I would like to say something...(Interruptions)

MR. SPEAKER: No. Please understand the position.

... (Interruptions)

SHRI BHUBANESWAR KALITA : Sir, he is a Member from Goa. He should be allowed to speak...
(Interruptions)

MR. SPEAKER: You please sit down first.

... (Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS, MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF ">PLANNING AND PROGRAMME IMPLEMENTATION (SHRI RAM NAIK): But the practice of this House is that once the Minister of Parliamentary Affairs has replied, the same issue will not continue...(Interruptions)... How can the same issue be continued? You cannot continue the same issue for a long time...(Interruptions)

MR. SPEAKER: No, not like this.

... (Interruptions)

MR. SPEAKER: Now, Shri Ram Naik.

... (Interruptions)

MR. SPEAKER: I have called Shri Ram Naik.

... (Interruptions)

MR. SPEAKER: I know that he is from Goa.

... (Interruptions)

MR. SPEAKER: No, no; I have called Shri Ram Naik. Then, he can speak. Let the Minister give his views.

SHRI RAM NAIK: Sir, the deputy leader of the Congress Party has given his comments. ... (Interruptions) The ex-hon. Speaker also has given his comments. The CPI(M) leader also has given his comments. Then, you called the Minister of Parliamentary Affairs to react. So, once he has given his statement, the issue should be over.

There are many other issues which other hon. Members want to raise. They should be allowed to raise those issues. ... (Interruptions)

MR. SPEAKER: No, no, please.

... (Interruptions)

SHRI FRANCISCO SARDINHA : Sir, I was patiently hearing the Minister of Parliamentary Affairs, Shri Khurana. As he has rightly said, the Supreme Court restored the Government in Uttar Pradesh. Now, same is the case in Goa. The Governor requested the Chief Minister to prove the majority within one-and-a-half hours. ... (Interruptions) Here is a copy of the notice where he says that within a day, he has to finish all this transaction. ... (Interruptions) The Finance Bill has been approved. The majority has been shown in the House. After that, the Governor has dismissed the Chief Minister.

For your information, when the Speaker has taken action, whether rightly or wrongly against the Members, they have gone to the High Court. The petition is supposed to come up for hearing at 10.30 a.m. today. I am asking as to what is the propriety of the Governor to dismiss the Chief Minister?

MR. SPEAKER: Now, please take your seat.

SHRI FRANCISCO SARDINHA : You must recall the Governor immediately. ... (Interruptions) You must restore the Government, ... (Interruptions)

MR. SPEAKER: Hon. Members, please take your seats.

... (Interruptions)

11.53 hrs

At this stage, Shri Francisco Sardinha and some other hon. Members ">came and stood on the floor near the Table.

MR. SPEAKER: This is not good.

... (Interruptions)

MR. SPEAKER: Hon. Members, please take your seats.

... (Interruptions)

MR. SPEAKER: Please resume your seats.

... (Interruptions)

MR. SPEAKER: After raising the entire matter, this is not good. Please take your seats.

... (Interruptions)

MR. SPEAKER: I am appealing to you to go to your seats.

... (Interruptions)

MR. SPEAKER: After raising the matter, this is not the way.

... (Interruptions)

MR. SPEAKER: No, no; what is this?

... (Interruptions)

MR. SPEAKER: You have raised the matter. Now, you are disturbing the House.

... (Interruptions)

MR. SPEAKER: I am appealing to you to please resume your seats.

... (Interruptions)

MR. SPEAKER: There are other important issues to be raised.

... (Interruptions)

MR. SPEAKER: You are obstructing other Members from raising other issues.

... (Interruptions)

MR. SPEAKER: You have already raised the matter.

... (Interruptions)

MR. SPEAKER: Please understand that you are obstructing other Members from raising their issues.

... (Interruptions)

MR. SPEAKER: You are not allowing other Members to raise issues.

... (Interruptions)

MR. SPEAKER: This is not the good way.

... (Interruptions)

MR. SPEAKER: Now, the House stands adjourned to meet again at 1 P.M.

11.56 hrs

The Lok Sabha then adjourned till Thirteen of the Clock.

13.00 hrs

The Lok Sabha re-assembled at Thirteen of the Clock.

(Mr.Speaker in the Chair)

... (व्यवधान)

अध्यक्ष महोदय : प्लीज़ आप बैठिए।

... (व्यवधान)

MR.SPEAKER: Please understand, the Chair wants to make some observations.

SHRI FRANCISCO SARDINHA (MARMAGOA): Let me first make my point.... (Interruptions)

MR. SPEAKER: Please allow me to make some observations.

... (Interruptions)

MR. SPEAKER: Please hear me first.

... (Interruptions)

SHRI TATHAGATA SATPATHY (DHENKANAL): Yesterday, when Shri Yerrannaidu was in the Chair, he told me that he would put my name at the top.... (Interruptions)

MR. SPEAKER: You should hear me first.

I have received a notice from Hon. Ajit Jogi and Hon. P.J. Kurien, under Rule 184 of the Rules of Procedure. I am having the matter examined with reference to the facts of the case for which I am calling an official report from the Ministry of Home Affairs. I shall take a decision on the matter and get back to the House.

I would also like to intimate the hon. Members that this afternoon I have fixed a meeting of the BAC to discuss the business of the House. Members of the BAC will have an opportunity to raise the matter in the BAC as well. In the circumstances, I request all the Members to keep peace and facilitate orderly conduct of business of the House, as mentioned in the List of Business.

SHRI P. UPENDRA (VIJAYAWADA): The facts are already known. What more facts does the Government want?... (Interruptions)

MR. SPEAKER: Does the Government want to say anything?

... (Interruptions)

श्री कांतिलाल भूरिया (झाबुआ) : गृह मंत्री को वक्तव्य देना चाहिए।

... (व्यवधान)

MR. SPEAKER: The Minister of Parliamentary Affairs would like to respond.

... (Interruptions)

संसदीय कार्य मंत्री तथा पर्यटन मंत्री (श्री मदन लाल खुराना): अध्यक्ष जी, मैं सदन को एक दुखद सूचना देना चाहता हूँ।

... (व्यवधान)

SHRI RAVI SITARAM NAIK (PANAJI): He is misguiding the House.

SHRI FRANCISCO SARDINHA (MARMAGOA): The Minister of Home Affairs should make a statement.

श्री मदन लाल खुराना: मैं सदन को एक दुखद सूचना देना चाहता हूँ। एख छोटा डोर्नियर प्लेन आई.सी. ५०३ जिसमें तीन पैसेंजर और तीन क्रू थे, वह कोचीन से त्रिवेन्द्रम जा रहा था, दुर्घटनाग्रस्त हो गया है। क्योंकि यह दुर्घटना ११.०० बजे के बाद हुई, अतः सिविल एविएशन मिनिस्टर पूरे तथ्यों को लेकर आज सायं तक सदन में अपना स्टेटमेंट देंगे।

... (व्यवधान)

श्री भुवनेश्वर कालिता (गुवाहाटी): असम में बम ब्लास्ट में १२ आदमी मारे गए हैं, उस पर स्टेटमेंट दीजिए।

... (व्यवधान)

MR. SPEAKER: What about this?

SHRI A.C. JOS (MUKUNDAPURAM): Mr. Speaker, Sir, we want more details regarding the crash of the Dornier aircraft.

MR. SPEAKER: The Minister of Civil Aviation is going to make a statement on it.

... (Interruptions)

MR. SPEAKER: Would the Home Minister like to respond in regard to the notice of Motion under Rule 184?

">THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Mr. Speaker, Sir, so far as the developments in Goa are concerned, I believe what you just now said had a reference to that. You said that you had received some notice in respect of which you would seek necessary information from the Home Ministry and then take a decision. It is entirely up to you to decide upon the form in which the matter should come up here. What I would like to say at this point is that the decision has been taken by the Governor of the State under his authority and under the Constitutional provisions. ... (Interruptions)

SHRI P. SHIV SHANKER : Are we going into the merits?

SHRI L.K. ADVANI: I am not going into the merits.

Mr. Speaker, Sir, I thought, when you made this announcement, that notice of a formal motion has been given and on that basis you will decide the admissibility. ... (Interruptions)

SHRI BHUBANESWAR KALITA : Mr. Speaker, Sir, we would like to know whether the notice under 184 has been admitted or not.

SHRI AJIT JOGI : Sir, I gave notice for a motion under Rule 184 and I requested that the Governor of Goa should be recalled under Article 156 of the Constitution. Are you going to kindly admit that motion or not?

MR. SPEAKER: I have already said that it will be discussed in the BAC.

SHRI AJIT JOGI : All the facts are known to the Home Minister.

SHRI L.K. ADVANI: Mr. Speaker, Sir, I have not even seen the motion that has been give notice of. I only heard you announce that you had received a notice from Shri Ajit Jogi and Shri Sharad Pawar in respect of which you will seek necessary information from the Home Ministry and then take a decision. We are willing to abide by whatever decision you are going to take because whether a motion of that kind can be admitted and can be discussed in the House is for you to decide. I will give you all the necessary information in this regard. ... (Interruptions)

SHRI P. UPENDRA (VIJAYAWADA): All the information is available. What more do you want to know?

SHRI L.K. ADVANI: At this point of time, I say that whatever has happened in Goa is not because of a decision of the Central Government. We have been informed about what has happened. We will give all the necessary information. ... (Interruptions)

SHRI RAVI SITARAM NAIK (PANAJI): Whatever has happened there was at the instance of the Home Minister.

श्री अजीत जोगी : हमारा एक सब्सटेंटिव मोशन है,

... (व्यवधान)

MR. SPEAKER: We will discuss it in the BAC.

... (Interruptions)

MR. SPEAKER: Please understand the position.

... (Interruptions)

श्री कांतिलाल भूरिया (झाबुआ) : अध्यक्ष महोदय, गोवा में लोकतंत्र की हत्या कर दी गई है।

... (व्यवधान)

ऐसे गवर्नर को वापस बुलाया जाये।

... (व्यवधान)

MR. SPEAKER: Hon. Members, please take your seats. You cannot stall the proceedings of the House like this.

... (Interruptions)

SHRI FRANCISCO SARDINHA : Can you give assurance that Motion under Rule 184 will be accepted? ...

(Interruptions)

13.10 hrs

At this stage, Shri Kantilal Bhuria and some other hon. Members ">came and stood on the floor near the Table.

MR. SPEAKER: Please understand. Unless we have facts, how can we decide about a Motion under Rule 184?

... (Interruptions)

MR. SPEAKER: This is not good. This is not fair on the part of hon. Members.

... (Interruptions)

MR. SPEAKER: This is not good. This is not fair also.

... (Interruptions)

MR. SPEAKER: This will not go on record.

(Interruptions)*

MR. SPEAKER: Shri Bhuria, please hear me. Without getting the facts, how can we decide a Motion under Rule 184?

... (Interruptions)

MR. SPEAKER: Knowing all these things, it is not good to do like this.

... (Interruptions)

MR. SPEAKER: Hon. Members, please go back to your seats.

... (Interruptions)

MR. SPEAKER: What is this?

... (Interruptions)

MR. SPEAKER: I am appealing to the hon. Members to kindly go back to their seats. This is not good. Without having information, how can we decide a Motion under Rule 184?

... (Interruptions)

MR. SPEAKER: Once again, I am appealing to the hon. Members to go back to their seats.

... (Interruptions)

MR. SPEAKER: I am requesting the hon. Members to go back to their seats. Without obtaining information, how can we decide a Motion under Rule 184? What is this?

... (Interruptions)

MR. SPEAKER: This is not good. Please understand. There are other Members also who want to raise important issues.

... (Interruptions)

MR. SPEAKER: This is not good. I am appealing to you again, please go back to your seats.

... (Interruptions)

*Not Recorded.

MR. SPEAKER: What is this?

... (Interruptions)

MR. SPEAKER: You have discussed this issue for one hour. You are not listening to the observations made by the Chair.

... (Interruptions)

श्री प्रभुनाथ सिंह (महाराजगंज): अध्यक्ष जी, ये लोग खाली अखबार में छपवाने के लिए कह रहे हैं।

... (व्यवधान)

MR. SPEAKER: Once again, I am appealing to you to go back to your seats. This is my request to all of you. This is not the proper way to put forth your views.

... (Interruptions)

MR. SPEAKER: Once again, I am requesting you to go back to your seats.

... (Interruptions)

MR. SPEAKER: What is this? This is not the proper way.

... (Interruptions)

MR. SPEAKER: The House stands adjourned to meet again at 4 p.m.

13.17 hrs

The Lok Sabha then adjourned till Sixteen of the Clock.

16.03 hrs

The Lok Sabha re-assembled at three minutes past Sixteen of the Clock.

(Shri V. Sathiamoorthy in the Chair)

... (Interruptions)

16.03 hrs

At this stage, Shri Francisco Sardinha and some other hon. Members came and stood on the floor near the Table.

... (Interruptions)

MR. CHAIRMAN: Disturbing the proceedings of the House is not proper.

... (Interruptions)

MR. CHAIRMAN: Let us take Matters under Rule 377.

... (Interruptions)

MR. CHAIRMAN: This matter was already raised in the 'Zero Hour'.

... (Interruptions)

THE MINISTER OF CIVIL AVIATION (SHRI ANANTH KUMAR): Sir, I want to make a statement..

(Interruptions)

MR. CHAIRMAN: Please just allow the Minister to make a statement.

... (Interruptions)

MR. CHAIRMAN: Today's matters listed under Rule 377 are to be treated as laid on the Table of the House.

... (Interruptions)

MR. CHAIRMAN: All the Members are requested to cooperate to proceed with the business of the House.

... (Interruptions)

">SHRI FRANCISCO SARDINHA (MARMAGOA): Sir, I was silently hearing the hon. Minister, Shri Khurana when he said that the Supreme Court restored the Government in UP...(Interruptions)