

SHRI NITISH KUMAR: No, no, not a clarification, I want only information. The former Prime Minister Shri Chandra Shekhar had written a letter to you about the situation which was created as a result of Dr. Manmohan Singhji's reply to Shri Chandrasekhar's speech on a debate three days ago in this House, when this House was in session last week. It was followed by a statement by the Finance Minister but we would like to know as to what action has been taken at your level. Dr. Manmohan Singhji's statement does not provide any solution to the question raised, type position about the establishment of a Japanese city is not clear. We, therefore, would like to know the action taken thereon?

MR. SPEAKER: I had received that letter and it was in the form of a privilege notice. Whatever was required to be said thereon was said by the Finance Minister here. Thereafter, I had a face-to-face talk with him and then with Shri Chandrasekhar also. The Finance Minister told me everything and also told Shri Chandra Shekhar that he would apologise if the later objected to it or if it had caused him any mental agony. After that, I feel that we should not drag it any further.

(Interruptions)

[English]

SHRI SOMNATH CHATTERJEE : Sir, you said you will hear me afterwards.

[Translation]

SHRI RAJNATH SONKAR SHASTRI : Mr. Speaker, Sir, I had given you a notice.

MR. SPEAKER: Yes, I have received your notice, it was received at the time of my arrival here. I will look into it.

SHRI RAJNATH SONKAR SHASTRI :

I have given a notice for breach of privilege against the Prime Minister. *(Interruptions)*

MR. SPEAKER: I said, your notice has come and it reached here at the time of my arrival. It has your signature on it. I have asked for a typed copy. I will go through it.

(Interruptions)

12.05 hrs

RE: ORDERS BY CHIEF ELECTION
COMMISSIONER SUSPECTING ELEC-
TION IN THE COUNTRY

[English]

SHRI SOMNATH CHATTERJEE (BOLPURI): I am thankful to you for giving me this opportunity because we are now today facing a situation where the future of Parliamentary democracy in this country is under severe strain; we can say it is at stake now. Yesterday the Election Commissioner has stopped by-elections and binnia elections to three Lok Sabha seats and nine Rajya Sabha seats. Elections for 16 Assembly seats and two Legislative Council seats also have been most arbitrarily, without any reason, stopped. Rajya Sabha composition is not complete; so many seats are remaining vacant; the people have a right to choose them representative to take part in the elections; the entire thin is now depending as it were at the whims and the caprices of a particular individual in this country. We do not know whether anything is being done by this Government with a view to remedying the situation.

The situation became such that the West Bengal Government had to go to the court. After it went to the court the Chief Electoral Officers of that state could be appointed. The matter was deliberately

being delayed, procrastinated and all sorts of frivolous objections were being raised by this Officer. As a result, we had no Chief Electoral Officer in the State of West Bengal. It is happening everywhere. We find that the Election Commissioner thinks he has the supreme authority over the entire bureaucracy into his country and in the name of holding elections.....

MR. SPEAKER: Somnathji, please.

SHRI SOMNATH CHATTERJEE: What can be done? Is this an ordinary situation in this country?

MR. SPEAKER: Let me put it in a correct perspective, so that it helps you. The matter is very important. It relates to the functioning of the constitution itself and it applies to so many places.

SHRI SOMNATH CHATTERJEE: I am obliged for your observation.

[*Translation*]

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, is only one person going to rule the entire country? (*Interruptions*) you have given the same ruling many a time earlier also.

MR. SPEAKER: You are not getting my point.

[*English*]

I do understand the importance of the matter. That is why it is before the House. But then there are certain limitations; please bear those in mind.

SHRI SOMNATH CHATTERJEE: Yes Sir. We have submitted a motion of impeachment. In your wisdom you have kept it pending.

MR. SPEAKER: I must explain that I asked you to come and argue before me. Please do not put me in a defensive position.

SHRI SOMNATH CHATTERJEE: Secondly, there is a motion which has been given by me for the purpose of constituting a multi-member election commission. That is also provided under the law; the Constitution provides for that. I raised this matter before you in the Business Advisory Committee; you said you will look into it. What is the way out? The whole country will be held to ransom. An extraordinary situation is created. Whether the people will have a right to choose their representatives will depend on one person deciding it. It appears from the papers - we do not know; we want the Prime Minister to tell us - there is a crisis in this country; a constitutional crisis of the highest magnitude. Where is the Prime Minister to rely to that? Why is he not advertising to it, not taking the House into confidence; taking the country into confidence? I would like to know whether the Constitution of India provides that one individual can hold the country to ransom, whether the parliamentary democracy depends upon the wishes of one individual in this country. On the plea of saying that he has got the authority under the Constitution to regulate elections, supervise elections, can he arrogate to himself the entire power of the law and order machinery? The Government of India has supposedly said that no, he has not got the power. We find that he has met the Prime Minister more than once. The Prime Minister is reported to have said very well, we shall review the matter. It has to be clarified because we do not know; we go by the newspaper reports. Some spokesman of the Government must have informed the Press about it. What is going to happen in this country? Will this Parliament be a mute spectator to the total not only erosion of parliamentary democracy but also the total subversion of the Constitution, subver-

sion of the principles of parliamentary democracy in this country? As I said, both the Government and the Prime Minister are sitting like a sleeping Buddha in this country!

What is going to happen here? Has the Government got any role to play in this matter? I do not wish to recall what had happened. Repeatedly, we had gone to the hon. Prime Minister, more than once; the opposition leaders had gone to him three times; and he says, "Leave it to me, leave it to me." The country's relying on the Prime Minister; today, by relying on the Prime Minister, we have this position that today, one individual is holding the country to ransom by its throat.

What is the spectacle of the constitutional functioning in this country. The chief Minister of Maharashtra went to court at midnight 12 o'clock it appeared; and the judges had to sit at midnight 12 o'clock or 11 o'clock in the night to pass an order. And on the basis of a court order, election is being held in this country; on the basis of a court order, the Chief Electoral Officer is appointed.

The prospective Commerce Minister of this country range me up in the morning - I do not blame him. He was hoping to come back, we were hoping to welcome him. But, he had to wait till 18th of December, just to suit the wishes of the gentleman concerned. He gave me a telephone call. I said, "I quite understand your anxiety. I am also requesting the Chief Minister to file some proceedings, if the hon. Home Minister allows him to function".

Therefore, Mr. Speaker, Sir, the matter is extremely serious; and I demand that the Prime Minister should come here, tell the people as to what is the situation in this country and how he wishes to tackle it. He

has taken upon himself the responsibility of sorting out the matter more than once. Today he appeared - I do not know what for - and he disappeared, as usual.

Sir, I would demand that the Government, here and now, must commit itself. Let them support the impeachment motion; let the Government say that they will support the impeachment motion. I request you, Sir, that we may sit today; and you may kindly give for decision today as to whether the motion will be admitted or not. Till then, we are not withdrawing the impeachment motion. Let them support; let them pledge their support. Otherwise, since the statement will take sometime, let a multi-member body be formed. Government can do it by notification. I demand that the Government should immediately make the position clear. (*Interruptions*)

[*Translation*]

SHRI CHHEDI PASWAN (SASARAM): Mr. Speaker, Sir, the elections in the entire country are being postponed. Their only purpose is to stop Mr. Sharad Pawar from being elected as the Chief Minister.

[*English*]

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Sir hon. Member, Shri Somnath Chatterjee has raised a very important issue. On this issue, the Law Ministry has prepared a statement and I am sure that during the course of the day, the statement will be made. Sometime in the afternoon, the statement will be made. But, these are very important issues and I am sure the hon. Members are also aware that this is a *sub judice* matter. The courts are seized of the matter and unless the court takes a decision about it, it will go very differently (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Sir

far as we know, only Shri Pawar's election is *sub judice* in the court. Nothing else is *sub judice*. (Interruptions)

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Sir, the entire order has been challenged in the Bombay High Court and only a stay order has been given to particular election. So, the entire order of the Election Commissioner has been challenged in the Bombay High Court. Entire matter is under consideration, it is under discussion at present, in the court. (Interruptions)

SHRI SOMNATH CHATTERJEE: There is no bar on the Parliament, discussing a matter. (Interruptions)

MR. SPEAKER: As far as the matter being *sub judice* is concerned, I will take a proper decision.

(Interruptions)

SHRI LAL K ADVANI (GANDHI NAGARAO): Sir, I am sure that everyone who saw the proceedings....(Interruptions)

SHRI SOMNATH CHATTERJEE: Impeachment motion is outside the proceedings (Interruptions)

MR SPEAKER: Shri Somnath Chatterjee, you please do not refer to that because there are so many through which it has to go. You have to establish that there is a *prime facie* case.

SHRI SOMNATH CHATTERJEE: I know that, Sir. We shall make it update. The updated motion on impeachment will be sufficient (Interruptions)

MR. SPEAKER: Let there not be an

impression that it can be immediately done. (Interruptions)

SHRI SOMNATH CHATTERJEE: I hope that Shri Sontosh Mohan Dev will be a signatory! (Interruptions)

SHRI LAL K ADVANI: This is one of the gravest constitutional crisis, this country has seen since independence. I do not recall any other instance where a constitutional authority of the level of the Chief Election Commissioner has, first of all, directly confronted himself with the Government of India and publicly indicated the Government of India; and on that basis, issued an order which was briefly referred to by Shri Somnath Chatterjee.

but, I think, it is far more than what Shri Chatterjee said. Shri Chatterjee referred to the fact that 28 pending biennial elections and by-elections have been suspended. But when I read through the order issued by the Chief Election Commissioner, I was shocked. The operative paragraph of his order says:

"Accordingly, till such time as the present deadlock, which is solely the making of the Government of India, is resolved, the Commission does not find itself in a position to carry out its constitutional obligations in the manner envisaged by the makers of the Constitution and has, accordingly, decided that every election under its control..."

And then it says :

including biennia, and by-elections to the Council of States, byelections to the State Legislative Councils, byelections to the House of the People and byelections to the State Legislative Assemblies, as has been announced, are notified or are in progress, shall remain postponed until further order".

Now, I cannot imagine how a constitutional authority can issue an order of this kind. I cannot imagine how Government even after 24 hours can still wait and let the Members of the House, who do not know the full facts, raise it and then comes out with a statement saying that we are going to make a statement in the afternoon. Any other Government, except this paralysed Government, would have taken the Opposition into confidence yesterday itself. There would have been an immediate meeting that his is the constitutional crisis the Government is facing and, therefore, how do we sort it out. After all, it can be sorted out in three ways: either by the executive itself, if it has the capacity which it has lost or by some judicial remedy or by parliamentary remedy, like impeachment. These are the three ways in which a crisis of this kind can be resolved.

[*Translation*]

Now, we are thinking of debating, making statements and whether they will be considered and sub judice or not. This is the kind of situation we have landed ourselves in. I do not know who has been targeted. But everyone keeps on thinking that perhaps Shri Sharad Pawar is the target. Someone thinks that perhaps Shri Pranab Mukherjee is the target. Someone thinks from my side that it is our four Governments, where elections have to take place in November, are the targets. But, I think, in a situation of this kind, when everything has gone berserk and constituent authorities function in this manner and when Government fails to take adequate steps, everything is going haywire. This is the concrete example.

I am sure that the annexures to it give us correspondence perhaps unit September, 1992. The whole crisis has been building up since a long time. Nothing is being done about it - absolutely nothing - so much so that perhaps the Government itself must

have been taken by surprise yesterday when this order was made, through specifically speaking, *prima facie* I would not agree with the precise letter at all from the Home Minister that has provoked this kind of situation because article 324(6) gives considerable authority to the Election Commission.

By submission would be that the Law Minister may make a certain statement. The Law Minister has his own angle because according to this particular note, it is the Government of India which is responsible for this crisis. But what I find in this note is remark made by the Election Commissioner challenging even the opinion and interpretation of the Attorney General.

Now this House of the Parliament, as the representative body in the country has the right to listen to the Attorney General also. We would listen to the Law Minister also. But this is matter in which legal interpretation of 324(b) is very pertinent. Article 324(6) gives the Election Commission the right to seek assistance from the Central and the State Governments for the performance of its constitutional functions.

According to the Election Commission, the support that he needed is not being given to him by the Central Government. I do not know if, for instance, he had asked for para-military forces and the Central Government says, we are not going to provide them in the case of the Tamilnadu election. But then the Election Commission, at the most, may have reacted in the case of Tamilnadu.

But he did so in a sweeping manner and stopped all elections. On these things, we cannot call the Election Commissioner here but we can certainly call for the Attorney-General right today and I think his opinion and statement would be a greater guide to us in coming to a right judgement than that of the Law Minister.

[*Translation*]

SHRI VISHWANATH PRATAP SINGH (Fatehapur): Hon'ble Mr. Speaker, Sir, so far as our constitutional institutions are concerned, this confrontation of theirs is detrimental to our democracy. This question is not of only one persons Shri Sehan or the Government. our constitutional institutions seem to have given way. This order, that the elections will not be held till such time the present deadlock is resolved by the Governments, amounts to levelling an allegation against the Government. Today the country is not aware of the lapses on the part of the Government or the powers acquired by Mr. Seshan which have to tally disrupted the democratic procedure. He can correct or adopt some other procedure for postponing the elections, which amounts to a kind of a lock-out. We had heard about the lock-out in the industrial sector. now, they have locked it out, a democracy had been locked out and this Government also, at times, is on of the Parliament. You are our Speaker.

SHRI LALK. ADVANI: You are the key.

SHRI VISHWANATH PRATAP SINGH: Please use your powers. The whole parliament has been dead-locked. This way and some statement is yet to come from the Government. A statement is in the offing, but it is also being said that this matter is *sub-judice*. What will the statement contain, we have already been given an introduction and with the matter being sub-judice it is not expected to go into the details. That's why, it is required that the House may consider it on priority basis and take measures to solve the issue.

[*English*]

SHRI CHANDRA SHEKHAR (BALLIA): Mr. Speaker, Sir, the matter is serious not only because the elections have been postponed but an impression has gone all round

the world that, in India, the constitutional authority has levelled certain charges against the Government, that is, the Government of India, that they are responsible for interfering in their rights and so, the elections are not possible. Today, the Government of India has not been charged by the Opposite on, not by the Press, but by the constitutional authority, that of the Elector Commission, whose right, integrity and dignity are maintained by this House and by you, Sir. Not a word should be said against the dignity and honour of the Election Commission. This is what we adhere to but the same Election Commissioner says that the Government of India and specially the Home Minister is responsible for creating not only a difficulty but creating a situation whereon democratic election is possible in this country. What image do you want to make about this country? My friend, Mr. V. C. Shukla has given a technical answer that the matter is sub-judice. My friend does not result in the collapse of the Constitution, of systems of parliamentary democracy but it is the inaction and paralysis, as my friend Advaniji says, which kept creeping in the administrative system of this Government.

Mr. Speaker Sir, I shall not go into the aspect of what will happen to Mr. Election Commissioner. But I shall like to know from you what is going to happen of this Government and whether this Government is going to keep quiet even on such a serious charge from the Election Commission, as was read out by Shri Advani. I think some wishy-washy statement will come from the Law Minister. But he Government of India stands in such a position today that either the Election Commission remains tin office or the Government of India remains in office. If the Government of India has any face to show before the world, there is no choice left. The choice is very limited. Either the Election Commission is right or the Government of India will have to justify itself. If the Government of India has to justify itself, Mr.

Chavan, you cannot depend upon the statement of the Law Minister. It is not a legal question. It is a political question. It is a moral question. And it a constitutional question. It is to retain and maintain our Constitution. I am sorry so say that you people do not understand your responsibility. This dereliction do duty on the part of the Government is unpardonable, Mr. Speaker Sir, and that is why, Mr. Speaker, we are imploring you, we are requesting you to make this Government understand that just by manipulations and just by machinations - about which, my friend Vishwanath Pratap was just now trying to mention - they can remain in office for quite some time but they will destroy this nation. For God's sake, just for remaining in power for a few days or for a few months, do not destroy this nation, do not destroy the Constitution, do not destroy the dignity and honour of this parliamentary institution.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE (LUCKNOW): Mr. Speaker, Sir, the Minister of Home Affairs said that a statement would be at mat in the House. The Statement should present a clear picture. The Chief Election Commissioner has raised many issues. He has raised the issue of Tripura, he has alleged that the action was not taken in Tripura or as was decide by the Election Commission. He further arraigns that the Central Government is not ready to comply with the suggestions put forth by the Election Commission with regard to deploying of the paramilitary forces in Tamil Nadu, where bye-elections are going to be held.

Mr. Speaker, Sir, a perusal of all the papers sometimes shows as if the Election Commission has given an ultimatum. It to the Government. But the Election Commission states that the Government has stopped him from carrying out his duties and now it amounts to a total confrontation. I want to quote from the contents of the reply to the letter written by the Ministry of Home Affairs. The Commission has referred to some ex-

cerpts of the letter and later made remarks thereon. I quote—

[*English*]

“The challenge in the above letter set forth by the Ministry of Home Affairs to the Commission's authority and prerogative to ask for the deployment of the staff under Article 3249(6) of the Constitution is now open and total. Hardly anything has been left unsaid in that letter as regards the stand of the Government of India in the matter. This challenges if fraught with the most perilous consequences for the future of democratic elections in India and the open attempt to subjugate the Election Commission under the executive, is allowed to go unchallenged, will destroy the very roots of India's democracy. The constitutional position of the Election Commission will be nullified, rendering it incapable of performing its fundamental function of securing the services of the staff required for conducting fair and free elections.”

[*Translation*]

Mr. Speaker, Sir, the Constitution empowers the Chief Election Commissioner to monitor the elections, to provide guidance regarding the elections and the message enshrined in Constitution is that the election should be held. It is the duty of the Election Commission to hold the elections. Now a deadlock has arisen where Election Commission is refusing to hold elections, not only for the present but it has given an ultimatum for the future also. The Congress party is being repeatedly grilled for this. I would like to quote another excerpt from the order of the Election Commission.

[*English*]

“It is an irony of fact that the Commission's request and direction to deploy Central Police forces in the above mentioned two constituencies in my State of Tamil Nadu was issued after taking into consideration inter alia demand of Members

of Parliament, most of whom belong to the very party which runs the executive Government at the Centre, and out demands are also supported by the Leader of the Legislative Assembly; the Government of that very party at the Centre is now telling the Commission that it has no authority to make such a request and direction.

[Translation]

Parliament is also being held responsible. Allegations are being levelled against Members of Parliament also. Mr. Advani and we want your guidance as to how should we start a discussion on this issue.

[English]

MR. SPEAKER: I will see.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, we would like to hear the Attorney-General and would like to give a chance to the Government also to defend themselves. A way-out must be found to resolve this deadlock. We would wait for the statement which is going to be made in the evening and if statement which is going to be made in the evening and if this statement proves to be an eye-wash, then we will set our course of action.

[English]

MR. SPEAKER: I will see.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, we would like to hear the Attorney-General and would like to give a chance to the Government also to defend themselves. A way-out must be found to resolve this deadlock. We would wait for the statement which is going to be made in the

evening and if this statement proves to be an eye-wash, then we will set our course of action.

[English]

SHRI PAWAN KUMAR BANSAL (chandigarh): Mr. Speaker, Sir, this enormous order of the Chief Election Commissioner staying indefinitely any and every election in the country, is certainly unprecedented in nature, from and effect. It has undoubtedly created a Constitutional crisis and I would say has rendered our democracy fragile. Sir, the Constitutional Authority vested with the right and duty to hold elections has the temerity today to say that because his recast the Government want to undertake a particular activity has not been acceded to, the elections shall not be held in the country. One could understand if the Election Commission were to stay elections in a particular constituency but here is a glaring example before us where elections which were to be held to the Rajya Sabha; the elections which have not been notified, elections which were to come up in the days to come have all been stayed with one stroke of presuming that the Election Commissions has that sweeping power which was never vested in him. I am little reluctant to use the words but am impelled to say that this order smacks of some form of puerile arrogance.

SHRI SOMNATH CHATTERJEE (BOLPUR): Arrogance is all right; but what is this puerile arrogance? (Interruptions)

SHRI PAWAN KUMAR BANSAL: I do not know whether you agree with me or not.

SHRI ABDUL GHAFOOR (Gopalganj): Add one word more, that is the impotency of the Government. (Interruptions)

SHRI PAWAN KUMAR BANSAL: I am sure a large number of my friends on this

side also are perturbed over the action that has been taken by the Chief Election Commissioner but I am at pains to realise that even on an issue of this type, our friends on the other side are looking at it with jaundiced eye. What did the Government do in this case? This has become essential for me to tell. The Chief Election Commissioner sought the deployment of Central paramilitary forces in a State not ruled by the Congress. Central Government made the position clear on that and I am sure if the Central Government had sent the forces our friends would be rising here to oppose that.

But, today, because, the Central Government did not do that, they are putting that blame also on the Central Government.

SHRIMATI VASUNDHARA RAJE (JHALAWAR): The issue is something different.

SHRI PAWAN KUMAR BANSAL: You people have made that an issue. I did not want to refer to that as an issue here. I agree that the issue that confronts us today is altogether a different one and is an issue which in fact makes it our bounded duty to forget all our differences and rise as one to see what can be done. Feeling emboldened by his action, an authority like the Chief of Army Staff should be posted is his PSO and on the Central Government failing to do that, he could say that there will be no election in the country whatever.

Sir, this order is fraught with very serious consequences because this has unknown dimensions. I am sure all of us have to get together to fight this issue as such.

Sir, the Election Commission and the Government have not to act as adversaries, but here, we find that the Chief Election Commissioner has arrogated himself the right to pass any sort of judgment against the Government or any other Constitutional

authority. If I am not mistaken, a situation had arisen where how was entering into some sort of a confrontation even with the UPSC.

Sir, we are all creatures of the Constitution and have to confine ourselves to the functions assigned to us by the Constitution. But, it will not be fair, I want to say that with all humility, to bring in the Government, if at any point of time—going by the words of what Shri Somnath Chatterjee has said—the Prime Minister said that he will look into the matter, it was only to avoid any unseemly situation from taking place here. But, I am sorry to say that our friends in the Opposition are reading too much into it and if any effort was made by the Prime Minister to avoid a situation as that, they are finding fault even with that. That is what has to be avoided and I am sure, they would see reason and it is in an environment that is called for that we would tackle this issue.

[Translation]

SHRI RABI RAY (Kendrapada): Mr. Speaker, Sir, we are talking about a constitutional crisis and before saying anything on this topic, I am sorry to say that the Prime Minister is not present in the House at the time of the discussion. When Shri Atal Bihari Vajpayee had raised this question, I was looking at the Prime Minister and he had nodded his head, thought that he would be present during the zero-hour also, listen to the discussion and give a reply to it. I would like to mention one thing before the House that when Pt. Jawahar Lal Nehru was the Prime Minister of our country, he used to be present as the leader of the House unaffected by the differences of opinion of a few Members of the House. The way Shri Shukla and Shri Chavan have expressed their views today shows as if there is no crisis before the Parliament. Shri Shukla, Shri Chavan and the leaders of all the opposition parties should have come to you

and then all of us together would have found a way out. The Constitution was framed 45, year ago, the Chief Election Commissioner, who is a constitutional entity, has always levelled allegations against the central Government which amounted to doing away with the parliamentary democracy. I have been noticing for the last 1 1/2 years that the present Chief Election Commissioner has from the day of his appointment, wanted to politicise his office. Earlier, when the opposition has raised it again, it has proved to be right from the way Chief Election Commissioner has acted. It appears that the Central Government are not taking action as they should have taken under the parameters of the Constitution to save the democratic set up. The Cabinet Secretary and the Home Secretary to the Central Government have both written to him that he is acting beyond his powers. The Central Government are wholly responsible for this crisis and they started it. Mr. Speaker, Sir, you please intervene and find a way out of it by inviting the leader of the House as well as the Leader of opposition to your Chamber. The whole House is unanimous on this. Mr. Bansal, who was representing the ruling party also spoke on the issue. Now, the House is worried because we are facing a political crisis and the Government is responsible for this. The Cabinet is responsible for this crisis. Therefore, you should take some initiatives and resolve this crisis so that by evening the whole House is unanimous on it. The democratic system seems to be collapsing. The representatives of 90 crore people are sitting here in the House. Are we not capable of giving a leadership to this country? My only request to you is that we should sit together and find a way to save the democratic set up under your leadership.

[English]

SHRI P. G. NARAYANAN
(Gobichettipalayam): The Election Commission has postponed all the by-elections in-

definitely. By this postponement, really a constitutional crisis has been created. In Tamilnadu, the by-elections have been postponed for the third time. It is a mockery of democracy. I suspect that there is a nexus between the Central Government and the Election Commission. (*Interruptions*). By postponing these elections, the Election Commission has saved the Congress Party from defeat. If the elections are held in Tamilnadu, the AIADMK Party would win the by-elections by a great margin. But the Congress Party is not ready to face the elections. But time and again, Mr. T. N. Seshan has proved himself that he has been a highly controversial election officer. It is high time to sack Mr. T. N. Seshan out of his office through impeachment.

[Translation]

SHRI SURYA NARAYAN YADAV (Sahasra): Mr. Speaker, Sir we were under this impression that before the sitting of the House starts, the Government would have taken some action to resolve the constitutional crisis which developed yesterday. In fact, the discussions have been going on by the Opposition for the last 8-9 months but the Government did not take heed. We were only aware of one thing that the Election Commission holds elections but now it has happened for the first time in a democratic set-up that the Election Commission has now stayed elections. The Government should take action thereon. But the Government is not reliable. As was suggested by our leader Shri V. P. Singh also, you should now wind the key and come forward to save the democratic process. This is our suggestion to you.

SHRI BHOGENDRA JHA: Mr. Speaker, our constitution is unique in the sense that our power is not centralised. Election Commission is also a constitutional institution like judiciary, Executive and Legislature. It is also under the Constitution. Similar cases

have happened from time to time but not in the times of the present Election Commissioner. Then, the Government of Uttar Pradesh had expressed their inability to hold elections in Garhwal but the Election Commission had maintained that the Government of Uttar Pradesh was the best judge of the situation prevailing there. Bent elections are to be held. But when West Bengal's Chief Minister Shri Jyoti Basu showed his willingness to hold elections the same was opposed by the Central Government. The Election Commission had given its verdict that the State Government has the power to decide about the elections and so, finally the elections were held. In Tripura also, a crisis had recently developed due to a Minister's activities and the Election Commission had dealt with it courageously. Just now, Shri Vajpayee also read out a similar news-item about Tamilnadu and strengthened our stance. Now that the Central Government has taken the stand that it is not in the Election Commissioner's powers to do so, it has become difficult to decide the extent to which the powers should be given to the Officers.

Mr. Speaker, Sir a simple policy matter becomes a constitutional matter. In such prevailing situation, it would be wiser to listen to the Attorney General. It would be a good idea to have a Commission consisting of three members in place of one, they would be able to make better decisions. The Central Government has maintained that it is not the duty of the Election Commission to take care of things and such a situation is likely to create havoc in the country.

[English]

MR. SPEAKER: Please conclude now.

[Translation]

SHRI BHOGENDRA JHA: I do not want to cite example where the booth was cap-

tured by an officer. That is why I suggest that the legal experts should be consulted on this and there should be a detailed debate over it in the BAC. I specially emphasize that a commission consisting of three members should be constituted and the stand of the Central Government should not be accepted in this regard. chalk out the course we should adopt and then we will decide as to how to do we go about this.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Sir, the Minister has to make a statement on this matter around 530 hrs.

MR. SPEAKER: We will discuss this in my Chamber.

[Translation]

SHRI AJIT SINGH (Baghpat): Mr. Speaker, Sir, a question was raised here on the 28th regarding the voting of Shri Munda. The next day we were asked to write a letter on that which we had given. You have not given your ruling in this regard. No ruling has been given by you on Shri Munda?

MR. SPEAKER: When was it given?

SHRI AJIT SINGH: We had given it the day you had asked for had been given at your instance on the 29th. Then Shri Ram Laxhan Singh Yadav has written a letter on the 30th that he wanted to form a separate party and you had asked for our comments by 6th of August. A notice has been issued from our party to those 6 members for termination of their membership who had voted by violating the party whip. Yesterday, the leader of the House and the Parliamentary Affairs Minister have included those members in their party. (Interruptions) You have so far neither informed the House that they don't belong to Janat Dal (A) nor have

you informed the Janata Dal (A) in writing a that separate group has been formed. No ruling has been given by your.. There have been regular news-items about it and from my personal experience also, I would like to say that two members out of them are not accessible even through telephone, even their relatives or journalists cannot meet them. And it is all due to their security problem. Then the police security being provided is not from the Central Government of Delhi Police, it is from Haryana Police ..(Interruptions).

SHRI RAJNATH SONKAR SHASTRI (Saidpur): Haji Ghulam Mohammad has been arrested. He has been abducted.

SHRI AJIT SINGH: It constitutes a case against our leader of the House and the Parliamentary Affairs Minister. I believe that it is an affront to you also since you have not recognised it as a separate group and its is an insult of the whole House, you are requested to give your ruling soon in this regard.

SHRILAL K. ADVANI: (Gandhi nagar): Mr. Speaker, I remember that when there were some incidents in Haryana in 1967 and the terms 'Aayaram-Gauaram' were used, then political leaders, Members of parliamentary and Members of Legislative Assemblies had lost respect from the masses. Then, by and by a public opinion was created and an opinion was created in the House also. When Shri Rajiv Gandhi became the Prime Minister in 1985, he said that he was brining an Anti-Defection law to contain such mismanagement. The Bill was passed almost unanimously. While putting it into practice, it was found to have many loopholes. You had yourself invited all of us to a meeting in the beginning of the last year and had said that the Government should bring an amendment at the earliest. law Minister and the then Parliamentary Affairs

Minister, Shri Kumarmangalam had assured that they would bring it as soon as possible. One and a half years have passed but nothing has been done and the incidents occurred recently which involved 7 members, I don't know whether 7 or 6 members Ruling will be given by you in this regard. 7 members out of 60 do not constitute on third majority. When 60 members had been elected and the Janata Dal had been formed, it was meant by the anti-defection law that the members who get mandate of the people would remain in the party for five years which had set them up as candidates but there has been a split in the party before that. At first, 20 members out of the 60 members dissociated themselves from their party. Then, seven members out of those 20 members followed suit. They were given a warm welcome by them and have now been include in their party. I enjoyed reading the statement of the human Resource Development Minister this morning "Don't make a mockery of the Anti-defection law." Mr. Speaker, Sir, I am putting this case before you, because you had taken an initiative in this regard and convened a Speaker's conference by inviting all the speakers from the entire country and had a detailed debate thereon. You have circulated many papers to us saying that the anti-defection law is based on vested interests and they wanted these loopholes to remain. Like, for example, how a person belonging to a minority group, can get a synthetic majority. The Members of one party were enticed for defecting, then the same thing followed for another party and now AIADMK alleges that their Members are also being enticed to defected. But a member of your own Cabinet has publicly announced that "The Government is making a mockery of the Anti-Defection Law." This Government do not look willing enough to introduce amendments, I therefore, request you to take a follow-up action to your earlier initiative to ensure early introduction of amendments in the anti-defection law.

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Speaker, Sir, the most disturbing aspect of this matter is that you have kept the whole issue pending for your decision.

MR. SPEAKER: Which one?

SHRI SOMNATH CHATTERJEE: Shri Ajit Singh was asked to give his comments. He has written to you. You have to take a decision as to whether they can remain as Members of this House or not. (*Interruptions*)

MR. SPEAKER: Mr. Chatterjee, please do not discuss what I am doing because in the House. I cannot defend.

SHRI SOMNATH CHATTERJEE: I am only saying that he has written to you. He has said that he has written to you and you have not given your decision. I am only referring to that.

MR. SPEAKER: As a good lawyer, if supposing a Member is alleging something against the other, should I not hear the other side?

SHRI SOMNATH CHATTERJEE: I am not saying that you should not hear the other side. I have not questioned your propriety.

MR. SPEAKER: Please avoid discussing that thing.

SHRI SOMNATH CHATTERJEE: Sir I have been misunderstood. With all humility I would like to say that I have not questioned whatever procedure you have adopted. I am only saying, sir, that a letter has been sent to you and the matter has not been decided by you. I have only said that. So far as the details are known to the House or to Shri Ajit Singh, it seems that your right to decide the matter has been pre-empted.

Sir, today there was a ceremony. Photographs have come out in the papers. In this country, it seems, defection is a matter to be lauded...(*Interruptions*) You have to keep your Government alive by hook or crook, more by crook than by hook. That is the problem...(*Interruptions*) What is happening? We are discussing the complete stalemate in the electoral process. Today we are forced to discuss certain things. Ayaram and Gayaram concept has been institutionalised by this Government and by this Party. (*Interruptions*) What has happened is a matter of shame on the whole Parliament and the Members. (*Interruptions*) They will never attempt to create any division in my Party because they know that they will not succeed. Even Shri Advani does not seem very sure of his Party. (*Interruptions*) He has just now said that...(*Interruptions*) I hope, you can keep them in tact.

Sir, incessantly an attempt is going on. TDP has been divided. They have tried with AIADMK. With some sort of action, you have managed to keep on...(*Interruptions*) Sir, now the Janata Dal is treated as a sitting duck. Out of these seven Members, I do not know as to how many will become Minister. What is the *guide pro quo*, nobody knows. People who are outside arising, what is happening: It is very difficult to say which Member is in which party...(*Interruptions*)

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV): Including yourself...(*Interruptions*)

SHRI SOMNATH CHATTERJEE: No. You know that. It is not your department.

The point is, does the Tenth Schedule of the Constitution retain any significance any longer? Has the law of Defection any value? Under any garb, can anybody change his loyalty and try to enter into a sort

of a bargain, whatever may be the nature of the bargain? We are sitting here as mute spectators. We shall go on thumping the desk *(Interruptions)* Nothing is happening., This is the position in this country.

Sir, we humbly request you, as the custodian of the very important rights and the position of this House, to condemn this open violation of the basic principles of the constitutional democracy, parliamentary democrat, in this country and the open violation of the Constitution, Tenth Schedule of the Constitution. Sir, this ruling Party, who wants to rule by this sort of manipulations and maneuvers, should be condemned and they owe an explanation to the people of this country. *(Interruptions)*

13.00hrs.

SHRI VIDYACHARAN SHUKLA : Sir, may I submit that the Tenth Schedule was ought to be admitted into the Constitution by the Constitution Amendment in 1985. A big debate took place in both the Houses of parliament..... *(Interruptions)*. How can I speak, Sir when they are shouting like this? *(Interruptions)*. Sir, when the Constitution was being amended, a point was raised by the hon. Members who are sitting opposite that the political dissent should not be crippled and that there should be provision made for political dissent. On that basis it was decided that increase in a political party, one-third of its Members do express their political dissent and there is split in the political party which amounts to a split in the Parliamentary party and the legislative party involving one-third of the members of the party, then that should not be taken and defection. On that basis, Mr. Ajit Singh split the Janata Dal and he pleaded through you and then you gave a long hearing in that matter...*(Interruptions)*.

13.01 hrs.

At this stage Shri Rajanath Sonkar Shastri, Shri Surya Narayan Yadav and some other hon. members came and stood on the floor near the Table

SHRI VIDYACHARAN SHUKLA : Sir, you gave a long and patient hearing to these facts before you. After hearing them patiently you have your ruling an din that ruling, you...*(Interruptions)*.

13.011/2 hrs.

At this stage Shri Satya Pal Singh Yadav and some other hon. Members sat on the floor near the Table

SHRI VIDYACHARAN SHUKLA : Sir, you hear them first. I can reply later on.

MR. SPEAKER : O.K.

[Translation]

MR. SPEAKER: All right, you may speak, then it will be Shuklaji's turn to speak.

(Interruptions)

[English]

13.02 hrs.

At this state Shri Rajnath Sonkar Shastri, Shri Surya Narayan Yadav, Dr. S.P. Yadav and some other Members went back to their seats.

[Translation]

SHRI RAJNATH SONKAR SHASTRI *(Saidpur)* : Mr. Speaker, Sir, first of all, please expunge the remarks made by Shuklaji..*(Interruptions)*

SHRI VISHWANATH PRATAP SINGH *(Fatehpur)* : Mr. Speaker, Sir, first of all, please expunge the remarks made by

Shuklaji..(Interruptions)

SHRI VISHWANATH PRATAP SINGH (Fatehpur) : Mr. Speaker, Sir, first of all, please expunge the remarks made by Shuklaji..(Interruptions)

SHRI VISHWANATH PRATAP SINGH (Fatehpur) : Mr. Speaker, Sir, so far as the defection is concerned, your ruling has been held to be final. Though the final ruling is considered to be that of the Speaker but what will be the position of this power of yours is taken away by the Minister? it seems today that the case is under your consideration. You had yourself said that your will be given your ruling on it. Shri Ajit Singh had a grievance, a complaint, we all share his feelings that at the time of Shri Munda's voting, there was yellow light but Mundaji went in the elbow. Since then, it is under your consideration. later on it was told that your we aware that 7 members were forming a group. Even without your reaching at any decision, the ruling party decides to include them in their party. The decision making power in such matters rests in you; you are the Presiding Officer in such matter. How could the Parliamentary Affairs Minister could decide it before your ruling. it is a clear encroachment upon your powers, and privileges. In this case of such open defiance, how will the House proceedings be conducted properly? (Interruptions)

SHRI NITISH KUMAR (Barh) : A debate is going on something what Shri Ajit Singh pointed out in the House. The Parliamentary Affairs Minister, Shri V.C. Shukla also expressed his views. It is most unfortunate for this House and the country that a person who was debarred from the membership of the 9th Lok Sabha gets cleared to the post of Parliamentary traditions are being flouted. Your rights are encroached upon by them. Question is not whether there was split or not. This issue is under your consideration. We are pained by this. Mr. Advani was right

in saying that if we give it a political look we will find that seven members out of sixty have defected and if you have technically recognised a group comprising 20 members, it is yet to be decided by you whether there is split or not. But before your announcing any ruling on the direction of the Prime Minister, the Parliamentary Affairs Minister makes an announcement regarding their inclusion in the party. Nothing can be more shameful than this. After that, when questioned by the press, it is said that the ruling of the Speaker is yet to be announced and the separate group is yet to be recognised. The spokesman of the Congress party stated that all these formalities would be completed. It means-

[English]

The Speaker has been taken for granted; the whole constitution has been taken for granted.

[Translation]

So, they cannot be given full freedom. You are the custodian of the constitution, a protector of Parliamentary traditions. There is a historical challenge before you. There was challenge earlier also but this challenge is also serious as nobody knows as to what will be the position of the parties by the evening.

You may remember, during the debate, I had repeatedly asked you whether any new party has been formed. But sometimes I am not taken seriously.

MR. SPEAKER : Why do you put all your questions to the speaker.

SHRI NITISH KUMAR : If I have got any information only then I will be able to tell you something, not otherwise.

SHRI NITISH KUMAR : This Govern-

ment is not accountable to anybody. The way they have secured majority is shameful and though they have the right to govern, Yet they have lost the confidence of the people. The country was impressed that defection would be done away with, but now they are encouraging defections. You may give your ruling. They are in the Government, they can purchase anybody and can cause split in the party. You may please get the 10th schedule scrapped and put an end to everything. This defection has now become a group defection, which in the past has been individual matter. The parliamentary traditions.... are being flouted..(Interruptions).... parliamentary democracy is being eroded. you are our custodian, so , it become your duty to protect our rights..(Interruptions)...

SHRI SATYA PAL SINGH (Shahjahanpur): Please listen to me, I want to say something. it pained me when Shri Ajit Singh said that he had given in writing on 29th on 28th, Members has violated the whip and Mundaji abstained they did not ask for my slip. He was asked to write on slip in the lobby. When on 29th. Shri Ajit Singh had given a letter to your office, you showed ignorance about it in the House and asked Shri Ajit Singh whether he has given in writing **

[English]

MR. SPEAKER: This will not go on record.

[Translation]

SHRI SATYA PAL SINGH YADAV: When the Congress representative was speaking, or when Advaniji was speaking, you asked if any matter was pending. if you do not take it seriously and not look into it that Shri Ajit Singh ji has written to you....(Interruptions) I want to say that when we had parted company with them, we

had paraded in front of you, but now when these 6 Members have defected, they haven't paraded in front of you. There is a matter pending before you about the abstention of Shri Munda, whether his note was changed, whether it was justified and whether it was in conformity with the parliamentary tradition all thing are pending before you but even then you are asking if there is any matter pending. That is why we are constrained to say that this government has lost all moral values and if you also do not take this matter seriously, then they would violate all parliamentary. all statutory and democratic values.

SHRI ATAL BIHARI VAJPAYEE: (Lucknow) :Mr. Speaker, Sir, I do not want to go into the position that prevailed at the time of division on the Motion No-Confidence. The Government was successful in securing the confidence of the House. But so far as the number of Members is concerned , you still have to take the decision regarding the integrity of those 7 members.

The vote cast by one Member is a matter of dispute. We accept announcement of your decision but so far as the result of the division is concerned, it had not been properly decided. That is why you have invited everyone to express his views but such opportunity was not given to the concerned member and he was made to leave the House.

Mr. Speaker, Sir, it is matter of great concern to me that you are being involved in this matter. Everybody seemed to be under this impression than you are looking into the matter because the matter was brought to your notice. This was a general impression during the discussion on that day that you are looking into the matter.

MR. SPEAKER: There is a wide reaction to whatever a senior Member like you say. if somebody tells me here that no step

has been received, might have come to the office, but I have not seen it. If the same has reached the office, then I will look into it and give a chance to know the views of the aggrieved party. When there is no such thing here how can we proceed in the matter. If hon. Member go on discussing about the working in my office, then things become difficult for me.

SHRI AJIT SINGH. (Bagpet): Mr. Speaker, it is not the question of the slip.

MR. SPEAKER: I will have to ask Shri Munda also to confirm the fact as to whether he noted or not.

SHRI ATAL BIHARI VAJPAYEE: Then the matter is under your consideration.

MR. SPEAKER: Mr. Ajit Singh's letter is to reach me.

SHRI ATAL BIHARI VAJPAYEE ; No, but the Government says that tough no decision has been taken yet, this is merely a formality and will be completed...(Interruptions)

MR. SPEAKER: It is not the question of what is being said by whom..(Interruptions)

MR. SPEAKER : What is being said is not the point at issue

SHRI AJIT BIHARI VAJPAYEE : Mr. Speaker, Sir, all the Congress Members are sitting here. Shri Sunklaji was trying to give a clarification in this regard. I do not understand one thing that since the Government have survived and the Motion of No-Confidence has been defeated , what was the urgency is such a horse-trailing at this point of time?

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Speaker, Sir, have new seats been allotted to these seven Members? And

have new division numbers also been given to these Members.

(Interruptions)

[Translation]

SHRI ATAL BIHARI VAJPAYEE: Yadavji is sitting here, he has been warmly welcomed as if they have achieved something mighty. it really is a matter of shame. Mr. Speaker, Sir, in this ...(interruptions)...You have come. (Interruptions) This aspect of this dispute hurts us a lot.

[English]

DR. KARTIKESWAR PATRA (Balasore): Mr. Speaker, Sir, I want to make a submission and I will not take more than one minute.(Interruptions)

MR. SPEAKER: Patraji, I will allow you afterwards, Place take your seat now.

SHRI CHANDRA SHEKHAR (Ballia): Mr. Speaker, Sir, I shall not go into the controversy as to whether it was a split or a defection. But the point is, it happened when the House was in Session. I would like to know whether it is not formal that the Speaker should make an announcement as to whether a new party has been formed, whether the Members have been allotted their new seats or not and whether it has been considered as a defection or a split. Whatever should have come, should have come from the Chair. Before such a decision came from the Chair, what was the haste with the fueling party to make a public statement, almost a ceremony, to welcome these friends. Not only that, the more objectionable thing is, - Mr Speaker, Sir, I do not know who is that spokesman, it seems every third man in the Congress Party is the spokesman of the Congress party-the spokesman said that these formalities will be completed. They

cannot take the Speaker's office for granted. (*Interruptions*) This has been published in the Press. And you have taken it also as a practice, because without any statement having been from the Chair, you have taken the decision to welcome these friends in the fold of the Congress Party.

It is for you, Mr Speaker, to announce or to let the House know whether it is a defection or a split and whether these Members have been allotted new seats. Only after having been allotted new seats even as an Independent Group, the Congress Party could have taken them as members of their Party. (*Interruptions*) I do not know about the rules. All the things do not going the rules. There is something like saving the face of the House, the office of the Speaker and the dignity of the House. If you go by the rules also, I do not know whether the rules also permit this type of welcome outside the House about the decision to be made by the Speaker inside the House. This is most objectionable and the Congress party is doing things which are not essential. In order to save their own face, they are indulging in this. Otherwise, it also creates doubts in the minds of the people. As alleged by Mr. Aji Singh that some of the Members of his Group were forced to defect or split, they were not there voluntarily on this side and this is why this hasty work has been done on the part of the Government, this Government has to clarify this before the nation. And, Mr. Speaker, Sir, you have to take a view on this question whether without your decision about allotting new seats, it is desirable for them to take them in their fold.

[*Translation*]

SHRI RAM LAKHAN SINGH YADAV
(Arrah): Mr. Speaker, Sir,.....(*Interruptions*)

[*English*]

SHRI RAM NAIK (Bombay North): Mr.

Speaker, Sir, I am on a point of order. My point of order is that every Member must speak from his seat only and now that hon. Member is not speaking from his seat. So, he should go to his seat and then only he should speak. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Is he speaking from his own seat, I would like to know (*Interruptions*).

MR. SPEAKER: We must hear Mr Patra.

DR. KARTIKESWAR
PATRA (Balasore): I have heard the arguments of the Members from the Opposition. Our Congress Government had brought forward the Anti-Defection Bill to this House in 1985, I feel the hon. Members of the Opposition are to properly following, understanding the provisions of the Act itself. sometimes they are accusing the hon. Speaker; they are accusing this Government. This is not ht business of them. They are not properly understanding the provisions are provided in the Anti-Defection Act.

Sir, the Anti-Defection Act provides that if one-third Members of a party are not satisfied with the decision of that Party leader, they may defect, they may form a separate group. When the seven-member group were dissatisfied with the decision of the leader, Shri Aajit Singh, they intimated this to the Speaker and they also decided to join the Congress Party. There is no fault on the part of the Congress party to accept them. There is no such rule against the same. There is no question of abusing the Anti-Defection Act. That is why, the argument of the hon. Members on the opposite side is not correct. They should know the correct position.

[*Translation*]

SHRI MADAN LAL KHURANA (South Delhi): We want to know whether you have

allotted seats to these members...*(Interruptions)*

SHRI RAJNATH SONKAR SHASTRI (Saidpur): Mr. Speaker, Sir, there are two things. First you have asked them to give in writing about concerning Shri Munda episode...*(Interruptions)* Secondly, when Shri Ram Lakhan Singh Yadav had sought the recognition for his group, you had asked Shri Ajit Singh to submit this views in this regard till 6th of August... *(Interruptions)* according to the news -items and as it is obvious here, Shri Ram Lakhan Singh Yadav whoa used to sit on this side is now sitting on the other side which confirms. The newsitems that they have engineered defection. Sir, according to the news papers. Yesterday at 11.30 A.M. at the residence of the Prime Minister, Shri Narsimha Rao, who is the leader of the Congress party. Those Members were made to defect, flouting all anti-defection laws. I would like to say in this regard that a Prime Minister and the head of the Congress Party has strangulated democracy by this illegal act. Sir, I have given a notice of Privilege. Motion in this regard under rule 222 of the Rules of Procedure of Lok Sabha. When we had raised this matter in the morning, you had said that you were looking into it. Sir, this is a very serious matter and by now, you must have looked into it. I want to know what action is being taken regard to want we have given in writing. We have just come to know what action is being taken in regard to want we have given in writing. We have just come to know that Hazji Ghulam Mohammed Khan of our party has been abducted by the Chief Minister of Haryana and ht whereabouts of Shri G.C. Munda are also not known.

With due respect, I want to know as to what action has been taken in this matter?*(Interruptions)*

[English]

MR. SPEAKER: I can understand the feelings of the hon. Members expressed in the House. Very briefly, I would like to bring

to your notice that the seats are allotted under the Rules of Procedure and whether there is a split or defection is decided under the 10th Schedule of the Constitution and that question is decided only when there is petition, otherwise not.

As far as Shri GovindaChandra Munda's case is concerned, Shri Ajit Singh has probably given. I will certainly carefully look into it and I would give the opportunity to Shri Govinda Chandra Munda to say and then get the record before me and I will pass it on.

But as far as my understanding goes, I will try to decide the matter as per the law.

(Interruptions)

MR. SPEAKER: It is for you to judge.

SHRI LAL K. ADVANI (Gandhi Nagar): What is the factual position in so far as seats are concerned?

MR. SPEAKER: I have not allotted any seat.

SHRI LAL K. ADVANI: Because seating arrangement has been there for a long time and during the Session itself, some change of seats was made.

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): It has been published in the newspapers that the Congress party has promised allotment of seats to these members. It is?*(Interruptions)*

SHRI RAM VILAS PASWAN (Rosera): has true a new party been formed and it has been granted recognition as so? *(Interruptions)*

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum): Has the number of Congress-I

party in Lok Sabha increased to 255 on 254 from 248 is the crucial question which has to be answered.

13.30 hrs

STATEMENTS BY MINISTERS

(I) **Strike by All India Motor Transport Congress**

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE AND TRANSPORT (SHRI JAGDISH TYTLER): The All India Motor Transport Congress had presented a charter of demands on 31.3.1992 relating to a number of issues concerning the transport operations on road. Their major demands, however, were and continue to be the abolition of Pathakar and Octroi. Octroi is levied at present in 8 States, viz., Gujarat, Haryana, Maharashtra, Manipur, Orissa, Punjab, Rajasthan and West Bengal. Pathkar is imposed in 8 States, viz., Bihar, Gujarat, Haryana, Madhya Pradesh, Orissa, Punjab, Rajasthan and Uttar Pradesh. As no major break-through could be achieved in regard to these demands, which relate to States, and not the Central Government, the truck operators went on an indefinite strike from July 1, 1992. The strike was withdrawn on an assurance given by the Ministry of Surface Transport to make an effort to resolve these issues.

The Ministry of Surface Transport constituted a Committee of the Transport Ministers from the States where Pathakar and Octroi are in force to discuss the issues related to these two imposts. This Committee held meeting on 9th November, 1992 and 3rd March, 1993. In their last meeting on 3rd March, 1993, while there was a consensus on the abolition of Pathkar, no concrete solution could emerge to compensate for the loss of revenue on this account which varies from Rs. 11 crores in Punjab to Rs. 50 crores in Haryana. Although the State Transport

Ministers felt that the abolition of Pathakar would be in the interest of free flow of goods traffic on road, they asserted that this would result in substantial revenue losses to their States and this can be done only if either the Central Government compensates the States for these losses or suggests an alternate source of revenue. They also stated that the matter may better be discussed with the Governors and Chief Ministers so as to arrive at a final decision. Accordingly, a meeting of the Chief Ministers and Governors of the concerned States was convened on the 14th July 1993 and was presided over by the Prime Minister. While to consider its replacement by an increase in the force were willing to consider its replacement by an increase in the composite fee on the National permits, a few States opposed any intervention by the Central Government on the ground that the composite fee on the National permits, a few States opposed any intervention by the Central Government on the ground that the matter relates to the State List and that the States be allowed to deal with the situation arising from the strike by the Transport Operators. It was also expressed that a Petition by the All India Motor Transport Congress (AIMTC) against the pathkar is pending in the Supreme Court and, therefore, the Central Government need not take any steps to consider this issue at this stage. A decision by the Supreme Court as regards the validity of this impost should be awaited.

As regards Octroi, no consensus could be reached on the alternate source of revenue to replace it or change its mode of collection. In the meeting of the Chief Ministers and Governors held on the 14th July, 1993, it was decided to constitute a Committee of Chief Ministers of Bihar, Gujarat, Haryana, Maharashtra, Orissa and West Bengal with Shri Jyoti Basu as its Chairman to look into the various proposals for the replacement of Octroi by another tax or an alternate method of its collection.