

[Sh. Mohan Rawale]

The Election Commission is an independent authority under the Constitution vested with the powers of superintendence direction and control of elections including those of the legislature of every State. It is the duty of the State Government and all officers under its control to assist the Election Commission in this task. It is expected of the State Government and officers working under its control to comply with the directions of the Election Commission of India issued to them from time to time.

Some Hon'ble Members have raised the question about the constitution of the care-taker Ministry in Tripura. As I has mentioned in my earlier statement in the Lok Sabha on 1.3.1993, the term of the Tripura Assembly expired on 28.2.1993. On 27.2.1993, the Chief Minister of Tripura submitted his resignation to the Governor of Tripura. The resignation was accepted by the Governor. In exercise of his powers under the Constitution, the Governor has requested the Chief Minister to continue as caretaker Ministry till alternative arrangement is made.

In the context of the orders of the Election Commission of India, a further report from the Governor is awaited.

16.05 hrs.

### **Re-Statement of Minister of Home Affairs regarding Tripura**

*(Interruptions)*

*At this stage, Shri Basudeb Acharia and some other honourable Members came and stood on the floor near the table.*

[English]

MR. CHAIRMAN: Please take your seats. Somanathji, kindly ask them to take their seats.

*At this stage, Shri Basudeb Acharia and some other honourable Members went back to their seats*

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Chairman, Sir, I am sorry that I was not present here as there was an important meeting with the honourable Speaker in which he requested me to be present and I could not say 'no' to the Speaker. The meeting was on some other issue. I am very sorry that I was not here. It is no disrespect to the honourable Home Minister. I hoped that there would be no occasion for us to raise this question at all because we were expecting that the Home Minister will come with a categorical statement on the floor of the House.

SHRI BASUDEB ACHARIA (Bankura): There is nothing new, Sir.

SHRI SOMNATH CHATTERJEE: The last line of the statement says:

"In the context of the orders of the Election Commission of India, a further report from the Governor is awaited"

On what? I do not find any time limit mentioned here.

"The resignation was accepted by the Governor. In exercise of his powers under the Constitution, the Governor has requested the Chief Minister to continue as caretaker Ministry till alternative arrangement is made".

We have made our submissions already. This is a very basic question which we are trying to raise now. It has happened for the first time; it is an unprecedented situation. Today, a set of people who are former Ministers are being continued under the garb of the caretaker Government. That set of people have been taking care of only themselves and have polluted the electoral process in this country. It is not my finding. It is the finding of the Chief Election Commissioner who has no special love for the Left

Parties in this country. Everybody knows about this. When an occasion has arisen, we had expressed certain reservations about the Chief Election Commissioner and there was great resentment and protest made by the Congress Party saying the the Left Parties are criticising the Chief Election Commissioner who is a constitutional authority in this country. Now, Sir, I leave it to the Home Minister and then Government of India. If you believe in the purity of the electoral process in this country, if you have faith in the constitutional set up of this Country and if you really believe in the principles of parliamentary democracy in this country, the least that could have been done, in the context of the situation that has arisen, is to impose President's rule not today but on the 28th February itself. We had repeatedly given opportunities but they are taking time, one day after another, saying tomorrow and tomorrow. Now, three days are gone and still no progress has been made. It appears, you have left the ball in the court of the Governor and you are trying to make the Governor responsible for this! Why Sir? The ball is very much in the court of the Central Government. I am requesting the Government once again to tell us categorically, as to how long they expect us to wait. Please tell us this much. How long shall we wait for this? On what basis is the Governor's report being asked for? Has he been supplied all this material? Why has he been asked to give his report? This is a very serious matter. Therefore I once more request the Government and request the hon. Home Minister to at least indicate the time limit within which they will take a decision. And the decision must be for the imposition of the President's Rule. Otherwise, the future of this country and the whole basis of holding election in this country would be put under a cloud.

Sir, we have so many important issues to tackle in this House. So many important issues are facing us in this country. I wonder why this Government is making it a prestige issue. Should their prestige prevail over the body of democracy in this country? This is precisely what is happening. That is why Sir, I request the Government once more the

indicate the time limit within which they will take action. And what is to be done is to impose President's rule in that State. (*Interruptions*)

MR. CHAIRMAN: Shri Jaswant Singh:

SHRI NIRMAL KANTI CHATTERJEE: I will take just one minute Sir. It is stated in the statement itself and let me read it out. Now, the order has been modified and it is stated that all officers including the District Magistrates, etc. who were present in the party meetings must be punished. So, care is taken to punish officials. But what about those people who organised those party meetings. viz., the Chief Minister of the State and the Central Minister, Shri Sontosh Mohan Dev He has been mentioned in the CEC's report also. The Election Commission cannot to deal with them. It is the Central Political Executive which alone can deal with them and the required statutes do exist for this purpose and there is absolutely no problem. No Governor's report is required either to dismiss the Central Minister or the Caretaker Chief Minister. That is why, the ball is very much in the court of the Central Government who are procrastinating as they used to procrastinate earlier on other major national events. (*Interruptions*)

SHRI A. CHARLES (Trivandrum): I am on a point of order. Under what rule is this discussion going on? When a statement is made here, no queries are allowed. Under what rule, are you permitting them to speak Sir.

MR. CHAIRMAN: There is no point of order. Please sit down.

(*Interruptions*)

SHRI P. C. THOMAS: (Muvattupuzha): Sir, I also raise the very same point of order. There is no rule specifically by which a discussion is allowed at this stage. In Rajya Sabha, questions can be asked after a statement is read out. In Lok Sabha, there is absolutely no scope for such a thing. If a discussion is allowed, we should also be given permission to participate in it..... (*Interruptions*)

[Sh. P.C. Thomas]

MR. CHAIRMAN: I know my job. Please sit down and please help me in doing my job.

\*SHRI JASWANT SINGH (Chittorgarh): Mr. Chairman, Sir, I am constrained to observe on behalf of my party that this is the most unsatisfactory statement. It is most unsatisfactory because it is a statement that the Government sought time to prepare. It is a statement the ought to have been made earlier. It was to be made this morning. We were then informed that this statement is going to be made at 4.00 o'clock. Our expectation was that Government after due deliberation will come forward with something more than just merely a regurgitation of yesterday's Press report. I submit, Sir, that not only it is an unsatisfactory statement, it is full of double-standards and it is a dishonest statement. It is double-statement because when it was necessary in respect of Rajasthan, Madhya Pradesh or Himachal Pradesh, Governor's reports were obtained within hours and the necessary action, that the Government thought necessary for their political ends, was taken within an hour's time.

I call it dishonest because the Government is caught in a cleft stick of its own political inaptitude. And because it is caught in a cleft stick of its own political inaptitude, today it is not able to decide upon the most elementary thing of Constitutional requirement. As the Leader of the Opposition has pointed out in his earlier intervention, for the first time ever in our independent history, in our Constitutional history, a situation has arisen where a legislative assembly has run through its full period and even after running through its full period, the Government is still deliberating over what is to be done.

Secondly, Sir, the Chief Election Commissioner has passed serious strictures over the administration, viz. this Union Government is continuing dubiously. The strictures passed by the Chief Election Commissioner are the most serious structures and unprecedented in nature because the Chief Election Commissioner has never ever passed

such strictures against any Government at any time in our Constitutional history.

There are a number of other connected questions about the civil servants of Tripura being victimised unnecessary for the political inaptitude of the present Government in Tripura. There is no alternative, Sir, but for the Government to immediately, without any delay, impose President's Rule in Tripura, and to create conditions so that the Chief Election Commissioner can order the election process in Tripura to be completed. If this kind of manipulative policy of Indian Government is permitted to cripple a State of the Union. I am afraid this disease is not stopped in Tripura and it will spread. That is our third objection.

If the Government is not in a position to answer these three basic aspects of the question that have flared up in Tripura, they have no right whatsoever under the guise of coming and giving a statement on the floor of the House and to continue to obfuscate and prevaricate on essential Constitutional matters.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Sir, the tradition of the House and the rules of the House do not allow clarifications to be sought from the Minister after the statement is made. I would like to submit to you. (*Interruptions*)

SHRI ANIL BASU (Arambagh): It is an extraordinary situation (*Interruptions*)

SHRI VIDYACHARAN SHUKLA: Therefore, Sir, I would submit to you to consider the rules and regulations and the Directions of the Speaker before allowing Members to seek clarifications. This is submission. You might take this into consideration and see what is to be done.

[*Translation*]

SHRI SHARAD YADAV: (Madhepura): Mr. Chairman, Sir, I would like to endorse fully the views of Shri Somnath Chatterjee

and Shri Jaswant Singh on the statement made by the hon. Minister of Home Affairs. What does the Government want to seek from this statement, what thing has not been written on every wall of the country. Today a unique situation has been created in this country. Members of all the opposition parties are saying clearly that the President's Rule should be imposed there immediately to make this tradition effective and better. This demand is so much reasonable that it will help in protecting democracy, institutions and dignity of this country. I am unable to understand as to why the Government is asking for time and for what purpose? Including Election Commission's report all things are before it. The term of the Legislative Assembly is over, even then the Government is asking for time. I think the Government is doing so for its own vested political interests. The time should not be given. I urge upon the Government to implement it immediately. Immediate implementation will add a new feather in the Government's cap. It will also strengthen the democratic conventions of the country.... (*Interruptions*) This statement is not true and honest. I have put forth my views on behalf of my party alongwith Shri Somnath Chatterjee and Shri Jaswant Singh.. (*Interruptions*)

MR. CHAIRMAN: There is no provision in the rules of any clarification to be given after the statement made. So I have allotted time to the head of the parties so that you may have no objection. It has clarified the views of all the parties.

(*Interruptions*)

[*English*]

SHRIBASUDEBACHARIA: (Bankura): Sir, we want to protest. (*Interruptions*)

[*Translation*]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Chairman, Sir, it is not a matter of protest. We want a decision of the Government on this point. We have not come here to protest rather we have come

here to hold some concrete and fruitful discussion. It should not be made a partisan issue. I would specially request to the Minister of Parliamentary Affairs not to make it a party issue. One Member of your party, who is sitting here, has.... (*Interruptions*)\*

[*English*]

MR. CHAIRMAN: Nothing is going on record.

THE MINISTER OF HOME AFFAIRS (Shri S.B. Chavan): Mr. Fernandes you are exceeding your limits. This is very wrong on your part that in the name of clarifications, you are saying all things.

MR. CHAIRMAN: The House stands adjourned to re-assemble at 17.00 hrs.

16.24 hrs.

*The Lok Sabha then adjourned to re-assemble at Seventeen of the Clock.*

*The Lok Sabha re-assembled at one minute past Seventeen of the Clock*

[MR. SPEAKER *in the Chair*]

SHRI RUPCHAND PAL (Hooghly): What about democracy in Tripura? Democracy is being killed in Tripura. (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dumdom): It is being killed not only in Tripura but here also. (*Interruptions*)

MR. SPEAKER: No. We are discussing a motion of Thanks on the President's Address.

(*Interruptions*)

SHRI ANIL BASU (Arambagh): Mr. George Fernandes was on his legs. (*Interruptions*)

SHRIMATI BIBHU KUMARI DEVI (Tripura East): Please tell your Marxist friends not to hate the sinner but hate the sin. (*Interruptions*)

SHRI ANIL BASU: Please identify who is sinner? (*Interruptions*)

SHRI PAWAN KUMAR BANSAL (Chandigarh): (*Interruptions*)

SHRI ANIL BASU: Don't show such type of culture? (*Interruptions*)

MR. SPEAKER: Well, I know that you are all very concerned to made very good speeches; and we are very very eager to hear your views on the Motion of Thanks on the President's Address. And you have also registered your protest quite vissibly on this point. I do think, in deference to the wishes of other Members who want to speak that you will cooperate at least. You will allow them to speak. You have registered your protest.

SHRI BASUDEB ACHARIA(Bankura): No.

SHRI ANIL BASU: We have not. (*Interruptions*)

MR. SPEAKER: There is no difficulty.

[*Translation*]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Speaker, Sir, in my view it is not important whether the matter before the House is covered under that rule or not. The hon. Home Minister has submitted here.

MR. SPEAKER: What?

SHRI GEORGE FERNANDES: Sir, you are aware of the History behind that submission.

MR. SPEAKER: Yes.

SHRI GEORGE FERNANDES: Would you like to say something on it.

MR. SPEAKER: What do you want to say?

[*English*]

We do not allow a discussion on the statement of the Minister.

[*Translation*]

SHRI GEORGE FERNANDES: We have two demands but I am to say something before that (*Interruptions*)

MR. SPEAKER: Whatever you want to say you can say on the address of there hon. President.

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, this issue is not related to the address of the hon. President.

MR. SPEAKER: Why it is not so?

SHRIGEORGE FERNANDES: Sir, this is an issue related to the Constitution of our country.

MR. SPEAKER: Why it is concerned with the Constitution of our country.

SHRI GEORGE FERNANDES: Sir, as per the rule, I have taken an oath to uphold the dignity of this Constitution. One such hon. Member, who is the Minister also, has taken an oath under this Constitution. Here the election commission. (*Interruptions*)

[*English*]

MR. SPEAKER: As far as the Chief Election Commission's Reporter is concerned, if you are referring to the Chief Election Commission's Report against any person, the other side would be entitled to say certain things against the report also and those who have seen the Report.

(*Interruptions*)

SHRI GEORGE FERNANDES: I have seen it. (*Interruptions*)

MR. SPEAKER: It is not like this. Please understand. If you allow somebody to say against the Chief Election. Commissioner,

well, he is a constitutional authority. you are discussing his decision. You discuss the Supreme Court Judgement, you discuss the Election Commission, you discuss the constitutional authority against whom you cannot have a discussion like that. It is not constitutional....

*(Interruptions)*

MR. SPEAKER: No.

[*Translation*]

SHRI GEORGE FERNANDES : I am not reforming the conduct and behaviour in the Election Commission.

[*English*]

MR. SPEAKER: No, supposing if you discuss the report and if that report says certain things against certain persons, it would be very unfair to them not to allow their say and if you all and their say the conduct of the Election Commissioner comes into criticism.

*(Interruptions)*

MR. SPEAKER: Now please sit down. Now each one of you wants to say certain things. When you get up in good numbers nothing is recorded, nothing is heard, no response is received. Are you interested in that kind of statement? I will allow those Members who want to speak on this point during the discussion on President's Address and you can do it within the rules. Within the rules you can do it and you can do it not for five minutes but for 10 or 15 minutes. Are you not interested in doing the something according to the rules? You are just flouting the rules. You are saying the rules....

*(Interruptions)*

MR. SPEAKER: No, not this way.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): We are here to defend the Constitution and to defend the democracy.

MR. SPEAKER: How are you defending the Constitution? I will allow Shri George Fernandes to make a speech on President's Address. What is there, let him say.

SHRI NIRMAL KANTI CHATTERJEE: No, two serious things have happened. *(Interruptions)*

SHRI GEORGE FERNANDES: Mr. Speaker, I will show the way out of

[*Translation*]

I would like to read out to you the oath taken by the hon. Minister.

MR. SPEAKER: Do not read out the oath, there is no need at all for it.

SHRI GEORGE FERNANDES: It is very necessary. You have not been a Minister. You do not know the oath taken by him... *(Interruptions)*

MR. SPEAKER: I will tell you the rule...

*(Interruptions)*

[*English*]

SHRI GEORGE FERNANDES: This is in the Third Schedule. According to the Constitution:

"...I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Minister for the Union and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour affection or ill will".

[*Translation*]

I directly charge an hon. Minister in this House... *(Interruptions)*

[English]

MR. SPEAKER: I am not allowing this. I will read out the rule. Rule 353. is very clear, this is a rule not made by the Speaker. This is a rule approved by the House and this is a rule which does not help a Member from this side but it can help the Member from this or any side and it reads like this:

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply".

This is a rule made by you. Now you are flouting that rule and you are saying certain things against me.

(Interruptions)

[Translation]

SHRI GEORGE FERNANDES: I am not levelling any charges. I am only reading out the report of the Chief Election Commission... (Interruptions)

MR. SPEAKER: No, no please...

(Interruptions)

SHRI GEORGE FERNADES: You are saying no, no, without listening to me.

MR. SPEAKER: I listen to what you say and as long as you speak....

(Interruptions)

SHRI NITISH KUMAR (Barh): He is speaking for the first time during this session, Please listen to him... (Interruptions)

MR. SPEAKER: We do not interrupt you. We listen you and we will listen you in future also.

SHRI GEORGE FERNANDES: I do not have levelled any charges against the Election Commission and against any hon. Minister.. (Interruptions)

MR. SPEAKER: You are leveling charges.

(Interruptions)

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I am saying this much only that a public document of the Election Commission.. (Interruptions)

MR. SPEAKER: Not like this.

[English]

SHRI GEORGE FERNANDES: It is a public document. I am not quoting from a secret document.

MR. SPEAKER : It will be a very bad preceding. You will go from *Chunav Ayukt* to Supreme Court judge, from Supreme Court judge to other constitutional authority.

SHRI GEORGE FERNANDES: The Supreme Court judgements are cited here. We challenged the Supreme Court judgement in this House. It is the House where Supreme Court judgements are quoted.

MR. SPEAKER: You cannot allege anything against the Supreme Court.

SHRI GEORGE FERNANDES: I am not alleging. I am only citing it as evidence.

MR. SPEAKER: I am saying that if want to discuss those personalities and even a Member in the House, there is a proper procedure laid down and you have to follow that procedure and that is in the interest of the Members.

[Translation]

SHRI GEORGE FERNANDES: I am something about the Tripura elections In regard to the statement of the hon. Home Minister.. (Interruptions)

MR. SPEAKER: I will allow you to speak that you speak after his speech on the address of the President.

SHRI GEORGE FERNANDES: I want to say it very clearly that this is a very serious matter. The Government there will continue or not after the decision on that matter, he will remain a minister or not, many things depend on it.

MR. SPEAKER: At the moment you please resume your seat.

SHRIGEORGE FERNANDES: it is said that Ayodhya is the axis of Indian Politics but I do confess that the politics of our country depends on Tripura. There are so many things to be decided about Tripura, inside as well as outside the House. We would not like at all the disgrace of our Constitution by anyone. Whatever is happening today has been doing on since long. and this question was also raised in that.

MR. SPEAKER: You are not speaking under any rule. I am saying it time and again that I will provide you a chance to speak on the President's Address. If you do not listen, then how long will it go like this.

SHRI GEORGE FERNANDES: I have not started the discussion. So many people have spoken on it.

MR. SPEAKER: It is not good to do so.. You as well as others have spoken on it. I will not interrupt; if you speak on it.  
(*Interruptions*)

[*English*]

MR. SPEAKER: Let us to it in a proper manner. Let his speak and immediately after that I will call you and whatever can go on record will go on record. Otherwise, there is no question.

(*Interruptions*)

SHRI INDRAJIT GUPTA (Midnapore): Sir, from what you have said during the last

few minutes am I to take it that because the Chief Election Commissioner is definitely an independent constitutional authority, therefore, any report which has been given by him cannot be challenged at least here on the floor of the House? Can it be challenged by anybody? Please tell me. How can it be challenged? If you challenge it you will be infringing the authority of the Chief Election Commissioner who is an independent constitutional authority. If his report cannot be challenged then we have to proceed on the assumption that his report, what it contains, is correct. (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): May I submit on this? The order of the Election Commission under Article 324 of the Constitution regarding election matter is within his competence.\*\* (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): You ask him to withdraw. You expunge it.. (*Interruptions*)

MR. SPEAKER: I will remove it.

(*Interruptions*)\*\*

MR. SPEAKER: That will not go on record. I am removing it from the record.  
(*Interruptions*)

MR. SPEAKER: This is exactly what I was saying. This is exactly for this reason I am saying that you need not discuss this Election Commission.

(*Interruptions*)

SHRI LAL.K. ADVANI (Gandhi Nagar): Mr. Speaker, Sir, there can be an embargo on discussing the Chief Election Commissioner, except by a formal motion. But the situation here relates to an election and an election which has been postponed by the duly constituted authority under the Constitution because of certain things that were done or were not done by the State Government and, therefore this parliament is cer-



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*tainly entitled to discuss that. But in the course of discussions, none of us, neither this side nor that side has any justification for throwing expressions on the Election Commission...\*\* (Interruptions)* It is highly objectionable, Sir. *(Interruptions)*

SHRI H.R. BHARDWAJ: What you are saying is not correct. You are putting wrong words in you own mouth... *(Interruptions)*

You have not said what I have said. Absolutely not... *(Interruptions)* I do not except their from you.

SHRI GEORGE FERNANDES: What did you say?... *(Interruptions)*

SHRI H.R. BHARDWAJ: What I said, you heard it. I did not say what you are saying... *(Interruptions)*. That your difficulty. Please do not say what I have said. I will explain what I have said, you say want to say... *(Interruptions)*

SHRI LAL K. ADVANI: I have completed, Sir *(Interruptions)*

SHRI H.R. BHARDWAJ: You are misleading. I never said what you are saying... *(Interruptions)* No, you are misleading. At you level it should not happen like this. You do not say these things in the House.... *(Interruptions)*

MR. SPEAKER: Please, I am hearing him. I have allowed him to speak, I have not allowed you to speak. Please sit down now.

SHRI LAL K. ADVANI: Sir, in this House we are all concerned with whatever decision the Chief Election Commissioner or the Election Commission takes. But here, in this House, we have no opportunity of confronting the Chief Election Commissioner. It is only the Law Minister who communicates to us whatever the Chief Election Commissioner has said or has not said. I can understand that the Law Minister has a duty to

defend the Election Commission, not a duty to cast aspersions on the Election Commission., Therefore it is that I would plead with you that you go through the record and expunge all these remarks.

SHRI H.R. BHARDWAJ: I want to put the record straight, Sir. I have already stated that on all Constitutional actions of the Election Commission, it is my duty... *(Interruptions)*

SOME HON. MEMBERS: What actions of the Election Commission? *(Interruptions)\*\**

SHRI H.R. BHARDWAJ:

SHRI PAWAN KUMAR BANSAL(Chandigarh) Kindly permit me for a minute, Sir.

MR. SPEAKER: Yes.

SHRI PAWAN KUMAR BANSAL: Sir, I rise to make a submission only for the reason because Mr. Advani referred to something that I had said. I repeats I had used the word that. Why I said so was because my observation was based on the report itself... *(Interruptions)*

AN. HON. MEMBER: How can you say that?

SHRI PAWAN KUMAR BANSAL: Sir, when a report came to the Chief Election Commissioner... *(Interruptions)*

MR. SPEAKER: I will give my ruling on that. Please sit down.... *(Interruptions)*

SHRI PAWAN KUMAR BANSAL: Sir, he rejected it summarily, calling it .... \*\*

*(Interruptions)*

MR. SPEAKER: No, this is wrong...

*(Interruptions)*

SHRI PAWAN KUMAR BANSAL: Sir, I

am not using my own word. I am objecting to this word.

MR. SPEAKER: You sit down. Mr. Bansal...

(Interruptions)

MR. SPEAKER: No, you are referring to the details of the report, which I am not going to allow. If I allow you to refer to the details of the report, then it is a Pandora's box. Please sit down now....

(Interruptions)

MR. SPEAKER: Please sit down. Let me make it very clear. As far as the report of the Election Commission is there, well, the conclusions of the report are before you and it is for the Government to accept it or to take any other action. But, generally, the report of the Election Commission is accepted. It is not thrown out.

But, if the body of the Election Commission's report says certain things certain individuals, that should not be accepted *prima facie* without going into the details and giving the other side also to be heard on those points on to do the justice. But as far as the conclusions are concerned, because the Election Commissioner is the final authority, it is implicitly accepted by the Government.

(Interruptions)

SHRI GEORGE FERNANDES: You said that you reserve the right to reject it. How can you? (Interruptions)

SHRI NIRMAL KANTI CHATTERJEE: What authority you have?

SHRI GEORGE FERNANDES: Who advised you to reject it? Why do you not read the Constitution again? (Interruptions)

SHRI NIRMAL KANTI CHATTERJEE: What right you have to do so? (Interruptions)

SHRI PAWAN KUMAR BANSAL: Sir, it is here. (Interruptions)

MR. SPEAKER: You are opening a Pandora Box. If you refer to it, I will not be able to contain them not to refer to it.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Mr. Speaker, Sir, with your kind permission I want to speak. This is not the first time you have given that ruling in this House. Earlier also you have said that we cannot discuss or criticise the decision or the findings of a constitutional body like the Election Commission as we cannot criticise or discuss the conduct of a judge. Now, Sir, occasion in the past had been there when we wasted to criticise some actions of the Election Commissioner. But you did not permit. We could not raise it here, although we were very badly affected by it.

Now that, because it has gone against the Congress party they seem to think so. Therefore, even the Law Minister of this country, who is there to support the Election Commissioner's findings, says something which you, Sir, have to expunge in your wisdom. (Interruptions)

This is the state where we have come to. The Government is saying certain things through the only mouthpiece of the Law Ministry because our hon. Prime Minister hardly comes here. I think he is the Minister incharge.

MR. SPEAKER. He is not well; he has informed me.

SHRI SOMNATH CHATTERJEE: I am not asking any grievance. In matters like this he generally represents the Government.

That is their attitude towards the Election Commissioner because it has gone against their party's interest.

Therefore, I would like to know from the Government whether they will accept Election Commissioner's report only if it goes in

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their favour. And when it goes against them, they are utilising all sorts of subterfuges for the purpose of not giving effect to the Election Commissioner's findings. Can you imagine a second situation, another situation when such a report has been given and those persons, who have been responsible, are put in a cradle there and made the caretaker government and those have been put in charge of election in Tripura? Can anybody say with any amount of seriousness and honesty that in that State there will be free and fair election with those bunch of people sitting there under the cover of some sort of a constitutional authority? Let us not make a fund of Election Commission in this country. Let the Government say that because they do not like this report, therefore they are not implementing this report. Let us not make a fun of the electoral process in this country. Let them amend the Constitution. Let them say we shall follow the Constitution when it suits us'. Let them say that. Here, every section of the House, is making a demand and cussedly and without any reason they are sticking to their stand. I could have unders took even when these statements are being made by the hon. Home Minister. I take it that the imprimatur of the State and the entire Government of India is behind it. It says as follows:

" The Election Commission is an independent authority under the Constitution vested with the powers of superintendence, direction and control of election including those of the legislatures of every State. It is the duty of the State Government and all officers under its control to assist the Election Commission in this task".

He has said remove all those people.

AN. HON. MEMBER: What about the Union Government? (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir, this is also binding on the Government of India. It is the duty of the Government of

India to see that this report is implemented and this order is implemented. Now, in the garb Of a caretaker government, the most discredited and disgusting state of affairs is prevailing there.

This is a horrible situation which I cannot think of. And that we have to take so much time of this august Parliament to try to put some sense into the minds of this Government against intransigence and cussedness.

Sir, I charge this Government for being partisan and for the abuse of the Constitution they are making. I charge this Government, it is not interested in free and fair elections in Tripura. That is why they are taking this stand. (*Interruptions*) How the Law Minister is abusing the Election Commission.

MR. SPEAKER: Well, I will go through the words and the phrases used. If they are not to be there, they will not be there.

(*Interruptions*)

SHRI A. CHARLES: (Trivandrum): My only submission is that all these statements are made here after the Statement of the honourable Home Minister of India.

MR. SPEAKER: Why don't you leave this thing to the Ministers to make the statement, please?

SHRI A. CHARLES: Sir, because there is no rule (*Interruptions*)

MR. SPEAKER: Why are you substituting them?

SHRI A. CHARLES: Sir, where is the rule for it? Let everything be expunged. (*Interruptions*)

[*Translation*]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I do not want to go in for a long debate. We want a clear answer from the Government here. The hon. Home Minister

came here. I was saying something in this context and on behalf of a Member of this House before the House was adjourned. I was mentioning about the things being said there about election, but on that, the Home Minister became angry with me and said-

[English]

' I have crossed all the limits. Mr. Fernandes has crossed all the limits '

[Translation]

I do not know which limit I have crossed. I have only said that a Member of his party, who has full knowledge about Tripura, had publicly levelled allegations against the elections held there, I am not going to discuss it right now, I will give a separate notice for that and would like to have a discussion in this House. This issue does not end here. This is a question of election and the things being said there about election. (*Interruptions*)

[English]

MR. SPEAKER: You will remember and bear in mind that along with that, the Election Commission's Report is also there.

[Translation]

SHRI GEORGE FERNANDES. Yes. As an evidence, I will place the Report of Election Commission and many other reports, including the statement given by the Prime Minister before this House. There is no restriction on the statements made by the Prime Minister (*Interruptions*)

[English]

MR. SPEAKER: Under what rule, Mr Fernandes, you are saying this?

[Translation]

SHRI GEORGE FERNANDES: I will give you the notice. What can I do when all

these things come under the present misrule. (*Interruptions*) The constitution of our country..... (*Interruptions*)

[English]

MR. SPEAKER: I want to facilitate your uninterrupted speech, you are not taking that.

(*Interruptions*)

[Translation]

SHRI GEORGE FERNANDES: In the end, I would only like to submit that the Central Government should immediately dismiss the acting Government there. Secondly, the concerned Minister should also be removed from the cabinet, as several allegations has been levelled on him according to the report of the Election Commission, 'After such allegations, it should have been fit for the Minister to himself resign from the post.... (*Interruptions*) This is what we have expected from him. (*Interruptions*)

[English]

SHRI H.R. BHARADWAJ: No, no. What I said will not go into your head. Don't say this thing. (*Interruptions*)

MR. SPEAKER: I will allow you

(*Interruptions*)

SHRI PAWAN KUMAR BANSAL: He is crossing the limits. (*Interruptions*)

[Translation]

SHRI GEORGE FERNANDES: I am not asking for your resignation, It should be asked on other issues. I have the right to seek resignation of your Government.... (*Interruptions*)

[English]

SHRI H.R. BHARADWAJ: You are not that important in our party that our Ministers will go at your instance. (*Interruptions*)

[*Translation*]

SHRI GEORGE FERNANDES: You become angry, if a Minister is asked to a resign.... (*Interruptions*)

[*English*]

SHRI H.R. BHARADWAJ: You have a privileged position in the society. You can say anything, but don't abuse that privilege.

[*Translation*]

SHRI GEORGE FERNANDES: Besides, putting forward these two demands, I would also like to praise the Election Commission, It gave its report without caring for the Government or any Member of any party and brought the fact before the country. It also presented before the country as to how this Government is playing with the Constitution and election system of our country (*Interruptions*)

[*English*]

MR. SPEAKER: Mr. Rawle, please.

*(Interruptions)*

MR. SPEAKER: Please cooperate. Yes, Mr. Rawle.

*(Interruptions)*

MR. SPEAKER: I call Shri Mohan Rawale to speak now.

*(Interruptions)***17.30 hrs.**

MOTION OR THANKS ON THE PRESIDENT'S ADDRESS -Contd.

MR. SPEAKER: Mr. Rawale to Continue.

[*Translation*]

SHRI MOHAN RAWALE (Bombay South-Central): Mr. Speaker, Sir, the disputed structure in Ayodhya.... (*Interruptions*)

*At this stage, Shri Anil Basu and some other hon. Members came and stood on the floor near the Table.*

*(Interruptions)*[*English*]

MR. SPEAKER: The House stands adjourned to meet again tomorrow at 11.00 a.m.

**17.30 hrs.**

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, March 4, 1993/ Phalguna 13, 1914 (Saka)*