

[English]

SHRI SONTOSH MOHAN DEV: What our leader has got to do with this? (*Interruptions*)

PROF. MADHU DANDAVATE: Are you continuing the debate? (*Interruptions*)

MR. SPEAKER: No, no. You will have a chance next time. (*Interruptions*)

20.40 hrs.

DECISION OF THE SPEAKER UNDER TENTH SCHEDULE OF THE CONSTITUTION

Disqualification of Members on ground of Defection

[English]

MR. SPEAKER: In the matter of the petitions filed by Shri Santosh Bhartiya against Smt. Usha Sinha and 29 other Members listed at Annexure I and the petition filed by Shri Satya Pal Malik against the aforementioned 30 Members both praying for the disqualification under the Tenth Schedule of the Constitution and the Members of the Lok Sabha (Disqualification on ground of Defection) Rules, 1985

and

In the matter of the petition filed by Shri Sukdeo Paswan against Shri V. C. Shukla and six other Members listed at Annexure II under Tenth Schedule of the Constitution and the Members of Lok Sabha (Disqualification on ground of Defection) Rules, 1985

and

In the matter of the petition filed by Shri Devendra Prasad Yadav against Shri Shakeelur Rehman under the Tenth Schedule of the Constitution and the Members of Lok Sabha (Disqualification on ground of Defection) Rules, 1985

and

In the matter of expulsion of Shri Chandra Shekhar and 24 other Members from Janata Dal given at Annexure III followed by their declaration as unattached Members

and

In the matter of request of Shri Chandra Shekhar dated 6th November, 1990 for recognition of Janata Dal (S) as a political party.

The facts of the above cases in brief are that on the 6th November, 1990, I received a letter jointly sent by Sarvashri Chandra Shekhar, Devi Lal, Chand Ram and Hukumdeo Narayan Yadav, MPs and one Member of Rajya Sabha, informing me that Janata Dal had split at all levels in every State and that following the split, 58 Members *vide* Annexure IV along with some Members of Rajya Sabha had constituted a group representing the break-away faction of Janata Dal and that they had adopted the name of Janata Dal (S).

2. Earlier on the 5th November, 1990, I had received a letter from Shri Vishwanath Pratap Singh, Leader of Janata Dal in Parliament informing me that 25 Members of Lok Sabha belonging to Janata Dal *vide* Annexure III have been expelled from the party for anti-party activities and were no longer Members of the Janata Dal Legislature Party in Lok Sabha. On receipt of this information, in conformity with the well-established Parliamentary usage and practice and

keeping in view that the matter was of party discipline between the Leader and its Members, I had decided to declare the said 25 Members as 'Un-attached' for the purpose of their functioning in the House, allotment of seats, freedom from the Party Whip, etc. These Members were informed of my decision the same evening.

On the 6th November, 1990 at 1700 hours, I received a letter from Shri Vishwanath Pratap Singh claiming that 25 Members of the Janata Dal having already been expelled, the residual strength of the claimed split group came to only 33, which is less than 1/3rd of the residual strength of the Janata Dal in Lok Sabha i.e., 115 and, therefore, the splinter group should not be recognised. The said communications received from Shri Chandra Shekhar and Shri Vishwanath Pratap Singh about the split were sent to each other for enabling them to furnish additional comments, if any. Shri Chandra Shekhar in a reply dated the 6th November and received on the 7th November furnished his further comments.

On 7th and 8th November, 1990 two petitions were received under Rule 6 of the Members of Lok Sabha (Disqualification on Ground of Defection) Rules, 1985 (hereinafter referred to as Disqualification Rules, 1985) from Shri Santosh Bhartiya and Shri Satya Pal Malik, respectively against 30 Members *vide* Annexure I. Out of the 30 Members, Shri Gurdial Singh Saini resigned from Lok Sabha w.e.f. the 9th November, 90. On being satisfied that the petitions were in order, the petitions were forwarded to the Respondents and their comments have been received. The Respondents had also requested for personal hearing for which an opportunity was given on the 7th January, 1991.

On the 23rd November, 1990, I received 7 petitions from Shri Sukdeo

Paswan under Disqualification Rules, 1985. The list of Respondents is at Annexure II. On being satisfied that the petitions were in order, they were forwarded to the Respondents and the comments of the Members have since been received. The Members had also requested for personal hearing and accordingly an opportunity was granted to them on the 7th January, 1991.

On the 14th December, 1990, I received a petition from Shri Devendra Prasad Yadav, MP praying for disqualification of Dr. Shakeelur Rehman, MP on the ground that the latter had voluntarily given up membership of Janata Dal. The petition was referred to Dr. Rehman for his comments, and as per his request an opportunity for personal hearing was also granted to him on the 7th January, 1991.

The issues to be decided by me are as follows:—

- (i) Whether a split took place in the original Janata Dal in terms of Paragraph 3 of the Tenth Schedule of the Constitution;
- (ii) Whether the expulsion of 25 Members by Shri Vishwanath Pratap Singh on the 5th November, 1990 and their being treated as unattached by me has any legal effect on the plea of split;
- (iii) Whether any of the Respondents have incurred any disqualification under Tenth Schedule of the Constitution.

3. Regarding issues (i) & (ii) the contentions of four petitioners under the Disqualification Rules and of Shri Vishwanath Pratap Singh may be summarised as follows:—

- (a) 25 Members were expelled on the 5th November, 1990 and

the fact of expulsion was promptly intimated to the Speaker. The expulsion has occurred prior to any alleged split.

- (b) The remaining Members claiming a split do not constitute 1/3rd of the remaining strength of the Janata Dal namely 115 and therefore are liable to be disqualified.
- (c) It is claimed by the Respondents variously that a split took place at 10.30 AM on the 5th November, 1990 and even if it is admitted for the sake of argument that the split did occur, it had to be deemed to have occurred on the 5th November and Members defecting after the 5th, that is, those not covered in the list of 58 Members and voting against the whip on 7th November or 16th November cannot in any case be covered by the split.
- (d) The first condition of a split required under Para 3 of Tenth Schedule, namely, that any split in the Legislature Party has to arise as a result of a split in the original political party has not been fulfilled because Shri Chandra Shekhar himself is reported to have said in *The Hindu* of Delhi edition dated 6th November, 1990 that only the Parliamentary Party had split and not the Janata Dal.

The arguments of the Respondents can be summarised as follows:—

- (a) That at 9.30 AM on 5th November, 1990 there was a split in the Janata Dal on the organisation side in a meeting held at No. 2 Willingdon Crescent, New Delhi. Following this, a meeting of MPs was held and the Parliamentary Party split at 10.30 AM that very day.

(b) The Tenth Schedule does not recognise expulsion on account of anti-party activities outside the House.

(c) The expulsion of 25 Members by Shri Vishwanath Pratap Singh is illegal and is *malafide* directed at countermanding a genuine split.

(d) That Shri Vishwanath Pratap Singh, Leader of Janata Dal in Parliament in a speech on the 7th November, 1990 gave a call of conscience vote to Members of Parliament and thereby the whip issued by the party stood annulled and rescinded.

(e) In a letter dated the 14th November, 1990 Shri Harmohan Dhawan purported to be the Chief Whip of the splinter group claimed that 65 Members belonging to Janata Dal had joined JD(S) though the letter did not carry signatures of individual Members.

(f) That Rajya Sabha and Election Commission have recognised Janata Dal (S) as a separate political Party.

4. Of the 30 Members *vide* Annexure-I against whom petitions for disqualification are considered Shri Gurdial Singh Saini has resigned and the name of Shri Basavaraj Patil does not appear in the list of 58 Members which was submitted to me by Shri Chandra Shekhar on 6th November, 1990. Since the case against the 28 Members is, more or less, similar, they can be discussed together. The case against them is that they had been elected as Members of Janata Dal. That they voted against a whip issued by the Whip of the Janata Dal followed by another whip issued by the Leader of the Janata Dal on the 4th November, 1990, that they had voted contrary to directions from

whips, and that such contravention is evident from voting recorded by Lok Sabha Secretariat. That the split cannot be recognised for reasons already mentioned in para 3 supra and that therefore they are liable to be disqualified under Paragraph 2 of the Tenth Schedule, not having been protected under Paragraph 3. In defence, each of the Respondents has stated that there was a split prior to expulsion and that following split they constituted another group namely JD(S). That the expulsion of 25 Members should not be taken note of and therefore the split satisfied the criterion stipulated in Paragraph 3 of the Tenth Schedule. That in as much as Shri Vishwanath Pratap Singh had given a call for conscience vote on the 7th November, the whip was not binding on the Members.

5. It is admitted by both parties that a whip was issued by the Janata Dal for the Confidence Motion on the 7th November, 1990. It is admitted by both parties that the Respondents have voted against the Motion of Confidence on 7th November. In support of the claim for split, the Respondents have enclosed copies of minutes of General Body Meeting purported to have been held at 9.30 AM on 5th November, 1990, minutes of meeting of Janata Dal Members of Parliament held at 10.30 AM same day and the copies of Press reports. The Press reports do not indicate the time of the purported split. While the letter of Shri Vishwanath Pratap Singh was received by the undersigned on 5th November at 1.45 P.M., the claim of split by Shri Chandra Shekhar was received only on the 6th November at 1.10 PM. Respondents have referred to news of split being broadcast by official media. The copies of news bulletin not having been presented before me, as far as evidence on the basis of press reports is concerned, there is nothing to show that the split occurred prior to the expulsion or prior to the receipt of the letter inform-

ing the expulsion of 25 Members by Shri Vishwanath Pratap Singh. On the other hand, Shri Vishwanath Pratap Singh has argued that in view of a claim made by Shri Chandra Shekhar in the 'The Hindu' dated 6th November, 1990, that only the Parliamentary Party had split and not the Janata Dal, an essential condition for recognition of split under Paragraph 3 has not been fulfilled. In view of inadequate evidence, I do not wish to go into the legality of expulsion just as I do not want to go into the legality of the meeting of the splinter group namely as to whether or not such meeting was held as per party Constitution. Shri Chandra Shekhar in his letter dated the 4th December, 1990, and received by Lok Sabha Secretariat on the same day, has annexed Form III purportedly signed by 63 Members under the Disqualification Rules, 1985. These forms have also been referred to in the petitions of the respondents, and copy thereof enclosed. Rule 4 of the Disqualification Rules 1985 provides for intimation to the Speaker by a Member regarding *inter alia* change of party status immediately. It is not understood why these forms were not submitted to the undersigned on the 5th November or immediately thereafter when the split is claimed to have taken place. The word 'immediately' has to be contrasted with the requirement of 30 days prescribed under rule 3 of the Disqualification Rule and therefore it has to be presumed that information in Form III has to be submitted more promptly than a leader is required to furnish the information in Form I. It has been argued during personal hearing that a Respondent may not be in headquarters and therefore may not be able to send the Form III immediately. While this general claim has been made, no individual Respondent had made any prayer for specific dispensation on this account and therefore the claim may not be accepted *per se*. There is also no explanation as to why the information was not submitted to the Spea-

ker. It is claimed by the Respondents that the above 28 Members were present on the 5th in Delhi at the meeting which resulted in the alleged split but there is no explanation whatsoever as to why these forms were not submitted. This being the only evidence presented by the respondents referring to the timing of split, I hold that the respondents have not been able to establish beyond reasonable doubt that the split occurred prior to expulsion. In absence of information in Form III, I have to rely on the only other information available, namely, the letter dated 6th November, 1990 of Shri Chandra Shekhar signed by 58 Members. Here also certain discrepancies are noticed. While the list submitted by Shri Chandra Shekhar on 6th November contained 58 names, two of the Members who had appended their signatures to the list namely Shri Ram Naresh Singh and Shri Mandhata Singh wrote saying that they owed allegiance to Janata Dal led by Shri Vishwanath Pratap Singh. Shri Harmohan Dhawan purported to be the Chief Whip of the Janata Dal (S), wrote to me on the 14th November, 1990 that 64 Members were with the splinter group. In the list submitted by Shri Chandra Shekhar on the 14th December, 1990 there were 63 names. The petitioners have also referred to the appeal made by Shri Vishwanath Pratap Singh on the 7th November during his speech on Lok Sabha on that day. I have carefully perused the whole speech. On a close reading of the speech I hold that the appeal of Shri Vishwanath Pratap Singh as contained in his speech delivered in the House on the 7th November is an appeal bordering on the rhetoric and would not amount to overriding a specific written direction which is recognised widely and universally as a standard mode of direction in the functioning of political parties. As I have discussed already, the fact that Form III though dated 5th November, was not submitted to me immediately thereafter

and in fact was not submitted to me at all but was apparently submitted to Shri Chandra Shekhar who collected it and submitted it to me leads me to conclude that the averment made therein cannot be taken on face value.

6. The petitioner has also stated that the Chairman, Rajya Sabha has already recognised the formation and recognition of Janata Dal (Samajvadi) in the Rajya Sabha. As per established Parliament traditions, I should not go into that plea. The petitioner has also enclosed a copy of the order of Election Commission dated the 27th December, 1990 recognising JD(S) as a political party. I have carefully considered the notification referred to. The notification recognised JD(S) with effect from 27th December, 90 and does not throw any light on the status of the party on 5th November or on 7th November or on 16th November.

7. While from the above, it will be clearly seen that there is no evidence to show that the split occurred prior to expulsion, since there are claims and counterclaims about timing of the splits vis-a-vis timing of expulsion and since both the actions and expulsion and the meeting of the splinter group have been challenged, I hold that the benefit of doubt should go to the Respondents, who would become disqualified in the event of my not recognising the split to have taken place prior to the expulsion.

There is a widely held view including that of common man, and a view which I share in many respects, that the existing law on defection suffers from several lacunae in regard to substantive matters as well as procedures. While there can be no two opinions that in a democratic system, freedom of dissent has to be an essential ingredient, it has also to be accepted that it should be open and honest. If dissent is honest, it should be ventilated and canvassed openly

and need not be clandestine and secretive. Equally important is that honest dissent involves sacrifice and not even remotely motivated with self-aggrandisement. The present goings on in the country are indeed deeply disturbing and distressing and if the situation is allowed to drift, people will lose their faith in the very system. Our country won freedom with enormous sacrifice of millions of our people—known and unknown—and foundation of a free India was laid with moral values and political ethics preached and practised by the Father of the Nation. And I quote from Gandhiji,

“If you must dissent, you should take care that your opinions voice your inner-most convictions and are not intended merely as a convenient party cry.”

Those values alone can sustain our hardwon freedom and lend strength to our goal for an egalitarian society; free from any discrimination based on caste, creed, sex, etc. and equality and wellbeing for all. Without taking religion in the usual sense, certain moral fabric is essential for every society to survive and keep it strong. If our ambitions and greed for power overtake the national interest and the interest of the people, surely the future is dark. I do not wish to be a prophet of dooms, in fact, I am an incorrigible optimist, and I have great faith in our people who have tremendous resilience to tide over any kind of gravest crisis and it is the will of our people which has always guided us over the ages. I, therefore, appeal to this Hon. House of which I am an humble servant and through this House to all concerned to ponder over the situation and address themselves to the main and the only question as to how to keep the torch of our long cherished values of freedom and dignity shining and take the country on its march towards peace, prosperity and happiness.

At the moment, I am bound by the law as it obtains today and I am trying to interpret it and apply it to the present issues before me to the best of my ability and in the best interest of the country. As I have said, in the event of my not recognising the split to have taken place prior to expulsion, these 28 Members will stand disqualified, and any benefit of doubt, therefore has to go in their favour. As such, the petitions of disqualification against the aforementioned 28 Members are dismissed.

8. As regards the petition against Shri Basavaraj Patil, it is observed that his name did not figure in the list furnished by Shri Chandra Shekhar on the 6th November, 1990. According to the records of Lok Sabha Secretariat and as admitted by both parties, Shri Patil voted against the Motion of Confidence against party whip on the 7th November. In view of my discussions in Para 5 above, in as much as the name of Shri Patil does not appear in the list of 58 Members submitted by Shri Chandra Shekhar, I cannot hold that he was part of the splinter group, which came into existence on the 5th November, 1990. The claim that he belonged to JD(S) on 7th November, 1990 does not hold good. As he did not belong to JD(S) on the 7th November, 1990, he cannot claim to have escaped directions of Janata Dal Party on that day. As he cannot be held to have joined the splinter group on 5th November, 1990, his declaration under Form III cannot be taken on face value and is clearly an afterthought. The appeal made by Shri Vishwanath Pratap Singh on 7th on the floor of the House cannot be said to override a specific written direction by the party *vide* my observations at Para 5 *supra*. In view of the above, I hold that Shri Basavaraj Patil has become disqualified under Paragraph 2(1)(b) of the Tenth Schedule and Rule 8(1)(b) of the Disqualification Rules.

9. As regards the case of Shri Hamendra Singh Banera, it is observed that his name was included in the list of 58 Members furnished by Shri Chandra Shekhar. However, Shri Banera handed over two letters on 7th November, 1990, one to Lok Sabha Secretariat and one to me personally.

21.00 hrs.

In both the letters, he had stated that he was abiding by the whip of the leader of the Janata Dal and was voting in favour of the Motion moved by Shri Vishwanath Pratap Singh. He also stated that other correspondence bearing his name or signature has to be treated as cancelled. As he made this claim on the 7th November, it will be presumed that the signature appended to the letter of Shri Chandra Shekhar dated the 5th November was withdrawn and rescinded. In view of what I have already discussed, the process of split is presumed to have closed on the 5th November and therefore anyone subsequently joining the splinter group of Janata Dal shall not be covered by the split for the purpose of Paragraph 3 of the Tenth Schedule. In any case, it is neither his claim nor the claim of anybody else that there was a second split. Shri Banera, therefore, cannot seek any protection under Paragraph 3. His contention that there were discussions about reunion of the party, while may be morally sound or otherwise, have no relevance whatsoever for the purpose of Tenth Schedule. I, therefore, hold that Shri Banera has incurred disqualification under Paragraph 2 of the Tenth Schedule read with Rule 8(1)(b) of the Disqualification Rules.

10. Two Members, namely, Shri Mandhata Singh and Shri Ram Nares Singh whose names appear in the list of 58 Members submitted by Shri Chandra Shekhar on 6th November, 1990 met me on 7th, and sub-

mitted in writing that they owed allegiance to Janata Dal and that they are going to vote in favour of the Motion on 7th November, 1990 as per the whip issued by Janata Dal. In view of their averments they cannot be said to have belonged to JD(S) faction.

11. In view of the discussions above, I recognise Janata Dal (S) as a distinct party consisting of 54 Members as at Annexure VI, arising out of a split in Janata Dal on 5th November 1990. From the time of such split that is with effect from the 5th November, 1990, I hold under Paragraph 3(b) of the Tenth Schedule that these 54 Members shall belong to Janata Dal (S), which will be deemed to be their original political party for the purpose of sub-paragraph (1) of Paragraph 2 of the Tenth Schedule.

12. Shri Sukdeo Paswan has filed a petition against among others, Shri Manavendra Singh. The case against Shri Manavendra Singh is that he voted in support of the Motion of Confidence on 7th November, 1990 in accordance with the whip of Janata Dal, but contravened the whip on 16th November, 1990. From office records, I observe that Shri Manavendra Singh was absent on 7th November, 1990; and therefore the averments made in the petition of Shri Paswan was not correct to this extent. Shri Manavendra Singh has already been recognised to belong to JD(S) *vide* my observation at para 11 *supra*. He thus came to the discipline of JD(S) with effect from the 5th November, 1990, and was not subject to the whip of Janata Dal thereafter. This being the position, I dismiss the petition of Shri Manavendra Singh.

13. Five of the petitioners against whom Shri Sukdeo Paswan has filed similar petitions and who have submitted similar responses are Shri

Vidyacharan Shukla, Dr. Bengali Singh, Shri Sarwar Hussain, Shri Bhagey Gobardhan and Devananda Amat. The allegation against them is that the respondents had been Members of Janata Dal Legislature Party, that in obedience to the whip of the Janata Dal, the respondents had voted for the Motion of Confidence on the 7th November, 1990, that the respondents did not join the splinter group on the 5th November 1990 or on the 7th November, 1990 that it claimed by the splinter group that the split was over on the 5th November 1990 and in any case on the 7th November, 1990, that a three-line whip was issued to all the Members including the respondents directing the Members to vote against the Motion of Confidence moved by the Prime Minister Shri Chandrashekhar and that the respondents voted against the whip, that the voting against the whip has not been condoned by the party, that the respondents are not covered by Paragraph 3 of the Tenth Schedule and each of the respondents is, therefore, liable to be disqualified under Para 2(1)(a) and 2(1)(b) of the Tenth Schedule. In reply, the respondents have stated that on the 5th November, 1990, the party had split, both at the organisational and the legislature levels, that the split took place on 5th November, 1990, that it had more than 1/3rd of the strength of Janata Dal, that no notice should be taken of the expulsion, that including 63 Members, they have signed Form III claiming party affiliation to JD(S) at 10.30 AM on the 5th November, 1990, that after the aforesaid split on the 5th November leaders of both the groups had started negotiation for coming together again for reuniting the party, that it was in this atmosphere that the respondents voted in favour of Shri Vishwanath Pratap Singh on 7th November, 1990 that having been outside the jurisdiction of Janata Dal with effect from 5th November, 1990, the whip of Janata Dal was not binding on them either on 7-11-1990 or on 16-11-1990.

I observe that these five respondents are not in the list of 54 Members who have been recognised to constitute JD(S). There is one factual error in the petition against Dr. Bengali Singh. While the petition states that Dr. Bengali Singh voted in support of the Motion on 7th November, 1990, in fact he was absent on that day as the record would show. However, this does not have any material effect on the cause of action, namely, that he had voted against the whip on the 16th November, 1990. His abstention on 7-11-90 which also amounts to violation of party whip does not seem to have been condoned. In view of what has already been discussed, the split is presumed to have taken place on 5-11-90 constituting of 54 Members. The split has to be only one-time affair, as even a cursory reading of the Tenth Schedule would show. The declaration in Form III purported to have been signed on 5th November cannot be relied upon as the same was not submitted immediately, and in any case was not submitted by the Member before me. The fact that four respondents had voted in accordance with the whip on 7th November further proves that the Form III furnished by the respondents is an afterthought. The other respondent Dr. Bengali Singh had made certain claims regarding his voting on the 7th November, which having self-contradictions need not be gone into. In any case these five respondents did not figure in the list submitted by Shri Chandrashekhar on the 6th November, 1990 and this has not been explained by the respondents. The plea that there were hopes of rapprochement between the two factions, which could have moral ramifications have no implication as far as the proceedings under the Tenth Schedule is concerned. The five respondents, therefore, did not belong to JD(S) on the 5th November, 1990, the day on which the split came into being and as they do not constitute 1/3rd of the residual strength of Janata Dal they are not protected under Paragraph 3.

I, therefore, hold that Shri Vidya-charan Shukla, Dr. Bengali Singh, Shri Sarwar Hussain, Shri Bhagey Gobardhan and Shri Devananda Amat stand disqualified under Paragraph 2 of the Tenth Schedule read with Rule 8 (1)(b) of the Disqualification Rules, 1985.

14. In respect of Dr. Shakeelur Rehman, the petition alleges that on 21st November he was sworn in as a member of the Council of Ministers in Shri Chandrashekhar's government, and that this is tantamount to giving up membership voluntarily for the purpose of Paragraph 2 (1)(a) of the Tenth Schedule. It is admitted that Dr. Shakeelur Rehman was a member of Janata Dal. His name appears in the list submitted by Shri Chandrashekhar on 4th December, 1990 and Form III purported to have been signed by him on 5th November, 1990 is enclosed in the letter of Shri Chandrashekhar. Dr. Rehman has thus given up membership of his party, namely, Janata Dal in the meaning of Paragraph 2(a) of the Tenth Schedule. In his defence, as also in the oral submissions, it is pleaded that there were some discussions which indicated a possibility of restoration of *status quo ante*, that keeping this in view he had voted on 7-11-90 and 16-11-90 in favour of Shri Vishwanath Pratap Singh but had decided to join the Government subsequently. As discussed supra, the split is recognised with effect from the 5th November, 1990 and split for the purpose of the Tenth Schedule is only a one time affair, and cannot be an on-going or continuous process or phenomenon. The Form III purportedly signed on the 5th November, 1990 is clearly an afterthought, keeping in view the circumstances, namely, that the Respondent was not in the list of Members submitted by Shri Chandrashekhar on 6-11-1990 and also on 16-11-1990, that the alleged revised Form III was not submitted to me on or immedi-

tely after 5-11-1990 and that his name does not appear in the list dated 14th November, 1990 submitted by Shri Harmohan Dhawan. The plea that on 7-11-1990 and 16-11-1990 he belonged to JD(S) and therefore subject to whip of JD(S) and not that of JD, is clearly an afterthought for the same reason. It has been stated during personal hearing that once a Member makes a 'claim' about his party status, the 'claim' should be accepted, and that this should be the end of the matter. Even conceding for the sake of argument that a claim validly made could be accepted at face value, it is observed that the claim made here is not validly made in as much as (i) claim has not been made before the Speaker as required under the Disqualification Rules 1985 (ii) claim has not been made immediately, as required under the Disqualification Rules. Therefore the claim is an afterthought. As such, while Dr. Rehman is liable to be disqualified under Para 2(1)(a), he cannot have the protection of a split under para 3 of the Tenth Schedule. I, therefore, declare that Dr. Shakeelur Rehman has become disqualified under the Tenth Schedule and Rule 8(1)(b) of the Disqualification Rules.

ORDER

15. In exercise of the powers conferred upon me by the Tenth Schedule to the Constitution and the Members of Lok Sabha (Disqualification on ground of Defection) Rules 1985, I, Rabi Ray, Speaker Lok Sabha, hereby order that since 54 Members whose names I would state hereafter constitute a faction which has arisen as a result of the split in the original Janata Dal Party and such group consists of not less than 1/3rd of the Members of the original party, this faction shall be deemed to be a new political party in terms of Para 3 of the Tenth Schedule and that these 54 Members shall be treated as Members of the Janata Dal(S)

which would be their original party hereafter for the purpose of Paragraph 3 of the Tenth Schedule.

1. Shri Balgopal Mishra
2. Shri Babanrao Dhakane
3. Shri Bega Ram Chauhan
4. Shri Bhakt Charan Das
5. Shri Bhagwan Das Rathor
6. Shri Chandra Shekhar
7. Shri Chand Ram
8. Shri Dasai Chowdhary
9. Shri Daulat Ram Saran
10. Shri Devi Lal
11. Shri Dhanraj Singh
12. Shri Dharmesh Prasad Varma
13. Shri Harmohan Dhawan
14. Shri Het Ram
15. Shri Hukumdeo Narayan Yadav
16. Shri Jagdeep Dhankar
17. Shri Jai Prakash
18. Shri Kalpnath Sonkar
19. Shri Kalyan Singh Kalvi
20. Shri Kapil Dev Shastri
21. Shri Lalit Vijoy Singh
22. Smt. Maneka Gandhi
23. Shri Nakul Nayak
24. Shri Rajmangal Pandey
25. Shri Ram Bahadur Singh
26. Shri Raj Mangal Mishra
27. Shri Ramji Lal Yadav
28. Shri Ramji Lal Suman
29. Shri Yuvraj
30. Shri Mangaraj Mallik
31. Shri Manvendra Singh

32. Shri A. N. Singh Deo
33. Rao Birender Singh
34. Shri Janeshwar Mishra
35. Shri Brij Bhushan Tiwari
36. Shri Subodh Kant Sahay
37. Smt. Usha Sinha
38. Shri Chhotey Singh Yadav
39. Shri Ram Singh Shakya
40. Shri Ram Sewak Bhatia
41. Shri Uday Pratap Singh
42. Shri Keshari Lal
43. Shri Ram Sagar (Barabanki)
44. Shri Baleshwar Yadav
45. Shri Ram Prasad Chaudhary
46. Shri Prabhatsinh Chauhan
47. Shri G. K. Shekhada
48. Shri Manubhai Kotadia
49. Shri Balvant Manvar
50. Shri Arjunbhai Patel
51. Shri M. M. Patel
52. Shri Shantilal Purushottam Das Patel
53. Shri N. J. Rathra
54. Shri Jayantilal Virchandbhai Shah

16. In exercise of the powers conferred upon me under Paragraph 6 of the Tenth Schedule to the Constitution of India and the Rules thereunder, I, Rabi Ray, Speaker, Lok Sabha, hereby declare that the following 7 Members of Lok Sabha have incurred disqualification for being Members of Lok Sabha in terms of Paragraph 2(1)(b) of the said Schedule:

1. Shri Basavaraj Patil
2. Shri Hamendra Singh Banera
3. Shri Vidyacharan Shukla

4. Dr. Bengali Singh
5. Shri Sarwar Hussain
6. Shri Bhagey Gobardhan
7. Shri Devananda Amat.

Accordingly, the aforesaid Members have ceased to be Members of Lok Sabha with immediate effect, and their seats shall thereupon fall vacant.

17. In exercise of powers conferred upon me under Paragraph 6 of the Tenth Schedule of the Constitution of India and the Rules thereunder, I, Rabi Ray, Speaker, Lok Sabha, hereby declare that Dr. Shakeelur Rehman, Member Lok Sabha has incurred disqualification for being a Member of Lok Sabha in terms of Paragraph 2(1)(a) of the said Schedule. Accordingly, Dr. Shakeelur Rehman has ceased to be a Member of Lok Sabha with immediate effect, and his seat shall thereupon fall vacant.

Copies of this order be forwarded to the petitioners, the members in relation to whom the petitions are made and to the Leaders of the Janata Dal and Janata Dal (S).

ANNEXURE I

1. Smt. Usha Sinha
2. Shri Janeshwar Mishra
3. Shri Basavaraj Patil
4. Shri Ramji Lal Yadav
5. Shri Ram Bahadur Singh
6. Rao Birender Singh
7. Shri Brij Bhushan Tiwari
8. Shri Hukumdeo Narayan Yadav
9. Shri Ram Sewak Bhatia
10. Shri Ram Prasad Chaudhary
11. Shri Chhotey Singh Yadav

12. Shri Ram Singh Shakya
13. Shri Rajmangal Pandey
14. Shri Shantilal Patel
15. Shri Nakul Nayak
16. Shri Jagdeep Dhankar.
17. Shri G. S. Saini
18. Shri Yuvraj
19. Shri Balvant Manyar
20. Shri A. N. Singh Deo
21. Shri Baleshwar Yadav
22. Shri Uday Pratap Singh
23. Shri Ram Sagar (Barabanki)
24. Shri Bega Ram Chauhan
25. Shri Dasai Chowdhary
26. Shri Daulat Ram Saran
27. Shri Devi Lal
28. Shri Dhanraj Singh
29. Shri Keshari Lal
30. Shri Mangaraj Mallik

ANNEXURE II

1. Shri V. C. Shukla
2. Shri Bengali Singh
3. Shri Sarwar Hussain
4. Shri Bhagey Gobardhan
5. Shri Manvendra Singh
6. Shri Hamendra Singh Banera
7. Shri D. Amat

ANNEXURE III

1. Shri Chand Ram
2. Shri Chandra Shekhar
3. Shri Prabhatsinh H. Chauhan
4. Shri Bhakta Charan Das

5. Shri Babanrao Dhakane
6. Shri Harmohan Dhawan
7. Smt. Maneka Gandhi
8. Shri Het Ram
9. Shri Jai Parkash
10. Shri Kalyan Singh Kalvi
11. Shri Manubhai Kotadia
12. Shri Balgopal Mishra
13. Shri Raj Mangal Mishra
14. Shri Arjunbhai Patel
15. Shri M. M. Patel
16. Shri N. J. Rathva
17. Dr. Bhagwan Das Rathor
18. Shri Subodh Kant Sahay
19. Shri Jayantilal Virchand Shah
20. Shri Kapil Dev Shastri
21. Shri G. K. Shekhada
22. Shri L. V. Singh
23. Shri Kalpnath Sonkar
24. Shri Ramjilal Suman
25. Shri Dharmesh Prasad Varma.
13. Shri Harmohan Dhawan
14. Shri Het Ram
15. Shri Hukumdeo Narayan Yadav
16. Shri Jagdeep Dhankar
17. Shri Jaiparkash
18. Shri Kalpnath Sonkar
19. Shri Kalyan Singh Kalvi
20. Shri Kapil Dev Shastri
21. Shri Lalit Vijoy Singh
22. Smt. Maneka Gandhi
23. Shri Nakul Nayak
24. Shri Rajmangal Pandey
25. Shri Ram Bahadur Singh
26. Shri Ram Naresh Singh
27. Shri Raj Mangal Mishra
28. Shri Ramji Lal Yadav
29. Shri Ramji Lal Suman
30. Shri Gurdial Singh Saini
31. Shri Yuvraj
32. Shri Mangaraj Mallik

ANNEXURE IV

1. Shri Balgopal Mishra
2. Shri Babanrao Dhakane
3. Shri Bega Ram Chauhan
4. Shri Bhakt Charan Das
5. Shri Bhagwan Das Rathor
6. Shri Chandra Shekhar
7. Shri Chand Ram
8. Shri Dasai Chowdhary
9. Shri Daulat Ram Saran
10. Shri Devi Lal
11. Shri Dhanraj Singh
12. Shri Dharmesh Prasad Varma
33. Shri Manvendra Singh
34. Shri A. N. Singh Deo
35. Rao Birender Singh
36. Shri Janeshwar Mishra
37. Shri Brij Bhushan Tiwari
38. Shri Subodh Kant Sahay
39. Smt. Usha Sinha
40. Shri Chhotey Singh Yadav
41. Shri Ram Singh Shakya
42. Shri Ram Sewak Bhatia
43. Shri Uday Pratap Singh
44. Shri Keshari Lal
45. Shri Ram Sagar (Barabanki)

46. Shri Baleshwar Yadav
47. Shri Ram Prasad Chaudhary
48. Shri Prabhatsinh Chauhan
49. Shri G. K. Shekhada
50. Shri Manubhai Kotadia
51. Shri Balvant Manvar
52. Shri Arjunbhai Patel
53. Shri M. M. Patel
54. Shri Shantilal Purushottam
Das Patel
55. Shri N. J. Rathva
56. Shri Jayantilal Virchandbhai
Shah
57. Shri Hamendra Singh
Banera
58. Shri Mandhata Singh.

ANNEXURE V

1. Smt. Usha Sinha
2. Shri Janeshwar Mishra
3. Shri Ramji Lal Yadav
4. Shri Ram Bahadur Singh
5. Rao Birender Singh
6. Shri Brij Bhushan Tiwari
7. Shri Hukumdeo Narayan
Yadav
8. Shri Ram Sewak Bhatia
9. Shri Ram Prasad Chaudhary
10. Shri Chhotey Singh Yadav
11. Shri Ram Singh Shakya
12. Shri Rajmangal Pandey
13. Shri Shantilal Patel
14. Shri Nakul Nayak
15. Shri Jagdeep Dhankar
16. Shri Yuvraj

17. Shri Balvant Manvar
18. Shri A. N. Singh Deo
19. Shri Baleshwar Yadav
20. Shri Uday Pratap Singh
21. Shri Ram Sagar (Barabanki)
22. Shri Bega Ram Chauhan
23. Shri Dasai Chowdhary
24. Shri Daulat Ram Saran
25. Shri Devi Lal
26. Shri Dhanraj Singh
27. Shri Keshari Lal
28. Shri Mangaraj Mallik.

ANNEXURE VI

1. Shri Balgopal Mishra
2. Shri Babanrao Dhakane
3. Shri Bega Ram Chauhan
4. Shri Bhakt Charan Das
5. Shri Bhagwan Das Rathor
6. Shri Chandra Shekhar
7. Shri Chand Ram
8. Shri Dasai Chowdhary
9. Shri Daulat Ram Saran
10. Shri Devi Lal
11. Shri Dhanraj Singh
12. Shri Dharmesh Prasad Varma
13. Shri Harmohan Dhawan
14. Shri Het Ram
15. Shri Hukumdeo Narayan
Yadav
16. Shri Jagdeep Dhankar
17. Shri Jai Parkash
18. Shri Kalpnath Sonkar
19. Shri Kalyan Singh Kalvi

20. Shri Kapil Dev Shastri
21. Shri Lalit Vijoy Singh
22. Smt. Maneka Gandhi
23. Shri Nakul Nayak
24. Shri Rajmangal Pandey
25. Shri Ram Bahadur Singh
26. Shri Raj Mangal Mishra
27. Shri Ramji Lal Yadav
28. Shri Ramji Lal Suman
29. Shri Yuvraj
30. Shri Mangaraj Mallik
31. Shri Manvendra Singh
32. Shri A. N. Singh Deo
33. Rao Birender Singh
34. Shri Janeshwar Mishra
35. Shri Brij Bhushan Tiwari
36. Shri Subodh Kant Sahay
37. Smt. Usha Sinha
38. Shri Chhotey Singh Yadav
39. Shri Ram Singh Shakya
40. Shri Ram Sewak Bhatia
41. Shri Uday Pratap Singh
42. Shri Keshari Lal
43. Shri Ram Sagar (Barabanki)
44. Shri Baleshwar Yadav
45. Shri Ram Prasad Chaudhary
46. Shri Prabhatsinh Chauhan
47. Shri G.K. Shekhada
48. Shri Manubhai Kotadia
49. Shri Balvant Manvar
50. Shri Arjunbhai Patel
51. Shri M.M. Patel
52. Shri Shantilal Purushottam Das Patel

53. Shri N.J. Rathva
54. Shri Jayantilal Virchandbhai Shah.

MR. SPEAKER: Hon. Members, as the Sixth Session of the current Lok Sabha comes to a close, I would like to take this opportunity to thank hon. Members for the kind co-operation extended to me and my colleagues—the Deputy Speaker and Members of the Panel of Chairman—in conducting the proceedings of the House smoothly. During this short session which commenced on 27th December, 1990, the House held 10 sittings lasting over 67 hours.

On the very first day of the session, I gave my consent to the moving of an Adjournment Motion regarding recent communal violence in the country. The motion was negatived after a debate lasting over 5½ hours. On 9 January, another Adjournment Motion relating to a subject on which the whole House was rightly agitated, viz., the need to uphold the provisions of the Constitution vesting in the Speaker the powers to determine questions of disqualification of MPs contained in the Tenth Schedule of the Constitution, to the exclusion of Courts of Law, was discussed for over four hours. The motion was withdrawn by leave of the House after Government had bowed to the demand from all sections of the House to have the affidavit filed in the High Court of Delhi suitably amended.

Three important matters were raised through Calling Attention notices, viz., the recent developments in Surinam affecting the safety of life and property of the Indians living there, non-settlement of dispute of NABARD employees and the reported de-registration by DGS&D and the Department of Defence Production of a large number of reputed medicine firms.

Short Duration Discussions under Rule 193 on rise in prices of essential commodities and the situation in Punjab were also held.

In all, eleven Bills were passed during the session including the Public Liability Insurance Bill, the Taxation Laws (Amendment) Bill, 1990 apart from Appropriation Bills relating to Supplementary Demands for Grants (General) and the Assam and Jammu and Kashmir Budgets.

13 Private Members' Bills were introduced during the session. The Disabled Persons (Rehabilitation and Welfare) Bill by Shri Uttam Rathod regarding need for a comprehensive policy for the rehabilitation and welfare of disabled persons was the subject of a fruitful debate in the House.

The procedural device introduced by me, during Budget Session, of allowing members to raise matters of urgent public importance after Question Hour, continued to be very popular among members as it enabled

them to bring a variety of issues agitating their minds to the notice of the House and the Government at the earliest opportunity. In a number of cases, the Prime Minister as also other Ministers instantly responded to the matters raised in the House.

Once again I thank all hon. Members, Leader of the Opposition and Leaders of other Parties and Groups for their unstinted cooperation given to me during this session.

My thanks are also due to the Deputy Speaker and Members of the Panel of Chairmen who have very ably assisted me in conducting the proceedings.

I wish all the Members the very best till we meet again.

Now the House stands adjourned *sine die*.

21.15 hrs.

The Lok Sabha then adjourned sine die.