

**Title:** Regarding notice of motion on political developments in Goa.

PROF. P.J. KURIEN (MAVELIKARA): Mr. Speaker, Sir, yesterday the whole House was agitated over the incident in Goa. Not only the whole House, the entire nation is concerned over the way in which the Constitution was thrown to the winds by none other than the Head of that State. We have given notice for a motion under rule 184. The best of the defence from the Treasury Benches was that what happened in Goa is similar to what happened in U.P.

Sir, during the U.P. episode, you may kindly recall, what happened was that none other than the hon. Prime Minister, Shri Vajpayee, himself went on a fast against the unconstitutional act of the then Governor. I have read in today's newspaper that the then Governor has stated that he has been vindicated by the stand that has been taken by the Government on Goa incident. I concede that that is the best of their defence; nothing more have they said. Hon. Shri Khurana himself has said that the whole nation should be concerned about this and that there should be a discussion on this issue. Hon. Shri Sangma yesterday said in this very House that during the U.P. episode, when a notice under rule 184 was given by the present de facto Minister of External Affairs, Shri Jaswant Singh, that notice was admitted by him. That notice was given on February 27, 1997 and the then hon. Speaker, Shri Sangma gave a ruling. I am quoting from that ruling from the Proceedings of the House:

"The Government and the House owe to the people of this country in general and of U.P. in particular, to assess the situation through an objective discussion. A discussion on the law and order situation in the State is bound, even if indirectly, to lead to a discussion on the conduct of the Governor, which, under the rules, cannot be allowed except on a substantive motion under rule 184. In the circumstances, after giving a careful thought to all aspects of the matter, I admit the notice of a motion under rule 184."

Sir, in a similar incident, which the Treasury Benches themselves submit is very similar to the present one, the then hon. Speaker, Shri Sangma admitted the notice under rule 184, even if it led to a discussion on the law and order and even if it was bound to cause aspersion on the Governor. That is the precedent in this House. In Goa, the Governor has arrogated to himself the powers and the functions of the Assembly. This is most unfortunate. Again, the Governor has given only ninety minutes to the present incumbent...(Interruptions)

MR. SPEAKER: Prof. Kurien, yesterday also we have discussed all these facts.

PROF. P.J. KURIEN : I shall cut short, Sir. The Governor has given only ninety minutes, whereas the new incumbent is given 21 days. Further, the most important factor is that the very same Government got the Budget and the Finance Bill passed. If the same Government can get the Budget and the Finance Bill passed, how can the Governor come to the conclusion that the Government has lost the majority? This is something which nobody can understand. It is beyond any rationale. In the circumstances...(Interruptions).

MR. SPEAKER: Shri Swain, please take your seat. You are not supposed to interrupt him.

... (Interruptions)

PROF. P.J. KURIEN : Sir, in the circumstances and in view of the precedence in the House of the former hon. Speaker's ruling, I request on behalf of our party, on behalf of this side and also on behalf of many on that side that a discussion under rule 184 may please be allowed.

MR. SPEAKER: Would the Home Minister like to respond?

SHRI AJIT JOGI (RAIGARH): Sir, there is my name also. I will complete in two sentences. ....(Interruptions)

श्री सुरेन्द्र सिंह (भिवानी) : यह क्या मज़ाक है? एक ही पार्टी के दो सदस्य बोल रहे हैं।

... (व्यवधान)

श्री अजीत जोगी : हमने नोटिस दिया है।

... (व्यवधान)

श्री सुरेन्द्र सिंह : जोगी जी के बाद हमें भी बोलने का मौका दिया जाए।

SHRI BHUBANESWAR KALITA (GUWAHATI): He has given notice. ....(Interruptions)

MR. SPEAKER: You allow Shri Jogi to speak.

... (Interruptions)

MR. SPEAKER: I request you to please resume your seat.

....(Interruptions)

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

... (Interruptions)

MR. SPEAKER: I will also allow you, but not now.

... (Interruptions)

SHRI CHETAN CHAUHAN (AMROHA): On Monday, I did not get a chance. On Tuesday, I did not get a chance.

MR. SPEAKER: Today, you will get a chance.

... (Interruptions)

श्री सुरेन्द्र सिंह : अध्यक्ष जी, हमें तो मौका ही नहीं मिलता। मेरा एक सबमिशन है।

अध्यक्ष महोदय : सबमिशन बाद में देना।

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श्री अजीत जोगी (रायगढ़) : अध्यक्ष महोदय, नियम १८४ के तहत हमने एक निवेदन किया है। मैं आपके माध्यम से पूरे सदन से और विशेषकर सत्ता पक्ष से एक निवेदन करना चाहता हूँ। कुछ मुद्दे ऐसे होते हैं जिन पर हमको दलों की दीवारों से ऊपर उठकर विचार करना चाहिए।

... (व्यवधान)

प्रजातंत्र की ताकत हमारी संस्थाएं हैं। अगर प्रजातंत्र को हम मज़बूत बनाकर रखना चाहते हैं तो इन संस्थाओं की गरिमा को बनाकर रखना होगा। जिन लोगों को संवैधानिक शक्तियां दी गई हैं, ऐसे लोग अगर संवैधानिक शक्तियों का उल्लंघन करेंगे, अपने कार्यक्षेत्र की दीवारों को लांघकर कार्य करेंगे तो हम प्रजातंत्र को मज़बूत और कायम नहीं रख सकते हैं। एक ऐसी बात गोवा में हुई है जिसने इस बात को सिद्ध कर दिया है। सब इससे सहमत है कि जो कुछ वहां हुआ है, वह नहीं होना चाहिए। विधान सभा के कार्यक्षेत्र की सीमाएं होती हैं, संसद के कार्यक्षेत्र की सीमाएं होती हैं, राज्यपाल के कार्यक्षेत्र की सीमाएं होती हैं और राष्ट्रपति के कार्यक्षेत्र की भी सीमाएं होती हैं। जो कुछ गोवा में हुआ है, वह ऐसा हुआ है जिसमें यह जो सीमाएँ, यह जो दीवारें हमारे संविधान निर्माताओं ने हम सबके लिए खींच दी हैं इसमें कुछ काम है जो हम संसद में कर सकते हैं, कुछ काम है जो हम नहीं कर सकते, न्यायपालिका करेगी। कुछ काम है जो विधान सभा करेगी। जो कुछ गोवा में हुआ है, उसमें वहां के राज्यपाल ने, जिनको संविधान में एक गरिमा का स्थान दिया गया है, उसका उल्लंघन किया है। इसलिए मेरा आपसे निवेदन है कि हम सब इस पर विस्तृत चर्चा करें, गहन अध्ययन करें। जो नियम १८४ है, जिसे हम सबस्टैन्टिव मोशन कहते हैं, उसके अंतर्गत चर्चा होनी चाहिए और सदन जो सार्वभौम है, हमको इस देश को दिशा देनी है, हमें अपने देश के प्रजातंत्र को दिशा देनी है, हमें यह बात चर्चा करके तय करनी चाहिए कि यह हमारा अधिकार है, यह विधान सभा का अधिकार है, यह राज्यपाल का अधिकार है, यह राष्ट्रपति का अधिकार है और जैसा भी हम महसूस कर रहे हैं, अगर गोवा के राज्यपाल ने अपनी सीमा लांघी है, अपने अधिकार क्षेत्र से ऊपर उठकर काम किया है, तो हमारा अधिकार है संविधान के अनुच्छेद १५६ में उनको वापस बुलाने का, उनको गोवा से हटा देने का। उस अधिकार का इस संसद को उपयोग करना चाहिए और राज्यपाल को वापस बुलाना चाहिए। इस पर हम चर्चा करें, दलों की दीवारों से ऊपर उठकर इस पर चर्चा करें।

अगर इस बात को हम चर्चा करके तय नहीं करेंगे तो हमारे प्रजातंत्र की नींव मजबूत नहीं रह पायेगी। मेरा आपसे निवेदन है कि हमने आपको मोशन दिया है, नोटिस दिया है, आप उस पर सीधे फैसला करें और इस पर चर्चा करायें।

... (व्यवधान)

श्री इन्द्रजीत गुप्त (मिदनापुर): हमारी जानकारी के लिए आप जरा मोशन पढ़कर सुना दीजिए, हमें मालूम नहीं है कि उसमें क्या लिखा है।

... (व्यवधान)

सर, इन्होंने क्या मोशन पेश किया है, उसमें क्या है, हमें मालूम नहीं है।

SHRI AJIT JOGI (RAIGARH): I have stated the gist of the motion.

श्री इन्द्रजीत गुप्त : उसकी भाषा तो हमें पता होनी चाहिए कि उसमें क्या है।

श्री अजीत जोगी : अध्यक्ष महोदय, सदन के वरिष्ठतम सदस्य श्री इन्द्रजीत गुप्त जी ने कहा है कि हमने जो मोशन दिया है, हम उसका सारांश बता दें। हमने यह मोशन दिया है

... (व्यवधान)

श्री सुरेन्द्र सिंह : सर, ये पहले ही इतना बोल चुके हैं

... (व्यवधान)

MR. SPEAKER: He has already given the gist.

श्री सुरेन्द्र सिंह : अध्यक्ष महोदय, मेरा एक सबमिशन है।

MR. SPEAKER: What is your submission?

श्री सुरेन्द्र सिंह (भिवानी): अध्यक्ष महोदय, सदन में जब कभी भी कोई चर्चा का विषय आता है तो अक्सर देखा जाता है कि इसी सदन में महंगाई पर विस्तार से चर्चा हो चुकी है और दूसरे पब्लिक इम्पोर्टन्स के इश्यूज पर भी वक्तन-फक्तन चर्चा हो चुकी है। महोदय, आप दो दिन पहले का वाकया याद करें, जिस दिन कांग्रेस की रैली थी, उस दिन विरोधी दल के नेता ने महंगाई पर बहुत लम्बा भाषण दिया।

We could easily make out that they wanted to stage a walk-out.

बहुत अच्छे ढंग से वे बैकग्राउंड बना रहे थे। अगर आप ध्यान दें, आपने उन्हें बोलने का लम्बा समय दिया। माननीय शिवशंकर जी हमारे वरिष्ठ सदस्य हैं, कल उन्होंने गोवा पर बहुत लम्बा भाषण दिया। श्री अजीत जोगी आज बोल चुके हैं और दूसरे भी सीनियर सदस्य बोल चुके हैं। नियम १८४ के तहत इस पर जितना डिस्कशन करना चाहिए था, ये उससे ज्यादा बोल चुके हैं। मेरा सबमिशन यह है कि इस सदन में हम जैसे जूनियर मैम्बर्स भी हैं। मैं बहुत रिस्पेक्टफुल्ली सबमिट करना चाहता हूँ कि जब भी कोई बात आती है तो आप सीनियर मैम्बर्स को कोट करते हैं कि तुम बड़े सीनियर मैम्बर हो। मुझे इस बात का अफसोस है कि मेरे दोस्त श्री अकबर अहमद डम्पी शायद हाउस में नहीं आये हैं, वह एक जमाने के मेरे साथी हैं। जब आप उसको भी सीनियर कह देते हैं तो वह भी बाहर जाकर हमसे अकड़ता है। मैं आपसे अर्ज करना चाहता हूँ कि आप ध्यान से देखें गवर्नमेंट का एटीट्यूड इतना कोऑपरेटिव है। खुराना जी, पार्लियामेन्ट्री अफेयर्स मिनिस्टर हैं।

He is so cooperative.

जब शरद जी खड़े हुए, हमने उनको हट करने की कोशिश की कि महंगाई पर डिस्कशन होगा, वे हमें बैठाते रहे कि आप बैठ जाओ। कल शिवशंकर जी खड़े हुए, हमने कहा कि यह बहुत बार डिस्कस हो चुका है, लेकिन हमें फिर बैठा दिया गया। वे ज्यूडिशियस हैं, डेमोक्रेटिक इंस्टीट्यूशंस में विश्वास करते हैं

... (व्यवधान)

कई बार ये हमें इतना जबरदस्ती रोकते हैं कि हम भूल जाते हैं कि यह हमारी तरफ है या इनकी तरफ है।

... (व्यवधान)

इसलिए मेरा आपसे सबमिशन है कि आप जूनियर मैम्बर्स को भी बोलने के लिए बराबर समय दिया करें, ताकि वक्तन-फक्तन हम भी अपनी बात सबमिट कर सकें।

">THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Mr. Speaker, Sir, the developments in Goa do merit a discussion in the House. I have no objection to that. They have been of a nature which call for radical thinking, because issues of this kind are likely to be raised. I wish the discussion initiated by the last Speaker or the Speaker before that on whether the anti-defection law had served the purpose for which it was framed would have led us somewhere. That discussion did not lead anywhere. But that apart, in this particular case, as I briefly mentioned in the House yesterday, this is a decision taken in Goa by the Governor himself under his authority under the Constitution.

Shri Ajit Jogi just said, "let us discuss it in a manner in which people can freely speak out their minds." I think that people will freely speak out their minds, if there is a discussion under Rule 193. They will not freely speak out their minds, if it is under Rule 184. There is a difference between the two. After all, what is the difference between the two? If it is under Rule 184, then there is voting. The moment voting comes in, naturally, all parties will issue whips to their party Members. So, the purpose for which you are emphasising this debate would be defeated. ... (Interruptions)

SHRI S. JAIPAL REDDY (MAHABUBNAGAR): Sir, I am on a point of order.

MR. SPEAKER: This is 'Zero Hour' and, therefore, there can be no point of order.

SHRI L.K. ADVANI: I have been in this House for the last 27 or 28 years. There have been many occasions in the past where there was always a difference. Even in the Business Advisory Committee, in the meeting of Leaders convened by the Speaker, there were agreements between both the Opposition and the Government that there should be a discussion on this issue, and the difference becomes narrowed down to whether it should be under Rule 193 or 184. Everyone knows the difference between the two. But ultimately, the decision had been that 'all right, whatever the Government says, let it be accepted.' In this case, we are willing for a discussion, but it should be under Rule 193. ... (Interruptions)

SHRI FRANCISCO SARDINHA (MARMAGOA): Let there be no free discussion, and let there be voting according to their conscience.

">SHRI SOMNATH CHATTERJEE (BOLPUR): The hon. Home Minister reiterated today what you have said yesterday that it was the decision of the Governor of Goa alone and the Central Government has nothing to do with it. Shri Khurana is nodding his head and, I think, he agrees with it.

On a very similar situation, the B.J.P., which was then a very responsible Opposition Party, did not allow the House to function for days together -- I do not remember, but maybe, for four or five days together. If I remember correctly, until a decision was taken by the court and the matter was restored to the earlier position, they did not give up their agitation. We have been rightly reminded that Shri Atal Bihari Vajpayee, who is now the Prime Minister of India, had started a 'fast unto death'.

Now that the Governor of Goa has taken a decision in Goa, which was similar to U.P., what is the response of the Central Government?

">SHRI S. JAIPAL REDDY : Mr. Speaker, Sir, there is a substantive difference between the discussion under Rule 193 and under Rule 184. The conduct of the Governor has to be discussed on this question. At the moment, I am not discussing the merits of the conduct of the Governor. If I am to discuss the merits of the conduct of the Governor, I can only do so on a substantive motion. A motion under Rule 193 is not substantive, while the motion under Rule 184 is substantive. Therefore, Shri Advani, who is highly knowledgeable in these matters, should have the generosity to concede the point.

">SHRI BALRAM JAKHAR (BIKANER): Sir, the Governor's conduct cannot be discussed unless and until the motion is under Rule 184. This is what I wanted to say.

MR. SPEAKER: Hon. Members may recall that I had informed the House yesterday that I have received a notice of motion under Rule 184, which was given by Prof. Kurien and Shri Ajit Jogi, regarding the recent political developments in Goa. I had also informed the House that I have called for a factual note on the matter from the Minister of Home Affairs. The matter is under my consideration, and I will take a decision in the matter in the light of the facts received from the Minister of Home Affairs.

SHRI SHARAD PAWAR (BARAMATI): Sir, it is a question of timing because there are hardly two or three days left. Otherwise, we have no objection. If you are going to take a decision today and if you are going to fix a discussion on Monday, then we have no objection.

MR. SPEAKER: Today, I have called the BAC meeting at one o'clock. We can discuss it there.

MR. SPEAKER: Now the House will take up Zero Hour.

MAJOR GENERAL BHUVAN CHANDRA KHANDURI, AVSM (GARHWAL): Yesterday you have said that there would be no 'Zero Hour' today. That is why, we did not give notice. But now you say that there will be 'Zero Hour.' (Interruptions)

MR. SPEAKER: Today also, I have received 45 notices. If the House agrees, we will take up 'Zero Hour' for about half-an-hour now. Otherwise, we will take up the next item. If the House agrees, we will take up 'Zero Hour' now.

SHRI RAJESH PILOT (DAUSA): We were discussing the problems of the North-East.

(Interruptions)

MR. SPEAKER: I want to know the sense of the House. Is it the pleasure of the House to take up 'Zero Hour' for about half-an-hour now?

... (Interruptions)

MR. SPEAKER: After finishing the Submissions, 'zero hour' will be taken up.

. . . . (Interruptions)

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