

Tribes which visited Bombay, Cochin and Lakshadweep during December, 1990.

- (ii) Report on the Study Tour of Study Group II of the Committee on the welfare of Scheduled Castes and Scheduled Tribes which visited Calcutta, Andaman and Nicobar Islands and Madras during December, 1990.

(ii) Sixth Report

SHRI ANADI CHARAN DAS: I beg to present the Sixth Report (Hindi and English versions) of the Committee on the welfare of Scheduled Castes and Scheduled Tribes on Ministry of Civil Aviation-Reservations for and employment of scheduled Castes and Scheduled Tribes in Indian Airlines.

11.04 hrs.

RE. BUSINESS OF THE HOUSE

[English]

SHRI L. K. ADVANI (New Delhi): Mr. Speaker, Sir, so far as the List of Business for this House is concerned, we have this Salary, Allowances and Pension of Members of Parliament (Amendment) Bill. But we were told that apart from this House would have to adopt a resolution in respect of extension of President's rule in Punjab after the other House has adopted the Constitution (Amendment) Bill and it has been assented to by the President. Yesterday, when we were told about this, we had certain doubts as to whether a resolution of this kind is at all necessary. And after that I have gone through the relevant provisions of the Constitution and I feel convinced that resolution is not at all necessary. This resolution obviously is intended, as a kind of contingency plan in case the House is dissolved; by the

Constitution already provides for that. Article 356, Clause (4), the second proviso says:

"Provided further that if the dissolution of the House of the people takes place during any such period of six months...."—

namely original six months or extended six months because in all cases of extension of six months, this House and the other House are expected to adopt a resolution. But it says, if the House is dissolved during that period:

"... and a resolution approving the continuance in force of such proclamation has been passed by the Council of States, but no resolution with respect to the continuance in force of such Proclamation has been passed by the House of the People during the said period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution...."

This particular is proviso takes into account a situation in which this House stands dissolved. And even though the other House may have passed the resolution for extension, so long as this House does not do it, how can that President's Rule be extended? For that it provides that in so far as the House of the people is concerned, the moment it is re-constituted and then when it holds its first sitting, thirty days after that, there is scope for adopting that resolution. And it is, therefore, that I would like to submit to you and to the House that in this particular case, when the provision of this kind already exists in the constitution, why should we adopt this contingency approach and have a resolution passed today when already we have time upto May? By May, I cannot say that some radical change will take place. A contingency plan is an amendment to the Constitution. And for that this House has already provided for it. The Constitution has been amended so as to empower the Government to extend President's Rule in Punjab from

[Sh. L.K. Advani]

four to five years, not merely four years, and it is, therefore, that I have raised, with your kind permission, this issue. Unless the Government comes forth to convince us as to why this particular resolution is necessary, I would plead with you that this unnecessary resolution should not be adopted.

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, yesterday that was my first reaction. I said that under the Constitution it is not necessary. Now we are at the moment being told that the Government feels such a resolution is required to be passed by this House as well. Now, Sir, if dissolution is contemplated by the Government, then it is not required at all under the proviso. If the Government is proceeding on the basis that dissolution of this House is going to be effected in a day or two, then this approval by the house is not necessary because it has to be done within thirty days after the first sitting of the reconstituted House. Sir, it will be required to be approved within thirty days if the present House continues otherwise not. Therefore, this also tries to give a picture that the Government is still thinking, having second thoughts about pursuing with the policy of recommendation for the dissolutions of the House. And that is why, Sir, this attempt is being made to keep it up its sleeves to utilise this approval for the purpose of continuance of this House. Therefore, we would like to know from the Government categorically what is their plan because everyday we find so-called developments are taking place, permutations and combinations are being made, Mr. Vasant Sathé's proposal is there, Dr. Subramaniam Swamy's proposal is there, which is being preferred to be worked out, we do not know. Therefore, the House should be taken into confidence. The whole House and the country are waiting. This cannot be left Sir, on the basis that this is being considered at the highest level. The whole House cannot be treated in this fashion. We do not know what it is. Sir, we sat yesterday creating history— all the financial Bills were approved in a record time without any discussion.

(Interruptions)

SHRI INDRAJIT GUPTA (Midnapore): Non-financial Bills were also approved.... (Interruptions)

SHRI SOMNATH CHATTERJEE: Constitution (Amendment) Bill was approved in a record time without any discussion. It has only been done for the purpose that there may not be any difficulty with regard to ordering the dissolution of the House. Now the proposal coming from the Government creates a suspicion in our minds. I do not know whether they are having second thoughts or third thoughts. I find that some hon. Members of this House also went to the hon. Rashtrapati and asked him not to dissolve the House. They are in the ruling party... (Interruptions) When I refer to the ruling party, the Congress which is the de facto ruling Party naturally responds. But so far as the de jure ruling party up till today is concerned, we found that eight Members of the JD(S) had gone and met Rashtrapati and requested him not to dissolve the House but try to form some other Government. Well, I have nothing to quarrel on that. But the country cannot be treated in this casual manner. Therefore, we must know the Government's thinking on this and why are they coming with the proposal to approve of the resolution which is to be passed after Rajya Sabha passes the Constitution (Amendment) Bill and the President gives his assent. We cannot just keep waiting here for the purpose of those decisions being taken there. So I would like to know Government's reaction to this.

[Translation]

THE DEPUTY PRIME MINISTER AND MINISTER OF AGRICULTURE AND MINISTER OF TOURISM (SHRI DEVI LAL): Mr. Speaker, Sir, it would be better if they do not insist on making Tau to speak. They are the slaves of their leaders who want the House to be dissolved. I hereby announce that I shall not contest the next election. But I shall teach a lesson to those who have created this situation and are now in favour of getting

the House dissolved. They include Shri Advani who created the Mandir-Masjid dispute by taking out Rath Yatra as also Shri V. P. Singh who made the backwards and forwards clash in the name of Mandal Commission. They also include Shri Sharad Yadav and Shri Paswan who fanned the fire as well as Sarvshri M. J. Akbar, Gadgil and Bhagat who tendered the wrong advice. All of them would come to know as to where do they stand in the eyes of the public?

(Interruptions)

MR. SPEAKER: Please take your seat. Shri Devi Lal is speaking.

(Interruptions)

MR. SPEAKER: Please sit down Mr. Tyagi.

(Interruptions)

SHRI DEVI LAL: I am very sorry about Shri Madan Lal Khurana. Three days ago I contacted him on telephone jokingly and asked him as to how he was. He replied that I was in high spirits. He further said, "You wait for a few minutes, I am coming along with Shri Malhotra." He came to me accompanied by Shri Malhotra. *(Interruptions)* I am going to expose each and everybody. I told them that the solution to this lay with Shri Vajpayee only because he had put forward the proposal for a National Government. Shri Bommai and Shri Sathe had also supported this proposal. This is their proposal, I am simply supporting them since it is an ideal proposal. They said that they would discuss it. Day before yesterday, I contacted Shri Vajpayee on telephone. He told me, "Chaudhary Sahib, your suggestion is well taken."

SHRI K. C. TYAGI (Hapur): Are all these things discussed on telephone only?

SHRI DEVI LAL: From today onwards, nobody will be able to use the telephone. Please remain that nobody would be able to use the telephone if the Membership is gone.

You enjoy the telephone facility as long as you are our M. P. That is why I said that once the group photograph was taken, we must admit that we were misled by our leaders. These leaders are not leading us, They are misleading us. No political party, no M. P. or M. L. A. is in favour of holding elections. Some hon. Members belonging to the B. J. P., Janta Dal and the Congress (I) are sitting here. They asked me as to what was the alternative. I told them that they should rise in revolt against their respective leaders and go to the President to tell him that he should not dissolve the House. I cannot say such a thing as I am bound by the discipline. When you would no more be M. Ps. where in the question of disqualification. In the event of holding elections, Rs. 7.5 crores would be spent by the political parties. Besides an equivalent amount would have to be spent by the Government. We get only Rs. 3250 crores from the I. M. F. Due to their attitude, the Government would have to levy election tax on the people. They are guided by their self interest. Some how Ramjanambhoomi *(Interruptions)* He wants to become an emperor to rule over a vast empire. How will he achieve that objective? Had there been any issue like the Ramjanambhoomi during the 250 years rule of the Britishers... *(Interruptions)* The Congressmen are sitting here, You can ask them as to why did this issue not crop up during their rule. When they saw that the persons like Prakash Singh Badal, Bansi Lal, Hukum Singh, Laloo Prasad Yadav, Mulayam Singh, Chimanbhai, Janarddan Reddy, Bangrappa and Bhairon Singh Shekhawat were occupying the posts of Chief Minister in different States, they chalked out a plan to grab power. The villagers are a politically awakened lot now... *(Interruptions)* Don't tease the Tau. I shall speak the truth. Shri Advani wants to become undisputable emperor. For them, Shri bhairon Singh has become a head ache. There Chaturvedis want to weed him out quite smartly. Their is not a national party, but an international one. Their nation is in their brief cases. Now it has been converted into draft. Their route is: Delhi to Amritsar, Amritsar to Trivandrum and Trivandrum to London. Once they are in London, they acquire British Citizenship and

[Sh. Devi Lal]

become Swaraj Panls: When we ask the people whether we should quit Ministership in this struggle for power, they say no, no... (*Interruptions*) The people say that they want to grab power on in the name of Ramjanambhoomi. A few days ago, a meeting of the party leaders was held in which Shri V. P. Singh, Shri Chandra Shekhar, Shri Farooqui, a lot of other leaders and myself were present. The agenda was to find a solution to Ramjanambhoomi issue. All the leaders put forward their suggestions. I also put forward my view... (*Interruptions*) I said that this was not an issue. If Shri Chandra Shekhar quits and offer Prime Ministership to Shri Advani, the issue would be solved. The fight is for power. I must speak the truth. If all the Members present in the House keep the national interest on the top, this House can continue to function. This is a fight for the leadership. All other hanker for power, but Shri Chandra Shekhar has kicked the Chair. He is our leaders. Rest of the leaders are misleading and that is why I say that we should be beware of them. Mr. Speaker, Sir, that was all I wanted to say through you.

MR. SPEAKER: Vijay ji, since he has mentioned your name, I am allowing you to speak.

PROF. VIJAY KUMAR MALHOTRA (Delhi Sadar): Sir, as the hon. Deputy Prime Minister has mentioned my name, I would like to clarify the matter. Telephone contact was sought to be made with me at least five times to tell me that the hon. Deputy Prime Minister wanted to speak to me. (*Interruptions*)

SHRI DEVI LAL: I had telephoned to one person only... (*Interruptions*) I did not make any such phone call. (*Interruptions*)

MR. SPEAKER: Shri Devi Lal, you have spoken, now let him speak.

PROF. VIJAY KUMAR MALHOTRA: I

was not present at my residence. Later Shri Khurana was also contacted on the telephone and told that the hon. Deputy Prime Minister wanted to discuss an important matter. Myself and Shri Khurana went to meet him...

SHRI DEVI LAL: He is telling a *—

MR. SPEAKER: That is unparliamentary.

PROF. VIJAY KUMAR MALHOTRA: Sir, when we met him he asked us if we were well. We asked him to get down to the reason as to why he had called us. Then he said that this Lok Sabha should be saved from dissolution. We told him that we were not interested in doing so and wanted elections immediately. He said that he was saying the same thing as Shri Vajpayee about forming a National Government; Otherwise we will not be able to face the public who will complain that the persons elected as their representatives are not able to run the Government. I asked him as to why he, who is joining hands with the Congress and openly talking of encouraging dissent in other parties, is not in favour of elections. Shri Devi Lal said that elections must be avoided at all costs. We said that our party was quite sure that elections should be held. Shri Vajpayee's idea of a National Government was a very old one and did not fit in the present scheme of things. Then he said that this option should be considered. No law of the universe applies to the Deputy Prime Minister. He is a member of the Cabinet which has taken a decision that the Lok Sabha be dissolved, so that makes him a party to that decision. Now he says that elections must be avoided you should ask him as to what he really wants? (*Interruptions*)

MR. SPEAKER: Please sit down.

PROF. VIJAY KUMAR MALHOTRA: Being a member of the Cabinet isn't he jointly responsible along with other members of the Cabinet for any decision taken by it?

He has not resigned from the post of Deputy Prime Minister. The Cabinet took a decision and the hon. Prime Minister said that the Lok Sabha be dissolved and fresh elections be held. But he gives different statements everywhere. Is there any law for the Deputy Prime Minister? When there was a Motion of No-Confidence against the previous Government, I had suggested that the Lok Sabha be dissolved and fresh elections be announced. Let the public decide the matter of Ram Janambhoomi as also to which parties they are supporting. Shri Devi Lal is the 'Bhasmasura' of Indian politics; any political leader who joins hands with him is sure to ruin his political career. Starting from Pratap Singh Kairon to V. P. Singh and then Chandra Shekhar, he has destroyed the careers of numerous political personalities. And now it is the turn of Shri Rajiv Gandhi. He should not have the right to make such statements. now there is no alternative other than to dissolve the Lok Sabha and seek a fresh mandate. *(Interruptions)*

MR. SPEAKER: Shri Khurana you may speak but please confine yourself to a personal explanation only *(Interruptions)*

SHRI MADAN LAL KHURANA (South Delhi): Sir, firstly, it was he who telephoned me and not I who telephoned him. This is not the first such instance. Even when he was Deputy Prime Minister in Shri V. P. Singh's Government, he used to telephone me quite often to summon me. At that time also I told him to... *(Interruptions)* ... it was not my intention to say that. I did not want to say that till today, but as he has said much things. I would like to speak about it. At that time when he talked of our withdrawing support to the V. P. Singh Government, I told him that we will withdraw support on our terms and at the proper time. He wanted something else; but I revel as to what it was... *(Interruptions)*

Sir, that day we were having a meeting. I received a phone call that the Deputy Prime Minister wanted to speak to me. When I spoke of this to my leader, he encouraged me to go. Prof. Vijay Kumar expressed the view. that it would be better if someone went

along with me as witness to the meeting. So I took Prof. Vijay Kumar with me. Sir, whatever happened there has been related by Prof. Vijay Kumar. Shri Devi Lal said that some way must be found out of this crisis. We asked him if a solution could be found through dialogue. Shri Devi Lal said that the suggestions given by Shri Sathe and Shri Vajpayee could be followed up. We sought a clarification from him regarding his statements that he was defecting to the Congress. He said that it was unthinkable for him to join the Congress. It is cleared chapter now. So a solution should be found *(Interruptions)*

Sir, what Prof. Vijay Kumar told Shri Devi Lal is repetition of things. At present, there is no alternative before the country but to hold elections and those who are not guilty of any misdeeds will fearlessly go to the people... *(Interruptions)* ...

MR. SPEAKER: Shri. Madan Lal, your time is up. Order. Order. Shri Devi Lal, please sit down. This matter is not being discussed.

SHRI DEVI LAL: How can I sit down... *(Interruptions)*

MR. SPEAKER: Shri. Malaviya. Shri. Tyagi, please take your seat. No discussion on this...

THE MINISTER OF PETROLEUM AND CHEMICALS AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI SATYA PRAKASH MALAVIYA): Sir, Shri. L. K. Advani and Shri Somnath Chatterjee have expressed the view that according to Constitutional provisions, there is no need to introduce a Resolution regarding a proclamation in Punjab. Such a Resolution is not required to be passed by this House. The Constitutional position is correct and I agree with it. Due to its provisions...

MR. SPEAKER: The point raised by Shri Advani...

SHRI SATYA PRAKASH MALAVIYA: Sir, that is why I wanted to say that

[Sh. Satya Prakash Malaviya]

[English]

" Provided further that if the dissolution of the House of the People takes place during any such period (six months) and a resolution approving the continuance in force of such Proclamation has been passed by the Council of Ministers, but no resolution with respect to the continuance in force of such Proclamation has been passed by the House of the People during the said period, the Proclamation shall cease to operate at the expiration of thirty days from the date on which the House of the People first sits after its reconstitution..."

[Translation]

In this connection I want to point out that the Upper House has not passed any Resolution till now. The 75th Constitution (Amendment) Bill passed by this House yesterday is presently under consideration of the Rajya Sabha. After the Rajya Sabha passes it, the Bill will be sent for the hon. President's assent and then only it will become a law. Since the Resolution has not been passed by Rajya Sabha the Constitutional provisions, pointed out by Shri. L. K. Advani and Shri Somnath Chatterjee, are not applicable at present. Secondly, it would be better if the Resolution is passed by the Lok Sabha if it comes here for consideration. Thirdly, the decision taken by this House is supreme. After that comes the ruling given by the Speaker. The Government will abide by the decision taken by the House and ruling given by the hon. Speaker. Lastly, as to the question of dissolution of the Lok Sabha is concerned, The decision of the Council of Ministers headed by Shri Chandra Shekhar has been conveyed to the President who is considering the matter. The final decision in this matter rests with the President. The Government has no further role to play.

[English]

SHRI SOMNATH CHATTERJEE: Are you having second thoughts?

SHRI SATYA PRAKASH MALVIYA: No second thoughts; no at all.

[Translation]

SHRI L. K. ADVANI: Sir, no replies have been given to the questions asked by myself and Shri Somnathji. Until the Bill is passed by the Rajya Sabha and assented to by the President there is no question of taking up the Resolution for consideration. Till now we have not been able to understand as to why this Resolution is needed. If the Government wants to clear this Resolution, its Law department must prepare a brief on the necessity of such a Resolution. As far as I understand, there is no need for such a Resolution because the Constitution has appropriate provisions. A dissolution will not make much of a difference. As Shri. Somnath suspects, such a Resolution will be passed by a Government which has decided to avoid a dissolution at all costs. Hence, the urgency to Actually pass this Resolution. They are not sure if there will be a dissolution.

Therefore, my request to the Government is that, before moving the Motion, it should place before the House, the Statement of the Law Ministry regarding necessity of this Motion. Discussion on the Motion should take place only thereafter.

SHRI K.C. TYAGI (Hapur): Mr. Speaker, Sir, I am on a point of order.

MR. SPEAKER: Regarding what? What is the basis of your point of order?

SHRI K.C. TYAGI : Mr. Speaker, Sir, right now, the hon. Deputy Prime Minister said something before the House. He expressed his opinion in his capacity as number two in the council of Ministers. At present, he is the Deputy Prime Minister of the country... (Interruptions) ...

MR. SPEAKER: This is no point of order.

SHRI K.C. TYAGI: Mr. Speaker, Sir, a paradoxical situation, a constitutional crisis has developed with the Prime Minister Shri Chandra Shekhar and the Deputy Prime

Minister, Shri Devi Lal making contradictory statements regarding the party. I would like to say that presently in the country, there is a ... (Interruptions) ...

MR. SPEAKER: Tyagiji, please take your seat.

SHRI K.C. TYAGI: I have stood up to support what the 'Tau' has said. Members belonging to the Bharatiya Janata Party, who were present there, had demanded that 'Chaudhary Sahib, the Lok Sabha should not be dissolved... (Interruptions) ...

MR. SPEAKER: Tyagiji, please sit down.

11.33 hrs.

SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL

[Translation]

THE MINISTER OF PETROLEUM AND CHEMICALS AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI SATYA PRAKASH MALAVIYA): I beg to move for leave to withdraw a Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954."

[English]

MR. SPEAKER: The question is:

"That leave be granted to withdraw a Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954."

The motion was adopted

[Translation]

SHRI SATYA PRAKASH MALAVIYA: I withdraw the Bill.

11.34 hrs.

SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (SECOND AMENDMENT) BILL*

[Translation]

THE MINISTER OF PETROLEUM AND CHEMICALS AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI SATYA PRAKASH MALAVIYA): I beg to move for leave to introduce a Bill further to amend the salary, Allowances and Pension of Members of Parliament Act, 1954."

[English]

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954."

SHRI A.K. ROY (Dhanbad): Mr. Speaker, Sir, I stand here to oppose the introduction of this Bill on the ground that it is violating all the normal rules and procedures of the House.

If you look to your Directions, Direction 19A, it says:

"(2) The period of notice of a motion for leave to introduce a Bill under this direction shall be seven days unless the Speaker allows the motion to be made at shorter notice."

Direction 19B says that at least two days before the day on which the Bill is proposed to be introduced, the copies should have been made available for the use of Members. That has not been done. In unseemly hurry, an attempt has been made to explain it through the Explanation. The only reasons given was that the Rajya Sabha would only sit for 11th and that was why it had to be hurriedly passed by the Lok Sabha