

14.14 hrs.

## STATEMENT BY MINISTER

**Recent Incursions Into Indian Territory in Himachal Pradesh Region by the Chinese Army***[Translation]*

THE MINISTER OF DEFENCE (SHRI MULAYAM SINGH YADAV) : Several members have expressed their concern regarding infiltration by the Chinese defence forces in Himachal Pradesh. In this regard, as was mentioned by our Hon'ble Members, I would like to clarify that in the central sector in Himachal Pradesh there has been no infiltration by the Chinese forces. The tracks junction referred to by them falls in the Laddakh region of Jammu and Kashmir and it is completely under our control. As far as infiltration in trig region area of Laddakh is concerned, I want to assure the Hon'ble Members that the Government of India is keeping watch on the situation and we are taking up this issue with our Chinese counter part. After having clarification regarding the line of actual control such incidents shall not recur. Neither any construction work has been done by the Chinese forces in the trig height area nor any firing has been reported there.

I want to tell the House that normally peace has prevailed on Indo-China border. Both countries are committed to maintain peace and on the border area under the agreement of 1993 with regard to maintain peace on the line of actual control on Indo-China border and the agreement signed last year for taking measures to create mutual confidence in the military zones on both sides. There is institutional arrangement in both the countries to sort out the differences with regard to border issues.

The full implementation of some provisions of the agreement of 1996 relating to the measures to create confidence among both the countries depends on their mutual consensus on the alignment of the Line of actual control and both countries have agreed to speed up the process of defining and confirming the line of actual control. Under this agreement both the countries are have agreed also committed to take certain measures for creating confidence between them.

For defining the alignment of line of actual control, the discussion between both the countries is going on under the present system of expert group and joint action group. The expert group discussed this issue in its 5th meeting held in New Delhi on March 3-4, 1997.

I want to assure the House again that the Government of India keeps constant watch on all incidents affecting the security and integrity of the country and concrete steps are taken to ensure the preparedness of our defence forces for the security of our border area.

14.17 hrs.

**RE: MOTION UNDER RULE 184  
FOR RECALLING GOVERNOR  
OF UTTAR PRADESH***[English]*

SHRI JASWANT SINGH (Chittorgarh) : I hold that this motion, standing against my name, and as admitted by you, more particularly your filling many important gaps in our law on the subjects involved through your observations, is a significant legislative landmark. Vital current issues confronting our Republic have been addressed. Democracy, conduct of Governors, Governor and the Union Home Minister, other Ministers, Centre-State relations, collective responsibility of Cabinet are only some of them. As, however, the objective political situation is different and as I do not wish to cause any further contention between high functionaries of the Republic, I do not move the motion...*(Interruptions)*

MR. SPEAKER : No, please.

*(Interruptions)*

14.18 hrs.

*Dr. M. Jagannath and some other hon. Members then came and stood on the floor near the Table.*

MR. SPEAKER : I will allow you after this motion under Rule 184.

*(Interruptions)*

MR. SPEAKER : You don't have to come here. Please go back.

*(Interruptions)*

MR. SPEAKER : Yes, Mr. Sontosh Mohan Dev.

*(Interruptions)*

MR. SPEAKER : We are on Rule 184.

SHRI ANANTH KUMAR (Bangalore South) : Alamatti is a dispute between Telugu Desam and Janata Dal...*(Interruptions)*

MR. SPEAKER : We will take it after this motion.

SHRI ANANTH KUMAR : Sir, Karnataka State is well within its power to use 743 TMC of water ....*(Interruptions)*

SHRI ANANTH KUMAR : Sir, what is going on in the House?

MR. SPEAKER : I do not know what is going on. You better guide me.

*(Interruptions)*

SHRI ANANTH KUMAR : Sir, Karnataka is well within its rights with regard to the Bachawat Award ...*(Interruptions)*

MR. SPEAKER : We are on Rule 184.

*(Interruptions)*

MR. SPEAKER : Not now, please. Go back to your seats.

*(Interruptions)*

14.21 hrs.

At this stage, Dr. M. Jagannath and some other hon. Members went back to their seats.

*(Interruptions)*

MR. SPEAKER : Yes, I know, he has no motion.

*(Interruptions)*

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM) : Sir, he may not have moved a motion but we can comment on what he has done ...*(Interruptions)* We are asking the hon. Speaker's permission to comment here and now...*(Interruptions)*

SHRI P.R. DASMUNSI (Howrah) : Sir, I am on a point of order...*(Interruptions)*

MR. SPEAKER : Let us hear him first.

*(Interruptions)*

SHRI P.R. DASMUNSI : Sir, I am on a point of order...*(Interruptions)*

MR. SPEAKER : Under which rule?

*(Interruptions)*

SHRI P.R. DASMUNSI : Under Rule 339...*(Interruptions)* Sir, Rule 339 says :

"(1) A Member who has made a motion may withdraw the same by leave of the House.

(2) The leave shall be signified not upon question but by the Speaker taking the pleasure of the House..."

...*(Interruptions)* A motion which has been given before the House shall have to wait and seek the leave of the House to be withdrawn. If the House grants leave then only the leave is granted to withdraw the motion...*(Interruptions)* Now it is the property of the House...*(Interruptions)*

MR. SPEAKER : There is no point of order.

*(Interruptions)*

MR. SPEAKER : This rule applies after the motion has been moved. The hon. Member said that he was not moving the motion.

*(Interruptions)*

SHRI P.R. DASMUNSI : In your ruling you said that you had admitted the motion...*(Interruptions)*

MR. SPEAKER : No.

*(Interruptions)*

SHRI P.R. DASMUNSI : Sir, the whole nation knows that you had admitted it under Rule 184...*(Interruptions)*

MR. SPEAKER : I had admitted a notice of the motion. It is not a motion.

*(Interruptions)*

SHRI SONTOSH MOHAN DEV (Silchar) : Sir, in today's Agenda Paper, Item No. 21, which has been listed...*(Interruptions)*

MR. SPEAKER : Please, let him speak.

*(Interruptions)*

MR. SPEAKER : I have already allowed Mr. Sontosh Mohan Dev. Give him one or two minutes. There is nothing wrong.

*(Interruptions)*

SHRI SONTOSH MOHAN DEV : My purpose of standing here is not to stop the hon. Speaker from giving his decision. But in this House, the Motion was allowed to be moved. It is not moved by you. Once the matter was allowed by you under Rule 193 but the same was not accepted by them. On their demand, the matter was allowed by you to be raised under Rule 184. Now what is the language of the Motion under Rule 184...*(Interruptions)*

SHRI PRAMOD MAHAJAN (Mumbai-North East) : What is this?...*(Interruptions)*

SHRI ANANTH KUMAR : That everybody has said...*(Interruptions)*

SHRI SONTOSH MOHAN DEV : Mr. Mahajan, you have allowed yourself to be ashamed. Please sit down. You listen to me...*(Interruptions)* You cannot reply.

*(Interruptions)*

MR. SPEAKER : I have allowed him to speak.

*(Interruptions)*

MR. SPEAKER : You go ahead.

SHRI SONTOSH MOHAN DEV : In this Motion the last line says "...therefore, this House do now resolve that the Governor of Uttar Pradesh be recalled forthwith"...*(Interruptions)* Now I would like to know what their proposal is...*(Interruptions)*

MR. SPEAKER : He is supporting your case. Why are you worried?

SHRI SONTOSH MOHAN DEV : I would like to know from my learned friend Shri Jaswant Singh that whether it is the same Governor whom Shri Kalyan Singh and Ms. Mayawati have met and claimed to form the Government. My second point is, whether it is a fact that whether the same Governor will administer the oath of office of the Ministers there or not. My third point that I would like to know from Shri Jaswant Singh. Can a historical judgement given by the hon. Speaker in this House be scuttled by a Member by not allowing it? He has scuttled it. We want that it should be discussed. We want to know whether the law and order situation of that State needs any discussion. We want to know from

the BJP that what programme with Ms. Mayawati as the Chief Minister of the State has got to bring ...*(Interruptions)* Allow us to discuss the issue.

SHRI P.R. DASMUNSI : Mr. Speaker, Sir, your ruling is important. Your ruling is more sacrosanct ...*(Interruptions)* We have a right to speak in this House ...*(Interruptions)*

MR. SPEAKER : Please, I am on my legs. Shri Dasmunsi, please listen.

SHRI SONTOSH MOHAN DEV : I want to say one word more. Let me finish.

MR. SPEAKER : Shri Dasmunsi, wait. Before you say anything you must read. What is my ruling? You listen to me. At the end what did I say? I said :

"In the circumstances after giving a careful thought to all aspects of the matter, I admit the Notice of Motion under 184."

It is the notice which is admitted, not the Motion. I have no right to compel a Member to move his Motion. How can I do what?

Matters under Rule 377.

SHRI P.R. DASMUNSI : Mr. Speaker, Sir, I submit to you about rights and conventions...*(Interruptions)* There are no two opinions. I only submit that you gave the ruling to admit the notices only. I entirely agree with you. I admit it...*(Interruptions)*

14.32 hrs.

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

*(Interruptions)*

MR. SPEAKER : You go back to your seats. I will allow you all. You hear me. Enough is enough.

*(Interruptions)*

14.33 hrs.

*At this stage, Shri Ramsagar and some other hon. Members went back to their seats.*

SHRI P.R. DASMUNSI : They will respect the ruling. What I wanted to say is you are the custodian and you are running the House. I can tell you. This discussion is accepted...*(Interruptions)* Now that Shri Jaswant Singh is withdrawing it...*(Interruptions)*

MR. SPEAKER : He is not withdrawing it. He is moving it.

SHRI P.R. DASMUNSI : I am telling you. I am telling you that this is not the way to take the precious time of the Speaker. If he has anything to say, this is not the correct way. This is not the proper way to invoke the spirit of the nation and the law of the land ....*(Interruptions)*

MR. SPEAKER : I think that is enough.

*[Translation]*

SHRI RAMSAGAR (Bara Banki) : Mr. Speaker, Sir, we want to hold discussions on the notice which he had given under Rule 184...*(Interruptions)* There are the people who got Mr. Dewediji killed...*(Interruptions)*

*[English]*

MR. SPEAKER : I have given my ruling. Nothing more.

Mr. Finance Minister.

*(Interruptions)*

MR. SPEAKER : Yes, Mr. Finance Minister.

*(Interruptions)*

SHRI RAM NAIK : Sir, I am on a point of order.

MR. SPEAKER : What is your point of order?

SHRI RAM NAIK : Sir, my point of order is that you have given your ruling. After that, again they are trying to bring that issue. You have actually moved to the next item...*(Interruptions)*

SHRI P. CHIDAMBARAM : We have not moved to the next item...*(Interruptions)*

SHRI RAM NAIK : Sir, according to the rules, we cannot go back after the next item is announced.

MR. SPEAKER : I wish all Members followed the rules. That is my sincere wish.

SHRI RAM NAIK : Sir, we are always cooperating, but they are not cooperating.

MR. SPEAKER : Yes, Mr. Chidambaram.

SHRI RAM NAIK : On which subject is he going to speak, Sir? We will not allow him to speak on the same subject.

SHRI P. CHIDAMBARAM : What is that you will not allow. You are not the Speaker yet. Sir, there is now a point raised about the applicability of rule 339. My learned friend...*(Interruptions)*

JUSTICE GUMAN MAL LODHA (Pali) : That point has been decided by Your Honour, Sir.

MR. SPEAKER : Let him submit. It may be enlightening all of us.

*(Interruptions)*

SHRI P. CHIDAMBARAM : I am submitting to you, Sir. Why are they afraid of submission? Just hear my submission.

SHRI RAM NAIK : Sir, if you want us to cooperate, this is not the way of getting the cooperation. We will not cooperate then...*(Interruptions)*

SHRI P. CHIDAMBARAM : The Speaker has allowed me to submit...*(Interruptions)*. Sir Mr. Dasmunsi ...*(Interruptions)*

SHRI RAM NAIK : Sir, so much agenda is there and after moving to the next item, how can you go back to the same item?...*(Interruptions)*

SHRI P. CHIDAMBARAM : Why are you afraid of a submission? I thought you would use an argument to meet an argument. Why are you afraid of an argument? You meet an argument with an argument.

*[Translation]*

SHRIMATI SUSHMA SWARAJ (South Delhi) : Mr. Speaker, Sir, I request that when his speech is over, please allow me to speak under the rule which I am going to quote.

*[English]*

MR. SPEAKER : I have not given the ruling. I only pointed out to Mr. Dasgupta that it is only a notice and not a motion. That is the clarification I gave.

SHRI P. CHIDAMBARAM : Sir, we are now discussing the applicability of rule 339. A point has been made that rule 339(1) has been attracted. Kindly see rule 339. It says : "A member who has made a motion may withdraw the same by leave of the House."...*(Interruptions)*. I am submitting to you, Sir. Why are they afraid of my submission? I have looked into the rules and I have looked into the 'Kaul and Shakti'. Subject to correction, there is no authoritative ruling on the word 'made'. Therefore, I would humbly submit that you hear us for a few minutes on what is the scope of the word 'made' and then decide. I am not saying that you should not decide, I am saying that if there is no ruling on the word 'made', then natural justice requires that you hear a few of us on the meaning of the word 'made' in the context in which it has occurred. We shall take you to the earlier rules. You are the final authority. Please hear us for a few minutes...*(Interruptions)*

MR. SPEAKER : Have you finished?

SHRI P. CHIDAMBARAM : No, Sir, I have not. But if they are making any submission on that point, they can...*(Interruptions)*

SHRI RAM NAIK : Sir, he has read only rule 339(1). Now I am referring to rule 339(2). It says : "The leave shall be signified not upon question but by the Speaker taking the pleasure of the House. The Speaker shall ask : "Is it your pleasure that the motion be withdrawn?" That means, once the motion is moved, then only he will seek the pleasure of the House. The meaning of the word 'made'...*(Interruptions)*

*[Translation]*

SHRI RAMSAGAR : Mr. Speaker, Sir, in Maharashtra, Rajasthan and wherever Bhartiya Janata Party is ruling the law and order situation is worsening. Public life is shattered. Law and order situation in Uttar Pradesh is better and this fact has come to light that the murder of Brahmdutt Dwivedi is the result of the

conspiracy of Bhartiya Janata Party. That is why they want to escape from the discussion.

*[English]*

SHRI P. CHIDAMBARAM : I shall complete my submission, Sir, and then let them refute my argument.

MR. SPEAKER : Let him submit first. He has to submit it fully.

*(Interruptions)*

MR. SPEAKER : Let us enlighten ourselves. It is a very good thing.

SHRI P. CHIDAMBARAM : Sir, there is a point. You hear both of us.

Sir, kindly look at Chapter XIV. It says that : "Notice of a motion shall be given in writing addressed to the Secretary-General". You are absolutely right, Sir. A notice of motion was given. The notice was on a substantive issue asking for the recall of the Governor. Now, Rule 186 sets out the various conditions subject to which ...*(Interruptions)* If you have to, if you want to interrupt, you can...*(Interruptions)*

*[Translation]*

SHRI PRAMOD MAHAJAN (Mumbai North-East) : When we are not moving. You are asking us to move it and when we were moving it, you were opposing it what is all this?...*(Interruptions)*

*[English]*

MR. SPEAKER : You are tempting me to.

*(Interruptions)*

MR. SPEAKER : It is a serious thing. Let us listen him.

SHRI P. CHIDAMBARAM : Sir, Shri Ram Naik's point that is not clear to us is : How is it that the high constitutional authority who had to be recalled five days ago, today becomes such a wonderful person that they do not wish to recall him?...*(Interruptions)* That is the question. Let them answer that question now ...*(Interruptions)*

*[Translation]*

SHRIMATI SUSHMA SWARAJ : Mr. Speaker, Sir, I also want to say something...*(Interruptions)*

*[English]*

MR. SPEAKER : Please, let us listen to him. I will allow you also.

SHRI PRAMOD MAHAJAN : You say...*(Interruptions)* He should remain the Governor of U.P. ...*(Interruptions)* You prove your strength.

SHRI KRISHAN LAL SHARMA (Outer Delhi) : You are not feeling of recalling him just now...*(Interruptions)*



SHRI P. CHIDAMBARAM : According to the statement read out by Shri Jaswant Singh he is a high constitutional authority...(Interruptions) Five days ago he was neither 'high', nor he was acting in a constitutional manner nor he was 'an authority'...(Interruptions) Today he has become 'high', 'constitutional' and 'an authority'! It is because you will go to him tomorrow and stand before him and say : "I take oath as your Minister."...(Interruptions) You will stand before him and say : 'I take oath as your Minister. I will serve you loyally'. That is what you want to say...(Interruptions)

SHRI RAM NAIK : Sir, I am on a point of order...(Interruptions)

DR. MURLI MANOHAR JOSHI (Allahabad) : Sir, he is not quoting any rule. If he is so much interested in recalling the Governor...(Interruptions) he may move it...(Interruptions)

SHRI P. CHIDAMBARAM : Sir, I want to read a rule...(Interruptions) They are interrupting me. I only want some time to read a rule. I wish to confine to the rule...(Interruptions) If I am diverted, naturally I will be diverted. The rule says that : 'A motion may be admissible...'...(Interruptions)

SHRI VIJAY GOEL (Sadar - Delhi) : Sir, I am on a point of order.

SHRI P. CHIDAMBARAM : When I am reading a rule, what is the point of order?

[Translation]

SHRI VIJAY GOEL : An import issue to be raised by me is to come up under Rule 377. The time of the House is being wasted. They are not aware of the significance of the subject...(Interruptions) Please kindly allow me to move the matter under Rule 377.

[English]

MR. SPEAKER : Let Shri Chidambaram complete. Shri Goel, please take your seat.

(Interruptions)

SHRI P. CHIDAMBARAM : I am reading a rule. Sir, you had said that this motion is admissible because it satisfies the condition under Rule 186. Once a motion is admissible, then we go to Rules 190, 191 and 192. I do not wish to read the rules. Rule 190 says : "The Speaker may, after considering the state of business in the House...allot a day or days or part of a day for the discussion of any such motion". You will find that nowhere in Chapter XIV is the word 'made' or 'moved' used in connection with the motion...(Interruptions) I am only making a legal submission. Kindly allow it.

SHRI RAM NAIK : That can be done in the court.

SHRI P. CHIDAMBARAM : You are a law-maker...(Interruptions) you make the laws that are to be

governed by...(Interruptions) This is a forum which is governed by law as much as any other forum.

Now, Sir, to the best of my knowledge, subject to correction, it does not use the word 'moved' or 'made' anywhere in Chapter XIV. Now, come to the general rules of procedure...(Interruptions) Let me come to the rules of procedure. In the Rules of Procedure the portion relating to motions starts with Rules 338 and 339. Rule 339 says : "A member who has made a motion". Why does it not say : 'A member who has moved a motion'?...(Interruptions) There must be a distinction between the words 'made' and 'moved'...(Interruptions) You have given a notice of motion. The notice has been admitted. It is now a motion. Sir, you have admitted the motion...(Interruptions) Sir, let him not interrupt. I have not completed...(Interruptions) We have crossed that stage.

SHRI G.L. KANAUIA (Kheri) : It is only a notice.

SHRI P. CHIDAMBARAM : Sir, obviously a meaning has to be given to every word in the rule...(Interruptions)

The word used is 'made' a motion. There is no definition of the word 'made'. It is not using the word 'move'. A notice of the motion has been given. You have admitted the notice of the motion and today's agenda paper reads that so and so to move the following...(Interruptions) Does he make a motion?...(Interruptions) Wait a minute. Why are you in a hurry? I am arguing a point.

Sir, does he make a motion before moving or does he make a motion after moving? This is the issue. I would humbly submit to you to please hear us and decide the question. Does he make a motion before moving or does he make a motion after moving. I humbly submit that if he has 'made' the motion before moving, then Rule 339 is attracted. If he has 'made' the motion only after moving, then, perhaps, their point is right that Rule 339 is not attracted.

Sir, what is the meaning of the word 'made' in the context of the word 'move'? My submission is this. There is no definition, there is no ruling. Let us, therefore, go by first principles. How does one move a motion? You move a motion once you formulate a motion, satisfy the conditions of Rule 186 and give a notice. My submission is, when a Member of this House formulates a motion in accordance with Rule 186, gives a notice and the Speaker admits that notice, the motion is 'made'...(Interruptions)

SHRI PRAMOD MAHAJAN : No.

SHRI P. CHIDAMBARAM : Sir, this is my submission. What is his problem? He is not giving the ruling.

Therefore, the motion is made. A motion which is made can either be moved or not moved. Let me repeat that. A motion which is made can either be moved or not moved. If the motion is not made at all, where is the question of moving an unmade motion? You have to make something and then move it. You have to make a

motion. The motion is made and if the motion is made, my humble submission is that Rule 339 is attracted and he cannot withdraw the motion without the leave of the House. If what they say is correct, then Rule 339 would have read that a Member who has moved a motion shall not withdraw the same by the leave of the House. It says that a Member who has 'made' a motion shall withdraw the same by the leave of the House. So, I would humbly request you to give your earnest consideration. That is my submission.

SHRI SOMNATH CHATTERJEE (Bolpur) : Mr. Speaker, Sir, I sympathise with my good friend Shri Chidambaram. He is trying to tell about law to them who are the most lawless outfit...*(Interruptions)* I sympathise with Shri Jaswant Singh...*(Interruptions)*

SHRI JASWANT SINGH (Chittorgarh) : Mr. Speaker, Sir, I think he will yield. I have risen only because my good friend Somnathji has made a reference to me and only to make one observation that the Outstanding Parliamentarian of 1996 is being outstandingly obstructionist and outstandingly obstreperous. This is a reflection of his frustration...*(Interruptions)*

SHRI SOMNATH CHATERJEE : Sir, I have no manner of doubt that Shri Jaswant Singh was very sincere when he congratulated me yesterday ...*(Interruptions)* And so many of my friends in the BJP, they so are so nice.

SHRI SONTOSH MOHAN DEV : Sir, it goes to prove that he is 'outstanding'.

SHRI SOMNATH CHATTERJEE : Sir, so many of them came to me and I cannot really express myself the great affection that was shown by all of them. I deeply cherish that, all my life, I shall.

But here is a question on which I am trying to sympathise with my friend Shri Jaswant Singh. All the stridency has gone today. Now, the Leader of the Opposition, maybe, I say contempt of the House, how has he now been despatched to Lucknow to be the advisor there?...*(Interruptions)*

Sir, many things can happen. I do not know because all sorts of immoral, unethical...*(Interruptions)* and apolitical combinations are coming up. I was only reading Shri Jaswant Singh's very well drafted motion. Nobody can question his expertise. Now the whole basis of this motion is in the context of so called chaos, anarchy and destruction. Now, today there is withdrawal of the motion which means there is no anarchy, there is no chaos and there is no destruction. He has explained very thoroughly the so called factual aspects ...*(Interruptions)*. His explanation did not satisfy you. Therefore, you persisted with this motion. You persuaded the hon. Speaker also by your cogent arguments that there was a case and the hon. Speaker was kind enough to admit it. Now, therefore, please have a moral courage and the political honesty to say that there is no chaos,

anarchy and destruction even before your Government has come...*(Interruptions)*

SHRI PRAMOD MAHAJAN : That you have to tell to your Home Minister. It is the Home Minister's comment...*(Interruptions)*

SHRI RAM NAIK : Sir, does it mean that we are discussing the motion? Sir, I am on point of order. Only the rules are being discussed. Sir, how can you allow him?...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : You say that there was nothing wrong in the conduct of the Governor...*(Interruptions)*

PROF. RASA SINGH RAWAT (Ajmer) : Please do not mislead the House...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Kindly read the language...*(Interruptions)*. The objection was taken to the statement of the Governor that he has spoken to the Prime Minister. Now you have no objection and therefore there is no reason for the recall of the Governor. We saw on the TV last night...*(Interruptions)*

SHRI RAM NAIK : Sir, he is going beyond rules. How can he go beyond rules? He should try to follow the rules.

SHRI PRAMOD MAHAJAN : At least follow the rules for a day.

SHRI RAM NAIK : Follow the rules at least for one day, at least today, at least this hour, at least this moment!...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : I do not know whether after six months their turn will at all come or not. They are still hoping. They do not know that she is not so naive to give up that post after six months. Therefore, in your anxiety to form an unprincipled coalition there...*(Interruptions)*. Sir, on that basis this House has been taken for a ride. They are welcome to withdraw this motion but my only request is that this House should not countenance in certain areas. I do not expect such unsavoury behaviour from them. But the House cannot be taken for a ride. Let them withdraw the motion but let them admit that there was no chaos and anarchy.

MR. SPEAKER : It is a very interesting point being raised. I am really very happy.

*[Translation]*

SHRIMATI SUSHMA SWARAJ : Mr. Speaker, Sir, my point of order is that as per our Rules of Procedure whatever motion we put forth, it passes through four stages. At first stage, a member gives notice. At the second stage, you decide the admissibility thereof and if it is admissible you admit it. At the third stage, the member rises to move the motion and then the document becomes the property of the House. After that this motion may have two fates. Either it may be

discussed and after discussion division may take place if required, or the may withdraw with the leave of the House.

Mr. Speaker, Sir, this motion is at the third stage now. Shri Jaswant Singh gave notice. You decided its admissibility and gave your ruling under which it was admitted. Now it is at the third stage. You may go through its language as is given in the list, It reads like this.

[English]

Shri Jaswant Singh and Shri Atal Bihari Vajpayee to move the following.

[Translation]

Further the text thereof of is given. If Shri Jaswant Singh moves this motion and after that he wants to withdraw, the leave of the House will be required. You put the question. It will be withdraw if the House grants leave, otherwise not. At the third stage Shri Jaswant Singhji has taken the decision because quite now circumstances have arisen in Uttar Pradesh ...*(Interruptions)* I am surprised. In the Rajya Sabha the Hon'ble Home Minister stated that it is necessary to form a popular Government there...*(Interruptions)* Therefore he decided not to move the motion. No motion can become the property of the House unless it is moved. Unless it is moved it cannot go to the stage of withdrawal. Due to this reason the motion has become dead at the third stage. How this fourth stage has come? Hon'ble Chidambaramji is time and again referring to the Rule 339(2). Hon'ble Members are referring to this rule and telling that it will be withdrawn. The stage of withdrawal has not come at all. If the motion would have been moved, and Shri Jaswant Singh would have taken decision after that, then only the stage of withdrawal would have come. This motion has become dead at the third stage because Shri Jaswant Singh has decided not to move. No discussion can be held on this motion. Withdrawal stage cannot come at this juncture. This motion has become dead at this stage itself. No discussion can be allowed on this issue. It is my point of order.

[English]

SHRI SONTOSH MOHAN DEV : You tell us what you want. What do you want?

MR. SPEAKER : I think it is enough. I do not think I need many arguments. I am sorry to say that. But I think enough arguments have been made.

[Translation]

SHRI GEORGE FERNANDES (Nalanda) : Mr. Speaker, Sir, I would not like to go into discussion regarding move or motion etc. Neither I would like to refer any rule or initiate any political discussion on opportunism. I shall not discuss all these things ...*(Interruptions)*. I can talk about all this at any time but not at present. I am putting only one question. This

motion is here...*(Interruptions)* My socialism does not depend on you. I have been a socialist even before you were born. Mr. Speaker, Sir, before your ruling comes, I am putting a question. My question is restricted to this only that there are two names associated with this motion and had they not been present in the House, What would have been the fate of the Motion? ...*(Interruptions)* He may reply to it later, let the Hon'ble Speaker speak first. What happens to the motion if its move, whose name the motion is listed, does not come to the House before the motion is moved? Whatever analysis of the rule you are going to give on this issue, you kindly keep this aspect also in your mind. While to giving your decision.

[English]

MR. SPEAKER : Thank you. I think this discussion is enough on this issue. I will come to other issue. I think we have discussed enough. I must listen to Shri G.M. Banatwalla.

15.00 hrs.

SHRI G.M. BANATWALLA : Sir, in addition to what Shri Chidambaram said, I will point out one thing and you may give the ruling...*(Interruptions)*

MR. SPEAKER : I would like to listen to you Shri Banatwalla.

*(Interruptions)*

[Translation]

SHRI G.M. BANATWALLA : You will be happy to listen...*(Interruptions)*

[English]

MR. SPEAKER : What is this? He is a very senior Member.

SHRI G.M. BANATWALLA : In addition to what the hon. Minister Shri Chidambaram has placed before the House, in addition to those rules, I have also to draw your attention to another rule 176(1). And the language of that rule is very clear. However, before I read it and before I conclude, my submissions must be heard with patience. Rule 176(1) says :

"A member in whose name a resolution stands on the list of business shall..."

SHRI PRAMOD MAHAJAN : It is not a resolution ...*(Interruptions)* I am on a point of order. That should not be allowed...*(Interruptions)*

SHRI G.M. BANATWALLA : It is a motion ...*(Interruptions)*

MR. SPEAKER : Shri Pramod Mahajan, you leave it to me. I know my job. You do not have to tell me. Have some patience.

*(Interruptions)*

SHRI G.M. BANATWALLA : Let me complete my submission. What is this?...*(Interruptions)* It says :

"A member in whose name a resolution stands on the list of business shall, except when he wishes to withdraw it, " the word used is "withdraw", "when called upon, move the resolution..."

So, the question is not of making or moving. The question is very clear here that he does not move means he is trying to withdraw it. Withdrawal will need the consent of the House. So, this is very clear that except when he wishes to withdraw, he must move it. So, when he does not move it, it means he wishes to withdraw it. And that withdrawal will require the consent of the House.

However, Sir, I would like you not to be so strict here also because in the meanwhile a lot of things have happened.

*(Interruptions)\**

MR. SPEAKER : We are on a legal matter. Please confine to the rule.

*(Interruptions)*

MR. SPEAKER : I am not allowing it. I will go through the record.

*(Interruptions)*

SHRI G.M. BANATWALLA : Therefore, Mr. Speaker, I would tell you not to be very strict with this particular rule. The question is that if the House does not allow the withdrawal of the motion and if the mover does not move the motion, then a deadlock will come up...*(Interruptions)* Therefore, in good grace, let them now be excused. The opportunistic coalition Government that they are looking for is because of...\* I would like to say that.

MR. SPEAKER : I have heard enough. Let me give the ruling now.

JUSTICE GUMAN MAL LODHA : Sir, I want to draw your attention to Chapter XIII of the Rules of Procedure which relates to Private Members' Resolutions. The procedure in Chapter XIII of the Rules of Procedure commencing from Rule 170 up to Rule 176 which had been referred to by the hon. Members relates to how on a Private Members' day the resolutions would come forward before the House; how that issue should be taken up and at what point of time the speech would be given. It is under Rule 176. It is in relation to a speech delivered on the Private Members' Resolution. It is not at all in respect of the Motion.

Rule 339 has also been referred to. This has been pointed out...*(Interruptions)* Kindly bear with me for a minute. Sir, you have heard the most illogical and fallacious submissions of Shri Chidambaram whereby wanted to converted the present into the past. Rule

Expunged as ordered by the Chair.

339 expressly uses the word "made". "Made" means, It is an act done earlier to it. It must be moved in the House. That is the first submission. In Rule 339, please note that the words used are "has made". "Made" means that before that, he must move it in the House; the resolution is tabled; put before the House and then it is made. Then the question of withdrawal arises ...*(Interruptions)* Here, they want to have a child without a marriage. They want to have a child even without engagement. This is most fallacious...*(Interruptions)*. I would like to point out that Shri Banatwalla can have a *Burkha* marriage. Under the Muslim law, *Burkha* marriage is permissible. But how can Shri Chidambaram have it? Shri Chidambaram cannot have a *Burkha* marriage...*(Interruptions)*

SHRI SONTOSH MOHAN DEV : Sir, it should not go on record. An ex-Judge is saying like this...*(Interruptions)*

MR. SPEAKER : I will go through the record.

*(Interruptions)*

MR. SPEAKER : Well, I thank Shrimati Sushma Swaraj for solving another problem.

*(Interruptions)*

MR. SPEAKER : Please listen to me. She solved the problem by pointing out that the question comes when the matter becomes the property of the House. The same thing was raised by Justice Lodha the other day, I think, yesterday, perhaps. So, the rule is very clear on this. Please listen to me. I am dealing with a very serious thing. Section 340, sub-clause (4) of the Manual on Business and Procedure says that once a motion set down in the Agenda is moved, but not till then, it becomes the property of the House. So, that is a very clear-cut thing. So, I do not think I have to give any ruling on that.

As far as Rule 339 is concerned, read with Rules 184 and 185, I will confine to that. I must be very grateful to the House. It was a very very enlightened debate on a very important issue of interpretation of the rule, particularly the Finance Minister made a very strong point.

*(Interruptions)*

MR. SPEAKER : I was even tempted to agree with him. But I may be able to clarify the question of what is the meaning of "made" and what is the meaning of "moved." I think it is very clear that under rule 185 of the Rules of Procedure and Conduct of Business in Lok Sabha, a notice is to be given. Then, under Rule 184 of the Rules of Procedure, a motion is made. Now, the notice having been given in this case and admitted, the motion has to be made. How? By moving? Unless it is moved, it cannot be made. I think that is a very, simple interpretation. So, I have no other way except to go to the next item of the Agenda.

*(Interruptions)*



MR. SPEAKER : Dr. Jagannath, I will give you one minute.

DR. M. JAGANNATH (Nagarkurnool) : Sir, the Expert Committee set up by the United Front to go into the politically sensitive Almatti Dam dispute has upheld the fears that the raising of the dam height by Karnataka will jeopardise irrigation and power generation interests of Andhra Pradesh...(Interruptions) Not only has the Committee considered raising of the dam height to 524.256 metres FRL (full reservoir level) unnecessary as of now, it has also declared that Karnataka's objections to the Telugu Ganga project and two other projects across the Krishna river in Andhra Pradesh were without basis...(Interruptions) We demand the Government of India go through the facts and figures of this case and stop construction...(Interruptions)

SHRI ANANTH KUMAR : This should not go on record. There is no Committee. There is no appointment order given by the Central Government...(Interruptions)

DR. M. JAGANNATH : The six-member Committee said that the FRL of 524.256 metres was required only when Scheme 'B' of the Bachawat Tribunal Award on the Krishna dispute among Andhra Pradesh, Karnataka and Maharashtra fructifies...(Interruptions)

It is, therefore, not necessary at present to build a bigger storage of 227 tmc at Almatti dam with top-off shutters all 524.256 metres...(Interruptions)

The Committee's unanimous Report refers to the opinion of the Indian Institute of Science, which has pegged the FRL at 518 metres which could be increased to 519.6 metres to take care of loss due to siltation etc. ....(Interruptions) Referring to Andhra Pradesh's apprehension the extra storage facility for a period of three months at Alamatty Dam is more than what is required...(Interruptions)

SHRI YELLIAH NANDI (Siddipet) : Let the Prime Minister reply to this...(Interruptions)

DR. M. JAGANNATH : It has been observed that Andhra Pradesh may not get timely supply according to the irrigation and power demand for the period of such hold-up in Alamatty reservoir.

MR. SPEAKER : What is going on? Enough, enough.

Now we shall take up Matters under Rule 377. Shri Girdhari Lal Bhargava to speak.

(Interruptions)

MR. SPEAKER : Nothing will go on record except what Shri Girdhari Lal Bhargava is saying.

(Interruptions)\*

MR. SPEAKER : You have made your point. Please sit down.

\* Not Recorded.

15.12 hrs.

*At this stage, Dr. M. Jagannath and some other hon. Members came and stood on the floor near the Table.*

MR. SPEAKER : I had allowed you. You read out your paper. What else do you want?

(Interruptions)

MR. SPEAKER : I have already allowed him to read his paper. Go back to your seats.

15.13 hrs.

*At this stage, Dr. M. Jagannath and some other hon. Members went back to their seats.*

15.14 hrs.

### MATTERS UNDER RULE 377

#### (i) Need to improve postal services in Jaipur, Rajasthan

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Mr. Speaker, Sir, the population of Jaipur city has at present exceeded 20 lakhs and because of Municipal Corporation it has crossed the limits municipal limits of Sanganer and Amer. Postal distribution zone has spread upto Jamdoli in the last upto Bhankhrota border in the west, Harmada in the north and Sanganer in the south upto Vatika or on tok Rot upto industrial area on Diggi Malpura road and beyond shopur on Gonair Road, colonies located on both the sides of Sirsi Kanakpura, Jagatpura Railway Station and some new colonies. Besides it has extended upto new colonies like Malaviya Nagar, Sanganer, Dungapura, Shyam Nagar, Vaishali Nagar, Jhotvakda, Gandhinagar, and the biggest colony of Asia Mansarovar and Vishwakarama area. Dak is received in these colonies after a week. Only 363 post men have been assigned the Dak distribution work in Jaipur city, whereas according to the figures nearly 2 lakh 50 thousand ordinary letters, 30 thousand registered letters, parcels, insured packets, VPP and money orders etc. and daily for delivery with the city. As per the stipulated norms should be delivered by a postman per day, according to which there is a need of nearly 500 postmen, but the Government of India has imposed a bay on creation and recruitment of new posts since 1984. If there are 363 postmen, it comes to about 5510 persons per postman, i.e., one post man has to deliver the mail of more than 5000 person on an these average days, which is just double of the figure stipulated in the norms. Accordingly, the postmen of the newly developed far flung localities have to travel a distance of 60-70 kms of the area for delivering the mail.