

RE: MOTION FOR ADJOURNMENT

MR. SPEAKER: I have to inform the House that I have received a notice of an Adjournment Motion from the Leader of the Opposition, Shri C. M. Stephen, which reads as follows:—

"That, in contravention of the understanding....."

SHRI DINEN BHATTACHARYA (Serampore): When we send adjournment motion, you do not read but this time you are reading. Why is the discrimination? I have seen it. I have noticed it. When we send you do not care to read them. Now you are reading. You are giving special....

MR. SPEAKER: Why do you not completely hear me? Your impetus is so great that you do not hear.

SHRI DINEN BHATTACHARYA: I am always ready to hear? If you do not behave in this way. I will always oblige you.

MR. SPEAKER: No obligation is necessary. Under the rules, the Speaker has got right to straightaway reject an Adjournment Motion. There is also a provision under Rule 60(2) that in certain matters where the facts are not clear to the Speaker, he must read out the Resolution and ask the parties to explain the matter.

Please be familiar with the rules. If I breach the rules, then raise objection. But without being familiar with the rules if you object, the work will be difficult.

Now I will repeat.

"That in contravention of the understanding arrived at between the Government and the Leaders of Opposition to unseat any person defecting from his party and to legislate therefor forthwith Shri Sharad Pawar, on defecting from

his party, has been invited to assume charge as the Chief Minister of Maharashtra whereby the Government of India

(a) has committed a breach of faith with the opposition;

(Interruptions)

"(b) has rendered anti-defection bill, slated for the current session of Parliament, infructuous and

(c) has blessed and sanctified the act of defection thereby vitiating the democratic body politic."

Since I am not in possession of the full facts set out in the motion, I propose to proceed under the second proviso to Rule 60(1) of the Rules of Procedure and Conduct of Business in Lok Sabha and would like to hear from the Leader of Opposition and the Minister brief statements on the facts before I give my decision on the admissibility of the motion.

(Interruptions)

MR. SPEAKER: I have not admitted the motion.

(Interruptions)

MR. SPEAKER: Let me complete my statement. Thereafter I will hear your objections.

(Interruptions)

MR. SPEAKER: I want to get clarification from Mr. Stephen and from the hon. Prime Minister, who is here, on two points—whether there was any agreement between the Government and the Opposition....

श्री उपसैन (देवरिया) : श्री माननीय स्टोकरन काँग्रेस में ये सब काँग्रेस में चले गये हैं, तब आपने कुछ नहीं किया ।

श्री यमुना प्रसाद शास्त्री (सीवा) : बल्लभ नारायण, मेरा पॉइंट ऑफ़ ऑर्डर है ।

MR. SPEAKER: There is no point of order. I must complete my statement.

I want to hear from him two things—whether there was an agreement between the opposition and the Government on the provisions of the proposed Bill, even before the Bill is introduced. I want to know whether the Central Government has anything to do with it. These are the two things that I want to hear. That is all.

Now your point of order can come in.

DR. SUBRAMANIAM SWAMY (Bombay—North-East): Sir, my point of order is this....

SHRI DINEN BHATTACHARYA: How these points can be connected up with the Adjournment Motion?

श्री दिनेश बिहारी बहादुर (इटावा) :
यह आपके अपनी कैबिनेट में प्रस्ताव चाहिये
था, हाउस में नहीं। आप अपनी सीमा
का उल्लंघन करते हैं।

THE PRIME MINISTER (SHRI MORARJI DESAI): Sir, it is a simple matter and the position will be made clear. Therefore, if they have some patience, I will explain it.

MR. SPEAKER: It is a simple matter. Order please. Now, Mr. Shyamnandan Mishra.

SHRI SHYAMNANDAN MISHRA (Megusarai): My objection is quite basic.

SHRI KANWAR LAL GUPTA (Delhi Sadar): We want to raise a point of order.

MR. SPEAKER: I have not called upon you. I have called Dr. Subramaniam Swamy. Everytime you cannot have precedence over others.

DR. SUBRAMANIAM SWAMY: Adjournment Motions can be of different kinds. You have to know the implications.

MR. SPEAKER: What is the Point of order?

DR. SUBRAMANIAM SWAMY: I am telling you the same. Please see Rule 58. There is this particular proviso relating to adjournment motion. Please see Rule 58—proviso (ii). It says that 'not more than one matter shall be discussed on the same motion. Only one substantial issue can be raised. He has in fact raised several issues. My point is that you cannot even consider the Adjournment Motion if it does not satisfy the rules. There is no need for you to hear the Leader of the House and the Leader of the Opposition unless the motion itself is framed according to the rules. Therefore, it is not permissible. The way it is framed, it is infructuous. You cannot consider it unless Mr. Stephen brings up an adjournment motion dealing with only one specific matter. He has raised more than one specific matters. In the Handbook for Members, a number of reasons are given for disallowance of adjournment motions. He must have read them. He has violated most of them. Therefore, my submission is this. The opinion of the House should not be taken. The Leader of the Opposition and the Leader of the House should not be asked to say anything. This should be rejected right away. Let him re-draft the adjournment motion, Sir.

SHRI SHYAMNANDAN MISHRA: My submission is this: The Chair has been pleased to establish a practice in the matter of adjournment motions, according to which, the Chair has to satisfy itself in the Chamber itself before coming to the House and mentioning it in the House.

That, Sir, has been usual practice so far. You also have been pleased to adhere to this practice.

In this specific case, Mr. Speaker, you have posed two questions, one, to

[Shri Shyamnandan Mishra]

the hon. Leader of the House and another, to the hon. Leader of the Opposition. My submission is that it should have been your pleasure to ask them about it in your Chamber, according to the practice established in the House and to satisfy yourself on both these points.

MR. SPEAKER: Will you kindly read the second proviso to rule 60?

SHRI SHYAMNANDAN MISHRA: Not more than one matter shall be discussed.

MR. SPEAKER: You read out Rule 60, second proviso.

SHRI SHYAMNANDAN MISHRA: Let me read that.

"Provided further that where the Speaker is not in possession of full facts about the matter mentioned therein, he may before giving or refusing his consent read the notice of the motion and hear from the Minister and/or members concerned a brief statement on facts and then give his decision on the admissibility of the motion.

But Sir..... (Interruptions)

MR. SPEAKER: I cannot hear the Members in my Chamber.

SHRI SHYAMNANDAN MISHRA: But, Sir, the practice that you have followed through out is not to bring this rule into operation.

MR. SPEAKER: Why?

SHRI SHYAMNANDAN MISHRA: You have not read out the adjournment motion.

MR. SPEAKER: It is only in a matter where the Speaker is not in possession of the fact and not in all cases.

SHRI SHYAMNANDAN MISHRA: If you are not in possession of the facts, would it not have been possible for you to keep yourself informed about the facts in your Chamber?

MR. SPEAKER: No. Suppose I come to that conclusion. It provides that I cannot read it out.

SHRI SHYAMNANDAN MISHRA: Sir, the implication in this case should be that you have found that *prima facie*....

MR. SPEAKER: No, no. Why don't you read? I cannot take the decision on the admissibility of the motion.

SHRI SHYAMNANDAN MISHRA: Generally, the Chair has always taken the position that this can be rejected out of hand in the Chamber and it should not be placed before the House. In this case it should have been rejected out of hand in his Chamber by the Speaker, if the Speaker was pleased to enquire from both these gentlemen about the facts.

There is a serious departure from the practice that has been set up in the House. (Interruptions)

SHRI KANWAR LAL GUPTA: I totally agree with you. (Interruptions)

SHRI VAYALAR RAVI (Chirayinkil): I rise on a point of order.

MR. SPEAKER: What is your point of order?

SHRI KANWAR LAL GUPTA: "If you allow me I can do that.

MR. SPEAKER: What is the point of order that you are raising?

SHRI KANWAR LAL GUPTA: If you do not allow me, how can I explain that to you? The adjournment motion can be moved by any Member of the House on the failure of the Government.

MR. SPEAKER: I have not admitted the motion. I am merely considering certain facts. Therefore, if you have any objection, then I may hear.

SHRI KANWAR LAL GUPTA:
Can't you allow me two minutes?

MR. SPEAKER: Even before hearing you are going into the merits of it. I have not admitted that motion at all. (*Interruptions*) I shall hear all of you.

SHRI KANWAR LAL GUPTA:
I have not uttered a word.

PROF. P. G. MAVALANKAR (Gandhinagar): Sir, I rise on a point of order. (*Interruptions*)

MR. SPEAKER: I am hearing the point of order of Prof. Mavalankar.

SHRI KANWAR LAL GUPTA:
What about my point of order?

MR. SPEAKER: I have called Prof. Mavalankar.

SHRI KANWAR LAL GUPTA:
Why don't you listen to my point of order?

MR. SPEAKER: You have not raised any point of order at all. You are getting into the merits.

SHRI KANWAR LAL GUPTA:
My point of order is that a member can move the adjournment motion on the failure of the Government.

MR. SPEAKER: He may. He may be right or wrong.

SHRI KANWAR LAL GUPTA:
Why don't you allow me to speak? If you do not, I will sit down.

MR. SPEAKER: You are not speaking on the point of order. You are getting into the merits of the case.

SHRI KANWAR LAL GUPTA:
I am not going into the merits of the case unless you permit me. My question is: when the Defection Bill has not yet been introduced, how can he move the adjournment motion?

MR. SPEAKER: This is not a point of order. Prof. Mavalankar.

PROF. P. G. MAVALANKAR: Mr. Speaker, Sir, my point of order is based on Rule 60, second proviso to which you referred and also to the established practices about the admissibility of the adjournment motion beginning from 1946 onwards by the various Speakers. Now, you will please see second proviso to rule 60, page 38. It says:

"Provided further that where the Speaker is not in possession of full facts about the matter mentioned therein, he may....."

That is why you said you are bringing one more fact about the matter mentioned. Full facts are not mentioned in the motion of the Leader of the Opposition.

"He may before giving or refusing his consent read the notice of the motion and hear from the Minister or the Members concerned a brief statement of facts and then give his decision on the admissibility of the Motion."

My point is that it is quite right that Speaker is within his powers to read the motion in the House and then wait for the mover and the others whom the Speaker may choose to call to get the facts so that he may decide correctly. But, Sir, I invite your attention to established practices built up by various Speakers, your distinguished predecessors, beginning from 1946 onwards that unless the adjournment motion *prima facie* is acceptable to the Speaker he will not bring up the matter regarding that. He may be clear about facts; he may not be clear about the facts but if the Speaker feels *prima facie* that there is no ground whatsoever then even the inadequacy of facts is no reason to bring in proviso 40(2).

Secondly, Sir, the Leader of the Opposition in his motion has mentioned about a dialogue that took place

[Prof. P. G. Mavalankar]

between the Government and the various Opposition groups and parties on the subject of defection or anti-defection Bill. That dialogue undoubtedly took place between hon'ble Members of Parliament but this House is in no possession of that dialogue. There is no official record made available to us. We do not know anything about that record. That dialogue is important; that dialogue is valuable and essential but the point is that that dialogue has not come to this House. This House is unaware of that dialogue.

Further, Sir, the anti-defection Bill which is to come on the basis of that dialogue has not yet come before this House even at the introductory stage. In view of this the motion cannot refer to anti-defection Bill and then charge the Government because the whole spirit of an adjournment motion is that the matter has to be definite, urgent and for which the Government of India is directly responsible.

MR. SPEAKER: Prof. Mavalankar, after starting on a point of order, now you are going into the merits of the case.

SHRI A. BALA PAJANOR (Pondicherry): Mr. Speaker. Sir, Prof. Mavalankar and Shri Subramaniam Swamy have raised points of order under Rule 58 and 58(ii) respectively. Sir, two matters have been read out here. The mover of the adjournment motion must specifically say whether he is moving the first or the second part. Then, Sir, if you take proviso 60(2), it is very clear that unless it is definite, urgent, it cannot be entertained.

If you have decided that it is a *prima facie* case then only you can bring it to the House and ask for the opinion of the House. Now, since you have asked the Leader of the Opposition to present the facts and asked the Minister to explain it out that means that you have come to the conclusion that there is a *prima facie*

case. When it is a question of conclusion by you that it is a *prima facie* case then Mr. Mavalankar's arguments are applicable here. There is no definite matter before this House and nothing has been violated. So, we are questioning the very admissibility.

श्री मनी राम बागड़ी (मयूर) : :
प्रत्यक्ष महोदय, क्या यहाँ सिर्फ भ्रष्टेजी बोलें ही बोल सकेंगे ? माननीय सदस्य, श्री शास्त्री, पहले उठे थे और उन्होंने भी व्यवस्था का प्रश्न उठाया था। लेकिन आप भ्रष्टेजी वालों की ही बात सुन रहे हैं। यह बात ठीक नहीं है। यह बात नहीं मानी जायेगी। जो बार शब्द भ्रष्टेजी के बोल लें, क्या आप उसी को हज़ाजत देंगे ?

SHRI GAURI SHANKAR RAI (Ghaziipur): Sir, there are certain pre-requisites for an adjournment motion. I have no doubt that you have got the right to read the adjournment motion but before reading that adjournment motion you have to see that the provisions of Rule 58 are satisfied. If there is no *prima facie* case and the requirements of Rule 58 are not fulfilled, then you cannot read it out in the House.

MR. SPEAKER: That point has already been raised.

SHRI GAURI SHANKAR RAI: That question arises only when the provisions of Rule 58 are fulfilled. Then only you can give your consent. You have given the consent when the pre-requisites are not completed. It is not an adjournment motion and many of the requirements under Rule 58 are not fulfilled. Therefore, it does not deserve even reading out. One thing more I have to add. If you give the time to the leader of the Opposition and the leader of the House to talk on the subject, then decidedly it is a talk which is not relevant for the adjournment motion. It has nothing to do with the action of the Government. It is like a censure motion.

MR. SPEAKER: That point you have already raised. Now, Mr. Bosu, do you want to speak?

SHRI JYOTIRMOY BOSU (Diamond Harbour): I do not have anything to speak.

SHRI K. P. UNNIKRISHNAN (Badagara): I shall confine myself purely to the procedural question and point of order. I wish to say nothing about 'Aya Rams' and 'Gaya Rams' and 'Stephen Rams'. The most important thing here is that he has raised three basic issues. One is a specific matter of recent occurrence of what—he alleges—has happened in the State of Maharashtra. Another question is about the infringement of an assurance. Now, my contention is that as far as the happening in Maharashtra is concerned, it is entirely beyond the competence of this House. Now, as far as the assurance is concerned, I invite your attention to Rule 58(vi). We have also been demanding the anti-Defection Bill. Even before Mr. Stephen crossed the floor, we have been demanding it. Before he took up his august place in this House, we had demanded it. We entirely agree with it. We may also have something to say about it. The important point is that it should fulfil the norms laid down in Chapter IX, and Rule 58(vi) specifically reads like this.

"58(vi) the motion shall not anticipate a matter which has been previously appointed for consideration."

Now, we do not know whether anything has happened between the Prime Minister and the leader of the Opposition and when the Bill is going to be taken up for consideration. We would like to be enlightened in this regard either by you or the Minister of Parliamentary Affairs. In any case, it is a matter which has been discussed and this motion even if you permit under Rule 60 to be debated here....

MR. SPEAKER: Not debated.

1508 LS-10

SHRI K. P. UNNIKRISHNAN: It cannot. That has not been the practice of the House. No adjournment motion can anticipate a matter which is scheduled to come up for discussion. Now, Rule 60 should necessarily follow only after the conditions laid down in Rule 58 have been fulfilled. The moment it does not fulfil the conditions laid down in Rule 58, you cannot establish a new precedent by which you invite only the Prime Minister and the leader of the Opposition. Once you bring it before the House, it is for the House to decide it. We should also have some say on it. So, you cannot establish this new precedent. It is violative of Rule 58(vi) and you cannot hear only the leader of the Opposition.

श्री कल्याण प्रसाद शास्त्री (रीवा) :

श्रीमान्, मेरा व्यवस्था का प्रश्न सुनिए । जहाँ तक स्थगन प्रस्ताव का सवाल है वह सिर्फ उन्हीं विषयों पर लाया जा सकता है इस हाउस में खास तौर से जिस के लिए भारत सरकार जिम्मेदार हो । भारत सरकार अगर किसी कार्य के लिए जिम्मेदार नहीं है तो उस पर कार्य स्थगन प्रस्ताव लोक सभा में या राज्य सभा में प्रस्तुत नहीं किया जा सकता । महाराष्ट्र में जो कुछ हुआ है उसके लिए केन्द्रीय सरकार किसी भी हालत में जिम्मेदार नहीं है । केन्द्रीय सरकार ने न तो वहाँ किसी को मुख्य मंत्री बनने के लिए नियमित किया है न केन्द्रीय सरकार की यह जिम्मेदारी है कि वहाँ किस की सरकार बनने । इसलिए सब से पहली बात यह है कि क्या केन्द्रीय सरकार की जिम्मेदारी नहीं है इसलिए लोक सभा में कार्य स्थगन प्रस्ताव इस विषय पर नहीं लाया जा सकता ।

दूसरी बात मैंने यह कहनी है कि जो उन्होंने यह कहा ऐंटी डिफेंशन बिल के बारे में....

MR. SPEAKER: That is going into the merits of the case.

श्री बलुग प्रसाद शास्त्री : मेरी बात तो सुनिए । मैं हिन्दी में बोल रहा हूँ तो समझता हूँ कि आप कम से कम सुनें तो

मैं यह कह रहा हूँ कि जो माननीय स्टीफेन साहब ने यह कहा कि कोई बात भारत सरकार और अपोजीशन के बीच में हुई है उस के संबंध में मेरा यह कहना है कि यह बात पार्टी के स्तर पर हुई है, सरकार के स्तर पर यह बात नहीं होती । सत्तावाद पक्ष और विपक्ष के बीच में बातचीत हुई है और पार्टियों के बीच में जो बातचीत होती है वह इस लोक सभा में कार्य स्वयं का विषय नहीं बन सकती है । यह पार्टियों के बीच का सवाल है, उनके बीच में क्या समझौता हुआ उस पर यहां लोक सभा में कोई चर्चा नहीं हुई है इसलिए दो मुद्दों पर स्वयं प्रस्ताव प्रस्वीकार किया जाना चाहिए—एक तो भारत सरकार की जिम्मेदारी नहीं है, यह स्टेट सबजेक्ट है और यह पार्टियों के बीच का मामला है, सरकार और विपक्ष के बीच का मामला नहीं है । अच्छा होता आप अपने कक्ष में ही इसको प्रस्वीकार कर देते, यहां पर इसका आना उचित नहीं था । अब इस पर प्रधानमंत्री से कोई बात कहने के लिए आपको आवेदन नहीं देना चाहिए और न विजय की बात सुननी चाहिए ।

SHRI VAYALAR RAVI: I only want to seek a clarification. Rule 60 is there. Will you allow me to move a censure motion against the Leader of the Opposition Mr. Stephen for he and his leader Mrs. Gandhi called on the entire Congress Membership to defect yesterday. It is on the same basis as this. I am moving a motion tomorrow on this.

MR. SPEAKER: I will consider it when it comes.

SHRI SAUGATA ROY (Barrack-pore): My point of order is with regard to Rule 58. Hon. Member Shri Unnikrishnan has already pointed out the validity of Rule 58(6); I am only drawing your attention to Rule 58(8) which says that the motion shall not raise any question which under the Constitution or these rules can be raised on a distinct motion of notice given in writing to the Secretary. This matter has been mentioned before. There is an Assembly in Maharashtra; it has not been dissolved; there is no President's Rule, no suspended animation of the Assembly. If you say that without discussing Maharashtra we will discuss the principles of anti-defection Bill, then again I say that it is also a matter about which the Government has not even come forward with legislation though we have been demanding such a legislation. If you allow this and if you say: I will ask for facts from the Leader of the House and the Leader of the Opposition, you are creating a precedent and you are giving them a status which is not accorded to them under the rules or the Constitution. You will be creating a new precedent and you will be admitting that there is *prima facie* case. We did not give an adjournment motion yesterday when the President of one party openly called for defections to another party; the president of the party which constitutes the main opposition in this House gave an open call for defection. We did not give notice of adjournment motion because we thought that this matter was not within the purview of Parliament. If you allow this today, tomorrow I will give notice of an adjournment motion. You are creating a bad precedent; please do not create a bad precedent.

श्री जयसेन : अध्यक्ष महोदय, मैं आपका ध्यान नियम 60 की और दिशा में आहता हूँ :

“... परन्तु जब अध्यक्ष ने नियम 56 के अन्तर्गत अपनी सम्मति देने से

इनकार कर दिया हो या उसकी राय हो कि चर्चा के लिए प्रस्तावित विषय नियमानुसूल नहीं है तो वह यदि आवश्यक समझ, उस प्रस्ताव की सूचना पढ़ कर सुना सकेगा। ...”

मैं यह जानना चाहता हूँ—आप ने यह राय कैसे बना ली कि यह नियमानुसूल हो गया और सदन में रखने के लायक है, जब कि एंटी-डिफेक्शन बिल अभी नहीं आया है ...

THE PRIME MINISTER (SHRI MORARJI DESAI): This creates a precedent which requires to be carefully considered. In the first place, the Government is not concerned with what has happened in that party in Maharashtra.

MR. SPEAKER: That is what exactly I want to know.

SHRI MORARJI DESAI: May I say that even from papers you ought to know what has happened? After all, this is a matter which is very obvious. How does the Government come in the picture at all? If there is any defection there, it is from the Opposition parties. It is not with us. We cannot be considered responsible for anything that has happened there. Why should this Government be censured? But, apart from that how is it a matter of urgent public importance when the Bill is not yet moved? This is the first thing. The second thing is...

MR. SPEAKER: So that you may clarify, Mr. Prime Minister, Mr. Stephen has written me a letter to say that you have come to an understanding with them, even before the Bill...

(Interruptions)

SHRI JYOTIRMAY BOSU: How is that binding on the Chief Minister?

(Interruptions)

SHRI MORARJI DESAI: Let me say this. Has Mr. Stephen told you everything? Has he given you any written understanding between us?

MR. SPEAKER: No.

SHRI MORARJI DESAI: He has not given you all the facts.

MR. SPEAKER: That is why I have.... (Interruptions)

SHRI MORARJI DESAI: If you do like that, then always this will come up like this in the House. I have no objection to saying whatever is there, but it comes from a master defector. That is why I am saying... (Interruptions)

SHRI C. M. STEPHEN (Idukki): He was a No. 1 defector. Now that he has said...

MR. SPEAKER: I will dispose of the points of order and then I will call you.

SHRI K. LAKKAPPA: (Tunkur): I rise on a point of order. My point of order is on the basis of what Mr. Stephen has said and the reply given by the Prime Minister. Today we have received a report that the Government is going to bring....

MR. SPEAKER: What is the point of order?

(Interruptions)

SHRI K. LAKKAPPA: Before hearing me, you should not come to any conclusion. Today, we are facing an era of political polarisation. (Interruptions)

MR. SPEAKER: That is not a point of order. Don't record.

(Interruptions)**

SHRI JYOTIRMOY BOSU: I will raise a simple point of order. You kindly give the ruling. Otherwise, I will not raise any point of order for the next two days. I am wanting to know...

MR. SPEAKER: You can know it later. At present, I am only dealing with points of order.

SHRI JYOTIRMOY BOSU: I am raising a point of order.

MR. SPEAKER: I asked you and you said, "there is nothing" I called upon you.

SHRI JYOTIRMOY BOSU: I thought you are very hard pressed and I immediately withdrew and co-operated with you. I just want to know one thing. It has been stated that the Prime Minister has spoken to the Maharashtra Chief Minister. Kindly enlighten me...

MR. SPEAKER: I cannot enlighten him. It is not a point of order. Don't record.

(Interruptions)**

SHRI JANARDHANA POOJARY (Mangalore): Sir, the second proviso to rule 60 says:

"Provided further that where the Speaker is not in possession of full facts about the matter mentioned therein, he may before giving or refusing his consent read the notice of the motion and hear from the Minister and/or members concerned a brief statement on facts and then give his decision on the admissibility of the motion."

When you asked from the minister concerned, i.e. the Prime Minister what transpired during that meeting between the opposition leaders and the Prime Minister, the Prime Minister

did not disclose anything to you. He has not given any statement.

MR. SPEAKER: Not yet.

Several points of order have been raised as regards the procedure adopted by me and I shall now deal with them one by one. (Interruptions)** Don't record.

The first objection raised is that the motion before the House contravenes rule 58(ii). The motion has to be read as a whole and if read as a whole, there is no contravention of rule 58(ii). Also, I do not agree that there is any contravention of rule 58(vi) or 58(viii). The contention that my proceeding under the second proviso to rule 60 should be on the basis that I am satisfied that there is a *prima facie* case is incorrect. The Speaker has to come to a conclusion about admissibility *prima facie* or otherwise only after considering the statements made by both parties. Therefore, that contention is also disallowed. The contention that the proceedings under the proviso to rule 60 should be done in the Chamber is *ex facie* untenable because it provides for hearing the Minister and such members who are concerned and also reading out of the motion. Reading out of the motion cannot be in the Chamber and in the very nature of things, it pre-supposes that it should be done in the House itself.

The question I have to decide is two-fold, first whether there was an understanding between all the parties that even before the Bill was introduced in the House the terms of the Bill will be implemented and secondly, whether the Central Government had any hand in the changes that have taken place in Maharashtra. Mr. Stephen has alleged that the Central Government was responsible for the change of Government from one party to another in Maharashtra. Only on those two points, I would like to hear the Prime

**Not recorded.

Minister first and then I will call Mr. Stephen. The rule provides for calling the Minister and others. I am only trying to satisfy myself.

THE PRIME MINISTER (SHRI MORARJI DESAI): May I say, Sir, in the first instance, the Leader of the Opposition seems to have a very convenient memory. He seems to forget in his anxiety to censure us that even in the agreement there is a provision for a faction going out and it not being considered a defection. He forgets this, and that is what has happened. This comes much within the limit of that. It was provided that if 20 per cent faction goes out, it cannot be considered a defection. Here it is 50 per cent practically. But more than that, what hand have I in that process? I would like to know. If at all, I have been telling people not to divide themselves and yet, this is laid at my door. Did I advise Mr. Stephen to leave his Party and go to the other Party? I did not do that. And he talks so much about defections. Let him ask himself what he has done. What is the use of saying this? I want to prevent it, but it can be prevented within limits and those limits have been agreed to and the Bill is entirely in accordance with the agreement. Unless the Bill is seen by us, I do not think that this ever arose. That is what I tried to point out and that was my submission and therefore, this is all absolutely an unjustifiable thing.

SHRI C. M. STEPHEN: What is this? There is a limit for me to answer. Well, Sir, I just wanted to avoid being provoked by so many things that were stated here. I would leave it to the other elderly friends, better friends, to indulge in that sort of words. I shall not have a repartee about it.

The facts are these. The Prime Minister, the Law Minister and the Defence Minister—they were present, they called a Conference of the lea-

ders of the Opposition, groups and parties. Before they called us, they gave us the principles of the Anti-defection Bill. Then we got a draft of the Bill as was proposed in the nature of a Constitution Amendment Bill. We discussed this clause by clause. Different suggestions were put forward and the whole thing was what exactly will constitute a defection. We came to a consensus about the parameters and finally, what was not in that Bill was to provide for a split. And he said, if a particular percentage—which percentage, I do not remember now—of the members of the Party go out and set up a different Party, then that would be construed as a split and that will amount to defection. This is what was agreed to. But the point is, we have been trying to carry on the legislative work by consensus. On the Forty-fifth Amendment Bill there is a consensus arrived at and this helps us a lot. The Anti-defection Bill was an exercise for...

MR. SPEAKER: Mr. Stephen, what is the understanding?

SHRI C. M. STEPHEN: Understanding is this, that it would be legislated immediately. Of course, the Constitution Amendment Bill cannot be legislated by Ordinance. It is very clear. Therefore, the point I am raising is when there is an understanding between all the parties and groups which are represented in this Parliament, firstly, defection must be combated, secondly what the defection is, thirdly what the measures must be to combat it, and fourthly, that one of the measures must be that the moment a Member acts in such a manner as amounting to defection, his seat must be vacated, meaning thereby, there is a national consensus that that must stand....

MR. SPEAKER: What is the role of the Central Government?

SHRI C. M. STEPHEN: I am answering the first question. The point

[Shri C. M. Stephen]

is, there is a consensus to condemn it, discourage it, legislate for it, and to put the foot strongly down on it. The second question is whether the Central Government is involved in this. There are two points that I have to make. As far as Mr. Sharad Pawar is concerned, the Prime Minister said that more than 50 per cent have gone away. That does not satisfy here, for two reasons. One: Mr. Sharad Pawar said: "I am continuing in the Congress, although I am leaving the legislature party." He said it. Therefore, he does not have a case that he is setting up a different party. There is no question of a split at all. It is a question of revolt. He has come out with a statement and in today's Press, it is there. He said: "I am still in the Congress. I am only setting up a legislature faction." (Interruptions) Therefore, he has been suspended from the party. He has been suspended from the party. (Interruptions) The third point is.... (Interruptions)

MR. SPEAKER: I understood your point.

SHRI KANWAR LAL GUPTA: I want to rise on a point of order.

SHRI C. M. STEPHEN: My hon. friends will kindly.... This has been the practice here. Let it not be presumed. There are 77 people here. (Interruptions)

MR. SPEAKER: I am asking him the very same question.

SHRI KANWAR LAL GUPTA: I am on a point of order. You please allow me to rise.

MR. SPEAKER: No; you cannot go on, on one point of order after another.

SHRI C. M. STEPHEN: This is most distressing—not to allowing anybody to go on; and we can also follow it. Let this not happen. We can also do it. We were keeping quiet, although

things highly provocative were said. Thirdly, the question is whether the Central Government has a role here. Interpretations can differ about the constitutional aspect of it. The Governor has called upon Mr. Sharad Pawar to form a Ministry. My position is that the Governor functions under the President. I may or may not be correct. My contention is that after the Constitutional amendment which says: "The President shall exercise his functions only in accordance with the advice of the Council of Ministers"... (Interruptions) Therefore the action taken by... (Interruptions)

MR. SPEAKER: I am not accepting it. Do you think everybody has accepted it? Mr. Kanwar Lal, you have been heard. That is no point in it.

(Interruptions)

SHRI C. M. STEPHEN: Nobody will be allowed to speak, if this goes on.

MR. SPEAKER: It is for me to accept or not to accept it. Don't disturb the House. It is all right. Keep it to yourself. Please go on, Mr. Stephen.

SHRI MORARJI DESAI: He said, "Nobody will be allowed to speak".

SHRI C. M. STEPHEN: You are not allowing me. You are not controlling your Members. We have tolerated you for one hour. You are not allowing me to speak for half-an-hour. (Interruptions)

MR. SPEAKER: I am on my legs. Please. Please sit down. There is no doubt—whether his contention is right or not—we have a duty to hear him. He has no right to say: "We are obstructing you." Nor have you the right to obstruct him.

(Interruptions)

MR. SPEAKER: Pleased. Nobody can deny that on the official side, also, there has been a lot of disturbance. Both the sides have disturbed. Now please go on.

SHRI C. M. STEPHEN: The third point I am answering. Therefore, we

know that when the President's rule is imposed, the Cabinet discusses and takes a decision. We know.

SHRI MORARJI DESAI rose—

SHRI C. M. STEPHEN: I don't yield, Mr. Prime Minister. I don't yield.

SHRI MORARJI DESAI: That I know—you won't yield.

MR. SPEAKER: Mr. Stephen. It is well established that so far as the Governor is concerned....

SHRI C. M. STEPHEN: That is your view. Let me elaborate my views.

MR. SPEAKER: The Supreme Court has rule on that point—what is the good of telling him that?—that the Governor is the constitutional head. He is the agent only in certain respects.

SHRI C. M. STEPHEN: Would you not allow me to complete two sentences? You wanted an explanation as to how the Government of India comes into the picture. I am giving the explanation according to my light. You may agree or you may not agree, but why not permit me to give my explanation according to my light?

It is a well-known fact that whenever the Governor takes a decision, either directly or indirectly, the Central Government comes into the picture. This is a well-known fact. My contention is, going by the spirit of the understanding between the leaders of the opposition and the Government to put down with a strong feat any attempt at defection—I attended the conference on the invitation of the Prime Minister, not at the invitation of Shri Morarji Desai or the Janata Party leader; the Prime Minister called us and there was an understanding—the Prime Minister should have acted in accordance with the understanding that came, and a person who is *prima facie* a defector from a party is nominated to be sworn as Chief Minister.... (Interruptions) It is most unfortunate..... (Interruptions)

The Prime Minister referred to me in certain phrases. How could I... (Interruptions) He referred to me in certain phrases. He is a revered leader of this nation, he is a revered leader of the Government and being so, I have always the highest respect and reverence for the Prime Minister in his personal capacity. I should have expected certain words from him. It is open to me, because of certain things which have happened in this country, to describe him in certain words, but I shall not do it for the time being. It is unfortunate that he has allowed his moral authority to be eroded by the cheap gimmick of calling me by certain words which I do not want to mention. I register my strongest objection. I shall deal with him in the manner that he has dealt with me here.

Sir, I seek your permission to move my motion. There is one thing more. There was a statement by Shri S. M. Joshi, the leader of the Janata Party in Maharashtra, where he has stated that he spoke to the Prime Minister as to how the matter must be tackled. You asked how the Prime Minister comes into the picture. This is how the Prime Minister comes into the picture. If he had spoken to Shri Chandrasekhar, there was no objection, but he spoke to the Prime Minister. So, the Prime Minister came into the picture about the swearing in of that defector as the Chief Minister of Maharashtra. Therefore, this motion may be allowed to be moved.

MR. SPEAKER: After hearing Mr. Stephen and the Prime Minister, I have come to the conclusion that the alleged breach of faith put forward in the motion is not established. Secondly, I have also come to the conclusion that the Central Government has neither constitutional responsibility in the action taken by the Governor of Maharashtra, nor is it shown that the Central Government had anything directly to do with the change of Government, so far as Maharashtra is

[Mr. Speaker]

concerned. Under these circumstances, consent asked for is refused.

SHRI C. M. STEPHEN: Sir, I want to make a submission on behalf of my party about the conduct of the House. It has been our endeavour, and it is our endeavour, to uphold the best traditions of this House, to respect your rulings and not to ridicule our colleagues. We try to do it as best as we can. I would appeal, through you, Sir, to the members on the other side to endeavour to see that this atmosphere is maintained. If we are driven to the corner, there is something that we can also do. Kindly bear that in mind.

SHRI P. VENKATASUBBAIAH (Nandyal): Sir, I appeal to the Leader of the House that he should control his members.

12.55 hrs.

PAPERS LAID ON THE TABLE

REVIEW AND ANNUAL REPORT OF THE
INDIAN DRUGS AND PHARMACEUTICALS
LTD. FOR 1976-77

THE MINISTER OF PETROLEUM
AND CHEMICALS AND FERTILIZERS (SHRI H. N. BAHUGUNA): I beg to lay on the Table—

(1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(i) Review by the Government on the working of the Indian Drugs and Pharmaceuticals Limited, New Delhi, for the year 1976-77.

(ii) Annual Report of the Indian Drugs and Pharmaceuticals Limited, New Delhi, for the year 1976-77 along with the Audited Ac-

counts and the comments of the Comptroller and Auditor General thereon.

(2) A statement (Hindi and English versions) showing reasons for delay in laying the above papers.

[Placed in Library. See No. LT-2372/78].

NOTIFICATIONS UNDER COMPANIES ACT, AND REPORTS 1956

THE MINISTER OF LAW, JUSTICE
AND COMPANY AFFAIRS (SHRI
SHANTI BHUSHAN): I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of section 642 of the Companies Act, 1956:—

(i) The Companies (Acceptance of Deposits) Second Amendment Rules, 1978, published in Notification No. G.S.R. 252(E) in Gazette of India dated the 28th April, 1978.

(ii) The Companies (Acceptance of Deposits) Third Amendment Rules, 1978, published in Notification No. G.S.R. 341(E) in Gazette of India dated the 29th June, 1978.

[Placed in Library. See No. LT-2373/78].

(2) A copy of the Report (Hindi version) on National Juridicare, Equal Justice—Social Justice (Bhagwati Committee Report). [Placed in Library. See No. LT-2374/78].

(3) A copy of the Seventy-first Report (Hindi version) of the Law Commission on the Hindu Marriage Act, 1955—Irretrievable Breakdown of Marriage as a ground of Divorce.

(4) A copy of the Seventy-Second Report (Hindi version) of the Law Commission on Article 220 of the Constitution: Restriction on practice after being a permanent Judge.

[Placed in Library. See No. LT-LT-2375/78].

*English version of the Report was @English version of the Reports laid on the Table on the 23rd Decem- were laid on the Table on the 12th ber, 1977. May, 1978.