

LOK SABHA DEBATES

LOK SABHA

Tuesday, August 18, 1992/ Sravana
27, 1914 (Saka)

The Lok Sabha met at

Eleven of the Clock

[MR. SPEAKER in the Chair]

[Translation]

(Interruptions)

SHRI MADAN LAL KHURANA (South Delhi): Mr. Speaker Sir, unfurling of Pakistani flag and Disrespect shown to Indian Tricolour in Kashmir is a serious issue.

(Interruptions)

SHRI SURAJ MANDAL (Godda): Mr. Speaker, Sir, issue of horse-trading witnessed in Bihar in respect of the hon. Members of JMM needs to be debated upon in the House. (Interruptions)

11.01 hrs.

RE: SPLIT IN THE JANATA DAL AND
INTERIM ORDER OF THE SPEAKER IN
REGARD THERETO

[Translation]

AN HON. MEMBER: Mr. Speaker Sir,

please withdraw your interim order as it is totally unjustified. (Interruptions)

SHRI SURYA NARAYAN YADAV (Saharsa): Other wise the House will not be allowed to function. (Interruptions)

SHRI RAJNATH SONKAR SHASTRI (Saidpur); Mr. Speaker Sir, we have given to you the notice of privilege motion against them. Therefore, the House must function.

(Interruptions)

SHRI BASUDEB ACHARIA (Bankura): How can the House function.

(Interruptions)

SHRI SURAJ MANDAL: In Bihar the Janata Dal is responsible for creating a split in JMM. So, there should be discussion on it in the House. Horse trading is going on in Bihar. These people are deliberately not allowing the House to function. The House must function (Interruptions)

AN HON. MEMBER: Your interim order is totally unjustified.

(Interruptions)

SHRI RAJNATH SONKAR SHASTRI: All these people are disturbing the House too

3 *Re. Spilt in the Janta
Dal and Interim order*

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*the Speaker in regard
thereto*

as they had disturbed the party meeting earlier. They are continuously creating disturbance. We are in favour of allowing the House to function. *(Interruptions)*

[*Translation*]

SHRI RAJNATH SONKAR SHASTRI:
Mr. Speaker, Sir, democracy is being murdered. *(Interruptions)*

SHRI BASUDEB ACHARIA: How can the House function.

[*English*]

(Interruptions)

SHRI RAJNATH SONKAR SHASTRI:
The House must function. It should not stop functioning. Many issues are before us. *(Interruptions)*

SHRI BASUDEB ACHARIA: Sir, parliamentary democracy is being murdered. You keep your order in abeyance. Do not denigrate the parties and dignity of this House.

(Interruptions)

[*English*]

[*Translation*]

SHRI BASUDEB ACHARIA: Your action will definitely encourage horse-trading in the House. *(Interruptions)*

SHRI SURAJ MANDAL: Mr. Speaker, Sir, this is their routine business. These people started staging split inpatients in Bihar and indulging in horse trading.

(Interruptions)

[*Translation*]

SHRI RAJNATH SONKAR SHASTRI:
The Government of Bihar should resign. *(Interruptions)*

SHRI RAJNATH SONKAR SHASTRI:
Mr. Speaker, Sir, They have done a wrong thing and even then they are making noise. They are not allowing the House to function. *(Interruptions)*

[*English*]

SHRI SURAJ MANDAL: They are creating disturbance just to shield the Government of Bihar. The Government of Bihar is on the verge of bowing out of office. *(Interruptions)*

SHRI BASUDEB ACHARIA: Sir, you tell us whether you will keep your order in abeyance or not. *(Interruptions)*

MR. SPEAKER: Hear me, I will tell you now.

(Interruptions)

SHRI MADAN LAL KHURANA: Mr. Speaker, Sir, situation in Kashmir is quite serious as Pakistani flag had been unfurled there. *(Interruptions)*

SHRI BASUDEB ACHARIA: How can the House function in this way?

[*Translation*]

[*English*]

SHRI VIJAY NAVAL PATIL (Erandol):
Sir, I have moved a privilege motion.

SHRI RAJNATH SONKAR SHASTRI:
Mr. Speaker, Sir, the Members who do not want to listen to you may take leave of the House.

(Interruptions)

11.08 hrs.

[Translation]

At this stage, Shri Devendra Prasad Yadav and some other hon. Members came and sat on the floor near the table

(Interruptions)

[English]

MR. SPEAKER: I wish you should hear me. Are you willing to hear me?

SEVERAL HON. MEMBERS: Yes, Sir.
(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRIGHULAM NABIAZAD): Sir, you will have to take the sense of the House as to whether they would like to run the Parliament or not. *(Interruptions)*

[Translation]

SHRI RAJNATH SONKAR SHASTRI: They should be suspended from the House
(Interruptions)

[English]

SHRIGHULAM NABIAZAD: I request the hon. Speaker to take the sense of the House about those who are for running the Parliament and those who want to disrupt the proceedings. This cannot go on like this...*(Interruptions)*

SHRISRIKANTA JENA (Cuttack): Then move a resolution...*(Interruptions)*

We are ready to face the consequences...*(Interruptions)*

MR. SPEAKER: You shall have to hear me!

(Interruptions)

MR. SPEAKER: You shall have to hear me..

(Interruptions)

MR. SPEAKER: This is not proper. You are trying to pressurise the House through such tactics...*(Interruptions)*

MR. SPEAKER: All this cannot be allowed.

[English]

MR. SPEAKER: You shall have to hear me. You cannot rob the rights of others.

(Interruptions)

SHRI RAM VILAS PASWAN: Why don't you suspend? Is this the way for a democracy to function?...*(Interruptions)*

MR. SPEAKER: Why should I suspend You? I am not going to oblige you. You are nobody to pressurise me to take a decision. Let it be seen by the people.

(Interruptions)

MR. SPEAKER: You cannot pressurise me into taking a decision.

(Interruptions)

MR. SPEAKER: You are pressurising for a decision. I am not going to do that.

(Interruptions)

MR. SPEAKER: No, I am not going to oblige Nitish Kumarji by expelling you.

(Interruptions)

SHRI RAM VILAS PASWAN (Rosera):
Why did you give a judgement? Why are you
denying? (*Interruptions*)

MR. SPEAKER: Why should I sus-
pend?

(*Interruptions*)

MR. SPEAKER: You cannot pressurise
me to make a decision. You are openly in the
House pressuring for my decision. I am not
going to do that. You cannot pressurise me
for a decision like this. I am not going to do
like that.

(*Interruptions*)

MR. SPEAKER: There is no secret.
You are in the House. You are pressurising
the Speaker. You cannot have a decision
like this. Judicial decisions cannot be given
like this. When some votes are used against
the Speaker in the Chamber, the House can
take a decision. You are openly, in the
House, in front of everybody not only abus-
ing the Speaker but also asking for decision
to be taken. It cannot be done. I am not
going to do that. You cannot do that.

(*Interruptions*)

SHRI SRIKANTA JENA: Mr. Speaker,
Sir..

MR. SPEAKER: I am not going to oblige
you by expelling them. I am not going to be
pressurised like this. Judicial decision can-
not be taken like this. You cannot expect a
decision like this.

THE MINISTER OF PARLIAMENTARY
AFFAIRS (SHRI GHULAM NABI AZAD): Sir,
our party has given a Privilege Motion. I
would request the hon. Speaker to entertain
that privilege motion.

MR. SPEAKER: I am not in a hurry to
accept the Privilege Motion. I do not want to
be touchy on that also. I am giving them a
chance to reform.

(*Interruptions*)

MR. SPEAKER: When the house is
looking, when the Press is looking when the
country is looking, you are pressurising for a
decision. You cannot have a decision like
that.

(*Interruptions*)

SHRI SRIKANTA JENA: Mr. Speaker,
Sir, we are sorry about what you have said
that we have been pressurising you to take
a decision.

MR. SPEAKER: What is it if it is not
pressurising? Is it the way to have a judicial
decision? You argued the case before me.
I allowed you to argue the case in my Cham-
ber. I will again argue it with you but you
cannot pressurise me for a decision like this.
I am not going to give a decision either under
your pressure or under anybody's pressure.
You are openly pressurising me.

(*Interruptions*)

SHRI BASUDEB ACHARIA (Bankura):
You have created this situation. Why did you
issue the order? (*Interruptions*)

MR. SPEAKER: It does not require any
evidence to show that you are pressurising
the Speaker to take a decision. You cannot
argue like this. You are doing it in front of
everybody. You can argue the case for a
week or for days but you cannot pressurise
me for a decision.

(*Interruptions*)

[Translation]

SHRI RAM VILAS PAWAN: It is the question of safeguarding democracy which is being murdered.

[English]

MR. SPEAKER: I will give you as much time to argue the case as you want. You come with a lawyer. You can come yourself. You can come with anybody or you give your arguments in writing. I will decide it but you cannot pressurise me from a decision like this.

(Interruptions)

[Translation]

AN. HON. MEMBER: If any party expels its Members...(Interruptions)

MR. SPEAKER: This is not the way to protest.

(Interruptions)

[English]

MR. SPEAKER: You abused the Speaker in the House.

If you have no faith in me, move a No-Confidence Motion. I will challenge the charge against me. What is this? You cannot pressurise me like this.

(Interruptions)

[Translation]

SHRI MUKUL BALKRISHNA WASNIK (Buldana): Mr. Speaker Sir, they lack guts to move the privilege motion against the Hon. Speaker

(Interruptions)

[English]

MR. SPEAKER: I am not obliging you. I am not obliging them. I am not obliging you by expelling them and I am not obliging them by accepting the Privilege Motion against you.

(Interruptions)

SHRI BASUDEB ACHARIA: Sir, you expel...(Interruptions)

MR. SPEAKER: If you have allowed the Speaker to work as a Judge, you argue before me as a Judge. You cannot argue before a Judge like this. You cannot go in front of a Court and shout at a judge and get a judgement. You depend on logic. You depend on reason. You depend on law. You depend on facts. And, then you have a judgement. You cannot pressurise me for a decision like this. I am not going to give you a judgement under pressure like this.

There is no evidence that somebody has pressurised me but there is an evidence now that you have pressurised me for a judgement. I am not going to give you a judgement like this.

[Translation]

SHRI RAJNATH SONKAR SHASTRI (Saidpur): Sir, they can go to any extent. (Interruptions)

[English]

SHRI BASUDEB ACHARIA: You are pressurising us.

MR. SPEAKER: Mr. Acharia, you are pressurising me. You are abusing me. There is no evidence that somebody has pressurised me but there is an evidence that you have pressurised me and I am not moving against you. But, you are in front of every-

body and you are pressurising me.

SHRI BASUDEB ACHARIA: You have been pressurised by the Government to issue an interim order.

MR. SPEAKER: If you want, you can go and appeal before the Supreme Court.

(Interruptions)

[Translation]

SHRI SURAJ MANDAL: You ask these so-called saintly persons as to who started all this in Bihar...*(Interruptions)*

SHRI LAL K. ADVANI (Gandhi Nagar): Mr. Speaker, Sir, I am sure that there must invariably be several hon. Members, belonging to various political factions in the House, who must be perturbed over yesterday's and today's proceedings going in the House.

SHRI HARI KISHORE SINGH (Sheohar): No, we do not feel sorry. *(Interruptions)*

SHRI RAJNATH SONKAR SHASTRI: They are not at all ashamed of their conduct. Why would they feel sorry? They are bent upon...*(interruptions)*

SHRI LAL K. ADVANI: Sir, I think the meaning of the parliamentary democracy is that...*(Interruptions)*

SHRI HARI KISHORE SINGH: They speak,..... they have taken a sum of Rs. 50 lakhs where is that money?...*(Interruptions)*

AN.HON. MEMBER: We do not want to talk to those who are for sale...*(Interruptions)*

SHRI HARI KISHORE SINGH: I again

submit that they have forsaken even shame...*(Interruptions)*

SHRI LAL K. ADVANI: Mr. Speaker Sir, in parliamentary democracy way out is to be found out through debate only whatever be the circumstances and provocations and differences and so such procedure should be followed even now. And I think you can adopt that. I think that must be followed to hold discussion on the happenings of last two-three or four days. *(Interruptions)*

AN HON. MEMBER: Discussion may be held. *(Interruptions)*

SHRI LAL K. ADVANI: That may be on the motion from this side or that side so that hon. Members may make their points properly. Mr. Speaker Sir, I would like to submit that not only the Constitution and law are before the hon. Members of Parliament, but also the conventions of the Parliament are before them. I believe that the hon. Members of this side have a complaint that this decision has been taken without making them aware of the tradition of this House, though one may say that this tradition has got no legal sanction. Till yesterday, I had no information that even after the expulsion of a member from his party, he will continue to be a member of that party and will continue to be governed by the Party Whip. Only after talks in your chamber in the evening yesterday I came to know that even after his expulsion the member will continue to be the member of the party of which he was a member at the time of elections under the Tenth Schedule of the Constitution and he will be disqualified from the membership of the party only when he does not comply with the whip issued to him. I do not challenge this interpretation from the angle that everything can be interpreted in various ways when something is not written. What would be the position of the expelled member is not mentioned in the Tenth Schedule. You predecessors de-

clared them unattached and so denied those parties of the right to issue whip to the expelled member. If you had meant otherwise, then I would like to submit that their contention is fully correct that at the time when four Members were expelled, they as well as their party should have been informed then and there that under the Tenth Schedule they would continue to be the members of the said party and would continue to be governed by the party whip. The party can issue whip to them.

Mr. Speaker, Sir, my submission is, if there had been this situation, these circumstances would not have cropped up today. But, still I would like to tell my those colleagues that if they have any complaint against the Hon. Speaker, there is no procedure to express their complaint other than to bring a Motion of removal. The manner which you have adopted today is not proper to express your complaints. It is a contempt of the office of Speaker as well as that of the Parliament (*Interruptions*) Therefore, no such step should be taken by either side as may insult the post of Speaker since it will tend to contempt of the Parliament. This is my humble submission.

I would like to submit that if these our colleagues are ready to bring a Privilege Motion, then we can have an opportunity to discuss it and moreover it should be discussed. But we should try to solve this problem through the discussion. (*Interruptions*)

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, before the discussion is started, I would like to request the Members who are sitting here to resume their respective seats. (*Interruptions*). Now the discussion has started, please resume your seats...(*Interruptions*)

SHRI BASUDEB ACHARIA: First kindly listen to our points....(*Interruptions*)

MR. SPEAKER: First I will speak, then I will give you chance to speak. Yesterday I had also said to you to come to my chamber and you yourself or through your lawyer can put your views. Whatever you want to comment on the law or whatever you want to say against me or in favour of me. You can say in my chamber. If the right to decide to schedules is conferred on the Speaker then it is not decided in the House. If you want to decide this issue in the House, I had invited you but you did not come. I had also sent a message to you through Shri Ghulam Nabi Azad. If you want to hold a discussion on this issue even in the House. I am prepared for it also.

Secondly some members are of the opinion that such discussion neither is discussed in the House in this way nor it should be done so. I did not insist on it. I had invited you yesterday and had made you understand it for having a four hour discussion.

If you want to discuss that issue in the House today then according to the provisions of the constitution you will have to give an advance notice for 14 days but I am already to waive this condition. You can move a No-confidence Motion against the Speaker. I quit the Chair and, let the Deputy Speaker conduct the proceedings and then you can complete the discussion. I do not like to hold a discussion on the Motion of breach of Privilege brought against you. I would like that you should bring a Breach of Privilege Motion against the Speaker but I do not want to have a discussion on the motion against you. I am prepared to admit the motion and I will aside. The Deputy Speaker may preside over the proceedings and I can make you understand from there, but I cannot make you understand by sitting here as to what is the meaning of those provisions of the Constitution and as to what is the meaning of the right of your party. There is no provision in the constitution for expelling a Member, but it is very surprising that the

Constitution of your party allows to expel the elected Member. You can expel 32 Members at a time without giving any notice and you want to continue this tradition. But whatever I said is also not final.

(Interruptions)

MR. SPEAKER: Whatever I said is also not final.

(Interruptions)

MR. SPEAKER: You will have to listen. Please sit down.

(Interruptions)

[English]

MR. SPEAKER: You sit down. You have to sit down. I am not going to be shut out. You have to hear me. I will give you a chance. I have said that I will myself admit the Motion of No-Confidence against the Speaker. Give a Motion, I admit it. I will come and sit there and I will explain to you from there. You do not expect me to explain from here. If you want any explanation from me, you come to my chamber with a lawyer and I will explain to you, and if you want explanation from me I will come and explain from there. You cannot bamboozle me like that.

(Interruptions)

SHRI BASUDEB ACHARIA(Bankura): How can you challenge the action of the party? *(Interruptions)*

MR. SPEAKER: Shri Basudeb Acharia, you are speaking without understanding. I have said, if you want to criticize the Speaker, give a No-Confidence Motion, I will sit and speak from there. Let the Deputy Speaker come here and sit here. You convince me or

I will convince you. You cannot have double standards like that.

SHRIBASUDEB ACHARIA: You should follow the conventions of this House also...*(Interruptions)*

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, the Leader of the Opposition Shri Advaniji has raised a very vital issue and has also tried to calm the agitated House. He has stated a very simple thing. As per your views that even if a political party expels its member/members, he/she/they are considered to be the member/members of the same party in your opinion.

MR. SPEAKER: Yes.

SHRI RAM VILAS PASWAN: I think this issue does not relate only to Janata Dal, but it relates to all the parties also. It is a question mark before the Congress or all the persons who believe in party system that if any political party expels its Member from the party will he be treated as a Member of the very same party in Lok Sabha?

MR. SPEAKER: Yes, Yes.

SHRI RAM VILAS PASWAN: You said that he would be treated as a Member of that party and we say that he will not be treated so.

MR. SPEAKER: If I am wrong, you may move the Supreme Court.

(Interruptions)

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): This has absolutely no reference to a political party. *(Interruptions)*

SHRI LAL K. ADVANI: When the Anti-Defection Law was framed, the original law, we were invited by the Prime Minister..

(Interruptions)

In 1985 when Prime Minister Rajiv Gandhi invited the representatives of the Opposition to discuss the draft Anti-Defection Bill with him, I remember that the original draft included a provision in the definition of "defection" that if a Member is expelled from the party, then too, he would be deemed a defector and he would cease to be a Member. But some of us opposed that provision and we said that today political parties very often take actions arbitrarily without going through a procedure and it would be unfair that a Member of Parliament elected by more than a million people gets arbitrarily removed from Parliament simply by this expulsion.

Therefore, Prime Minister Rajiv Gandhi agreed and he dropped that provision. He included in the definition of defection only "if a person voluntarily quits the party, or secondly if he disregards the whip, violates the whip without the permission of the party". These are the only two touchstones on the basis of which a person can be deemed a defector.

Subsequent to that, in the operation of Schedule X there have been cases where people who have been expelled by the party continued to be Members of the party but the Speaker has regarded them as 'unattached'. They have been declared 'unattached'. Shri K.P. Unnikrishnan was declared as unattached, Shri Vishwanath Pratap Sing also, perhaps, was declared unattached firstly. All those things had happened. Therefore, what I said was that not you interpretation was wrong, or question it. I do not question that. There is scope for having the interpretation. But I said that in fairness to the House

which has before it the ruling of Shri Balram Jakhar, the ruling of Shri Rabi Ray, in fairness to the Members who have been expelled by the party rightly or wrongly, I am not concerned- in fairness to the party which has expelled them, they should be told that your interpretation of the Tenth Schedule is that even though the party has expelled those four Members, they will continue to be Members of the Janatâ Dal so far as the Tenth Schedule is concerned. If that had happened, I am sure, that yesterday's and today's problem would not have arisen.

SHRI SRIKANTA JENA: Very good.

SHRI LAL K. ADVANI: My only submission is that while you have the right to frame your ruling if you regard that the earlier ruling was wrong, and there are advantages in what you are proposing, but those advantages when they are sprung upon the House in this manner this kind of situation is bound to arise. Therefore, a way should be found in which they should have been given the due notice, etc., and an early decision on the problems pending before you would help resolve the situation.

Therefore, it is not that anyone is- at least, not I, I am not questioning your interpretation of the Tenth Schedule, because the Tenth Schedule does not deal with expulsions at all. The Tenth Schedule deals only with this, that the person is elected, informs you that " I have been elected by such and such party and the definition of defection confines itself to voluntarily quitting the party and violating the whip. There is no mention of expulsion. But the fact that your two predecessors have given an interpretation- I cannot blame them if they proceeded on the assumption that that is the word, that is the last word- and it is therefore natural that they feel agitated about it, through their agitation, I would again submit should have found expression in a better manner and not in this manner. *(Interruptions)*

MR. SPEAKER: I will allow you. Now, I just want to seek sense of the House. Do you want to discuss this issue?

SHRI BASUDEB ACHARIA (Bankura):
First you listen to us..(Interruptions)

MR. SPEAKER: I think that the Members do want to express their views and it is in the fitness of the things that I allow them to express their views. I will allow them to express their views.

[Translation]

SHRI CHANDRA SHEKHAR(Ballia):
Mr. Speaker, Sir, I will not talk about the justification of this issue. The hon. leader of the opposition has referred to the traditions and conditions and I want to remind those traditions to the leader of the Opposition. Two former Speakers had taken the decision. He has a complaint that the Members were not informed about the decision of the former Speakers. I am trying to remind the leaders of the Opposition that when the former Speaker unattached 62 Members, nobody was informed of the decision...

At that time a number of people including me did not agree with that ruling. But the leaders of the then opposition and all of my friends from this side asserted that regarding the Defection law, the power and the decision of the hon. Speaker is final. It has also been the tradition of the House. Irrespective of my reservations regarding the ruling given by the then hon. Speaker, I did not say anything in the House, though I was holding the office of the Prime Minister. The hon. Members sitting on this side had said with one voice that the decision of the hon. Speaker should be unanimously accepted. I did not understand as to how far the limit of progressiveness will go. It is a matter of surprise that 18 months before, the hon. Speaker was above all but after 18 months the office of the hon. Speaker has been got,

downgraded that none is ready to listen to him. There can be complaints against the hon. Speaker. As Advaniji had said that any hon. Member or any party has the right to bring no confidence motion against the Speaker. But insulting the Speaker and disgracing the chair without bringing a no confidence motion against the hon. Speaker is not proper. It is my opinion that the ruling given by the former Speakers were not correct and neither at that time I agree to the rulings of the former Speakers and nor today I agree to those ruling of former hon. Speakers. I understand that those were partisan rulings. But it is the duty of every hon Member to maintain the dignity of the Speaker and to abide by the ruling of the Speaker in the House. That is why, I had agreed to their rulings at that time. These who cry in the name of morality and the tradition of the House should peep into their own past..(Interruptions) It is totally improper that whenever you feel inconvenience or whenever the leadership is at stake, you expel some of you members. This is the common tradition and demand of the political morality that in case a member does not want to remain in your party, this fact, you accept gracefully...(Interruptions) It is a heinous political crime to cry for parliamentary tradition with a view to save your chair or the leadership for a couple of days. The Parliament is to be saved from this crime...(Interruptions)

SHRI HARI KISHORE SINGH (Sheohar):.....(Interruptions) It is not for the first time that the Mahabharat is going on....(Interruptions) Bheeshma Pitamaha was sitting in the court of Dhrithrashtra.(Interruptions) At the time of disrobing of Drapadi, Bheeshma Pitamaha kept sitting tight lipped and Shri Chandra Shekharji is also following the same tradition..(Interruptions). Now he has stood up for that only. I would like to make a humble submission that he had shown his disagreement with the rulings of the two

former Speakers. I would like to know his opinion about your ruling, Whether it is right or wrong...*(Interruptions)* When the mind of the aged persons stop functioning, then they listen only to shouting. I beg pardon for it. Today they are talking about traditions, my submission is that the leader of our party Shri Vishwanath Pratap Singhji...*(Interruptions)* but I am ready to accept Mamta Banerjee as my leader..*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCES DEVELOPMENT (KUMARI MAMTA BANERJEE): I am not ready to go on that side, you may come to this side.

SHRI RAM NAIK: An open call is being given here for defection, it should not be like this...*(Interruptions)*

SHRI HARI KISHORE SINGH: The leader of our Parliamentary Party had sent the names of four members of our party who follow the Party whip on No- confidence motion. You have postponed various principles of Political Science when the matter was being discussed. I have also been a student of political science and it appears that I will again have to read Aristotle and Plato, now. I am ready for it. This Parliament is a prestigious institution. I am ready to learn no matter the teacher is Kumari Mamata Banarjee or Shri Gulam Nabi Azad. I would like you to give ruling on it. What is your ruling, morality demands...

MR. SPEAKER: I ask a question, please give reply to it....

SHRI HARI KISHORE SINGH: The leader of the opposition Shri Advani has referred to the conventions set and rulings given by the former Speakers. What have you to say in that respect?

MR. SPEAKER: You may please clarify one thing to me. It will facilitate other Mem-

bers to speak. You may please tell me whether the Proceedings of the House will have to be regulated in accordance with the constitution of your party or the Constitution of India?

SHRI RAM VILAS PASWAN (Rosera): it will have to follow both.

SHRI HARI KISHORE SINGH: It will have to follow both.

SHRI ATAL BIHARI VAJPAYEE (Lucknow): You have asked a very tedious question...

MR. SPEAKER: Atalji, you do not know the background.

SHRI ATAL BIHARI VAJPAYEE: Do not keep the constitution of the country and the constitution of a party at the same level.

MR. SPEAKER: You will also have to give reply to my question.....

SHRI ATAL BIHARI VAJPAYEE: I will.

MR. SPEAKER: I would like to know whether the matter in regard to the expulsion of a member from the House, or restricting his right to sit in the House or reducing the number of Members of a Party will be decided under the provisions of Constitution or by the Party concerned.

SHRI ATAL BIHARI VAJPAYEE: Mr. speaker, Sir, these are the problems which have already been discussed and will be discussed in future also. The decision will have to be taken in the perspective of the present Anti- Defection Act..

MR. SPEAKER: I am saying the same thing.

SHRI ATAL BIHARI VAJPAYEE: My submission is that we should avoid a situ-

ation where the constitution of the country and that of a party clash with each other. The House will work in accordance with the Constitution of the country; we belong to different political parties, these will work according to their own fixed norms, there is no question of clash between the two.

MR. SPEAKER: I do agree, Vajpayeeji, I am very thankful to you.

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, just now Shri Advani has pointed out one thing in particular that had you given this interpretation regarding the continuance of the membership at the time when you were informed by Janata Dal about their expulsion and when separate sitting arrangements were made, by you, it would have been...

MR. SPEAKER: I have not used the word 'un-attached' in my ruling; rather I used the words sitting separately; you would have asked as to why I had done so?

SHRI NITISH KUMAR: This situation would not have arisen. But you supported Shri Advani and used the word 'sitting separately' instead of the word 'unattached'. Since the previous two speakers had used the word 'unattached', nobody had even dreamt that you would deviate and use the word sitting separately.

MR. SPEAKER: That is not my responsibility.

SHRI NITISH KUMAR: It would be a separate matter for analysis. Shri Chandra Shekhar, as per his nature, has asked a question in the same context. He gives a new angle to every question, I respect him. He was stated this.

MR. SPEAKER: The discussion is not on his speech, but on something else. Nitish Kumarji, leave him.

SHRI NITISH KUMAR: You have also heard him. You please give reply to it. But let me conclude first. If at all there is anything to reply, you must reply. I would like to learn from you. He has said that 25 Members were declared unattached. But when these Members were declared unattached, the Presiding Officer had rectified it is his final ruling. He had rectified it...

MR. SPEAKER: Actually, it was rectified in the final ruling.

SHRI NITISH KUMAR: He rectified it in the final ruling and when final ruling is taken there is no meaning in having a discussion on the previous ruling. Only the final ruling and not any other ruling can be quoted. Whether good or bad, their Government had come to power, and it was secure till then. Mr. Speaker, Sir, if the previous Presiding Officer had taken the similar decision as you had taken earlier..

[English]

MR. SPEAKER: Ignorance of law is no excuse. This is the basic principle of law.

[Translation]

SHRI NITISH KUMAR: Sir, please let me conclude. I would not take much time. If the then Presiding Officer Shri Rabi Ray had given the same interpretation which you have given today in the context of the Tenth Schedule of the Constitution, then Shri Chandra Shekhar would have been in the purview of the whip of Shri Vishwanath Pratap Singh at that time and not have become the Prime Minister, thus creating a contradictory situation. Imagine, had he given the similar ruling as you have given, would Shri Chandra Shekhar have become the Prime Minister? He would have still been remained under the whip of Shri Vishwanath Pratap Singh. This would have certainly created a

peculiar situation. Therefore, I would request you that in this context...

MR. SPEAKER: If one-third of the Members defect, then there is no need to obey the Whip. Therefore, I would urge that

SHRI NITISH KUMAR: I am coming to your point. I would like you to clarify the things in this regard too. I would like to get information from you and thus add to my knowledge. We would also like to know as to what have been Shri Chandra Shekhar's position at that time.

MR. SPEAKER: I have already told that whip is not applicable to one third strength of the Members.

SHRI NITISH KUMAR: But I would like to submit to you that you have given the decision. Whip was issued to all the Members of my party, but it was violated at the time of No Confidence Motion, the Members were asked to give an explanation. But the reply was not satisfactory and the members were not condoned rather a petition was filed with you to expel them. The interpretation you gave in your Chamber and here in the House indicates that immediate decision should have been taken in this respect.

MR. SPEAKER: How can it be immediately. Yesterday, you gave me a petition to cancel their membership, how can I give the decision today itself? This is the only matter in regard to which High Court and Supreme Court Council reject the case as it is against the law of natural Justice..

SHRI NITISH KUMAR: You must do it. But was whip issued at that time or not? If so, whether they obeyed it or not?

I want to get just these two points clarified, because they are in the record..

MR. SPEAKER: I will listen to those Members against whom you have submitted a petition.

SHRI NITISH KUMAR : You must.....

MR. SPEAKER: How can I take decision without hearing them.

[English]

SHRI NITISH KUMAR: You may pay more attention to them, but please decide the matter only in accordance with your own point of view. You said that if they violate the whip....

they will be thrown out, they will be disqualified.

[Translation]

Mr. Speaker, Sir, what risk do you find if you decide the matter under the same Rule.

MR. SPEAKER: I do not know the risk involved. But will you teach me law? I may have risk in both the ways..

SHRI NITISH KUMAR: Mr. Speaker, Sir, I would conclude my submission in two sentences. The number of Members who joined Janata Dal under this rule is 20. We have submitted a petition against them. Today they are the Members of Janata Dal, tomorrow they may claim split and the risk is that the split would be acceptable if the number of defectors is 1/3 of the total Members. This is the risk involved in it.

MR. SPEAKER: Have they obeyed the whip issued to them or not? You may expel them; the risk is involved in both the ways..

SHRI NITISH KUMAR: They were asked to do so, but they did not obey the order.

MR. SPEAKER: Therefore, we do not discuss such issues in the House. If I had

shown you the documents and had let you know the ruling of the Supreme Court, you would have understood that petitions cannot be decided within two days. When the Supreme Court takes 4 years or so in settling the cases then will you not give us even a month's time to decide the case?

SHRI NITISH KUMAR: First let them present their argument. However, we are in favour of the speedy settlement of the issue because from the latest interpretation of yours it appears that any hon. Member is free to join any party. Even if Kumari Mamta Banarjee moves over to this side we will continue to be a Congress Member. Therefore, this has created a peculiar situation and posed a threat to the party system. In the end I would like to make one more submission.

MR. SPEAKER: You confine yourself to the legal aspect.

SHRI NITISH KUMAR: Subsequent to your query that what should be the basis for conducting the House-constitution of a party or the Constitution of India - I would like to humbly submit that political parties will function as per their own constitutions and if their constitutions at any stage clash with the Constitution of India then the Supreme Court will strike these constitutions down. But at present the party system is in vogue in the country. There is no reference to the political parties anywhere in the Constitution except in the 10th schedule of the Constitution. There is no mention anywhere, but the majority party is invited to form the Government. What is all this convention? Parties will continue to function under their own Constitution if their constitutions are not at variance with the provisions of the Constitution of India. That is why these can not be at variance with each other. There is no mention of it in the Constitution of India. During the discussion it cropped up that on expulsion Members are free to join any party but no such provision was originally made.

MR. SPEAKER: That's why I am also treating it a case of expulsion.

SHRI NITISH KUMAR: This means parties are in a position to expel them. Therefore, there should be clear cut decision in regard to the status of the expelled Members and not the ambiguous one that they will continue to be the Members of the original party. However, this is natural. It is unjustified to issue whip to the expelled Members.

MR. SPEAKER: I would like to quote to you my judgement so that nothing is quoted out of context. I have explained in my judgement as to what is the difference between crossing the floor by the Members of their own accord and the expulsion of Members by the respective parties. You are requested to make your stand clear on these two aspects. Only after listening to your viewpoint. I will decide the issue. I have given you an opportunity to put forth your viewpoint.

SHRI AJIT SINGH (Baghpat): Mr. Speaker, Sir, it had been a convention that no notice is taken of the developments taking place in the parties outside the House by the Chair. You have also said the same thing. I would like to just speak on the point raised by Shri Advani. It is the general view that the 10th schedule can be interpreted differently by different people. However, there are words such as 'unattached and or 'independent' in the 10th schedule. I have been elected by the people of my constituency on the symbol and manifesto of my party, but no party president has any right to disqualify me from the membership. I do not want to say anything about the party constitution which is not followed by even the party President himself. I would like to submit in response to the point raised by Shri Advani, that the ruling regarding our status should have been communicated to them, that we are not 'unattached' Members, but we are

very much Members of the party. So the party is welcome to issue whip. Shri V.P. Singh has written letters to the expelled Members. But in the letter written by Hon. Speaker we have not been called as 'unattached' Members. Hon. Speaker has stated in his letter that we are being provided separate seats for functioning in the House. They are seeking clarifications, because they are not aware of the contents of the letter. Anytime, they can go and check in the Hon. Speaker's secretariat that against the total Membership of Janata Dal - 59 Members have been shown even today. This is ignorance of law because if they have not read the letters then it is neither ours nor Hon. Speaker's responsibility. It is too their domain if they are shy of issuing whip to us under the party's constitution. They are free not to treat us as their party's members and not to issue whip to us in the House though as per the law we are Members of that Party... (*Interruptions*).. I have not heard the point of the hon. Member clearly and also do not want to discuss all the issues here in the House.

12.00 hrs

SHRI LAL K. ADVANI and many other members content that it is the discretion of the Speaker as to how he interprets the provisions of the Tenth Schedule. This can be discussed. He has stated that it can be discussed. He has suggested that if Shri Hari Kishore Singh had desired he would have discussed it with me in the presence of the Speaker. But he wants only to make noise in the House and he does not want to discuss it sitting together... (*Interruptions*)

SHRI HARI KISHORE SINGH: I concede that he has natural right to defect. I request the Government to abolish this Tenth Schedule and then he will not be required to spend Rs. 10 crores on it.

SHRI AJIT SINGH: I want to state one

thing more that today all democratic institutions are facing threat to their very existence because had they criticised speaker's decision on legal basis, it would have been right, but the manner in which they have attacked the institution of the Speaker that has a threat to the existence of this very institution. Thus democratic institutions are facing threat to their existence today I would like to appeal to the Members of Janata Dal... (*Interruptions*)

SHRI MOHAMMAD ALI ASHRAF FATMI (Darbhanga): You are also in the Janata Dal.

SHRI AJIT SINGH: We are in the Janata Dal, but I am telling all of you that if you want that your party should continue to exist in any technical manner, you should understand what Shri Nitish Kumar was saying about a political party. A political party functions according to the character and policies of its leader. As Shri Paswan often says that a party functions on the basis of the intention and policies of its leader, but if you think that you can force 20 Members to accept your leadership by making hue and cry, there you are mistaken.

[*English*]

MR. SPEKAR: Mr. Ram Vilas Paswan.

SHRI VIJAY NAVAL PATIL (Erandol): Sir, we are also here. please hear us.

MR. SPEAKER: I will allow you.

[*Translation*]

You can reply later on.

(*Interruptions*)

MR. SPEAKER: I will allow one of you.

(Interruptions)

MR. SPEAKER: I will allow all of you to speak.

[Translation]

SHRI RAM VILAS PASWAN (Rosera): Mr. speaker, Sir, I will not go in details. I want to draw the attention of the House to only those points which have been raised here. You said one thing about the unattached and separate members and my colleagues have also raised it. I do not want to refer anybody's name, but it is a collective issue to which I want to draw your attention. Perhaps you might be knowing that Shri V.P. Singh has given you in writing about four members and requested to provide separate seats to them because they have been expelled from the Janata Dal by the Party President Shri S.R Bommai. It is true that after the expulsion from a party a member does not lose his membership of the House. He continues to be an hon. Member of the House. Virtually he is separated from the party only and becomes an independent member.

MR. SPEAKER: I talked of one third strength of the group. You have expelled them from the party you can.

SHRI RAM VILAS PASWAN: We want that you should hold some talk with us.
(Interruptions)

MR SPEAKER: Shri Jena, I would give a time later on. Now you sit down Please.

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Sir, I want to draw your attention to this. Some one in the Treasury Benches is going to the official gallery and talking to the officials there. *(Interruptions)*

[Translation]

SHRI RAM VILAS PASWAN: I want to state that when Shri V.P. Singh gave you in writing.

SHRI LAKSHMI NARAIAN MANI TRIPATHI (Kaiserganj): Mr. Speaker Sir, we want to present certain problems of our constituency, but they want to waster the whole time of this House in their disputes only. Yesterday, they waste the whole day of the House and they are doing the same thing today. Perhaps they do not know that a heavy amount is spent to run the House.
(Interruptions)

SHRI RAM VILAS PASWAN: When Shri V.P. Singh expelled four members from his party and informed you about that you responded to the expulsion to Shri V.P. Singh in writing that separate seats have been provided to them in the House. Whenever a leader of a party expels any member from the party be it a,b,c, or d party and the speaker gives his ruling that the expelled member will sit outside of the party or to the side of congress party...

MR. SPEAKER: Please listen to me for a minute, look, I have written this in my judgement, I am going to tell you that judgement.

SHRI RAM VILAS PASWAN: I have the copy of the judgement with me.

MR. SPEAKER: If you listen to me, you will find answer to your question.

Now please listen to me. I am saying it to all of you.

[English]

" What is the implication of expelling a Member from his Party? Does the

expulsion affect his status as a Member in the Lok Sabha? Can it in any way make him more liable and less equal with respect to the provisions of the Tenth Schedule of the Indian Constitution?"

[Translation]

Thereafter, I have said that you have to decide the point referred to therein. In para 40 of the judgement, it has been written. I have not given the final judgement. I have given you an opportunity to speak only.

[English]

"What is the legal implication of their sitting separately at the instance of the Leader of the Party or at their own instance in groups of fours or in a group of twenty is to be clearly determined."

You have to tell me. I have not taken any final decision.

[Translation]

SHRI RAM VILAS PASWAN: All right. I am coming to that very point, sir. I was saying that you had written in your reply to the leader that separate seats have been allotted to 4 members. In that situation we assume and everybody can assume, as has been said by Shri Advani, if Shri V.P. Singh or Shri Unnikrishnan is expelled, then how can a party issue its whip to a member whom it has already expelled from the party for six years.

MR. SPEAKER: What do you understand? Is it not my responsibility?

SHRI RAM VILAS PASWAN: I want to say that both should be made responsible and if not now, then let it be later on.

[English]

MR. SPEAKER: Ignorance of law is no excuse.

[Translation]

SHRI RAM VILAS PASWAN: The second thing that I want to say is that Shri Ajit Singh had not said anything at any stage about the splitting of 20 members who joined him later on. He asked you to arrange for separate seats for them because they were not pulling on well with Shri. V.P. Singh and they had not faith in his ideology. You agreed with them and provided separate seats for 20 members including the group of four and those who had joined Shri Ajit Singh in December. You told them that they could change their seats. The seats of Shri Nitish Kumar and some other members also got changed and you say that.....

[English]

they are in Janata Dal.

[Translation]

I want to know from you that suppose if Shri Arjun Singh in the Congress Party (Interruptions)

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI M.L. FOTEDAR): All this can happen in the Janata Dal only. It behoves you alone.

MR. SPEAKER: Shri Paswan, I want only legal arguments and not political ones.

(Interruptions)

[English]

MR. SPEAKER: I want Constitutional interpretation.

[Translation]

SHRIRAM VILAS PASWAN: Sir, I have a basic question. Suppose, tomorrow a member of Congress party, or that of B.J.P. or of any other party says that he wants a separate seat...*(Interruptions)*

[English]

MR. SPEAKER: I cannot reply to your political question; I can reply to your legal question.

[Translation]

SHRI RAM VILAS PASWAN: This is not a political question. If 10 or 5 members of a Party come to you and say that they do not have faith in the leadership of their party or they have finding it difficult to adjust themselves with that party, will you allot separate seats to them? Since neither Shri Ajiti Singh nor the others who joined him later on have given in writing that they have split the Party, therefore, please allot separate seats to them. He has said....

MR. SPEAKER: Do you mean to say that at your request, I can allot separate seats to four persons and not to others?

SHRI RAM VILAS PASWAN: No, no. We want to say that the persons to whom you have allotted separate seats had defected from the party.

MR. SPEAKER: What do you mean?

SHRI RAM VILAS PASWAN: Sir, the judgement that you have given will encourage defection. If a group of four persons tells you that it has left the Party and demands separate seats for it and assures you that it will form 1/3rd of the Party in near future and in this sequence it claims after two years that they have now become the 1/3 of the party

from which they had defected earlier then will you has been that a new block formed? This is not good for the democracy. You want that Anti Defection law should continue, But horse-trading of members is going on. Members are being sold and purchased for Rs. 50 lakh or 1 crore. It would be better if this law is abolished and whatever a member will get after deserting a party that will be his own. Therefore, it is fundamental issue. We have read the views of Shri Rabi Ray and of other colleagues regarding the members who have deserted their party for ever. Had Shri Ajit Singh approached you with the plea that he had one-third of the members with him and the Janata Dal was trying to prevent the split, I think, then your this decision would have been right. But Shri Ajit Singh had not said at any stage that he had the one-third members with him. Recently four members have been disqualified and you have been requested to disqualify them. Now there have left 12 members. 12 and 4 are 16. Had there been 20 members, you might have argued that their statement is correct. But only 16 members came to see you, and you manipulated to add 4 more members. After adding them you say that you are providing separate seats for them which is also the intention of our colleagues. You have raised certain basic issues.

MR. SPEAKER: Shri Paswan, Shri Ajit Singh has not asked for split under the anti-defection law, but in your written statement you have written about anti-defection law only.

SHRI RAM VILAS PASWAN: My question is different...*(Interruptions)* I have raised the issue that if a member requests you to allot a separate seat, will you do so? I take you with high esteem. But you have given an interim order. I request you to give the final order so that defection could be checked at least in future.

[English]

MR. SPEAKER: You cannot pressurise me for orders like this.

SHRI RAM VILAS PASWAN: I am not pressurising you.

[Translation]

But I would like to request that you should not take any action which may encourage defection. (Interruptions)

SHRI DATTA MEGHE (Nagpur): Mr. Speaker, Sir, I am on a point of order. You have already given your judgement on the subject being raised by Shri Paswan just now. Shri Paswan was talking about your judgement. It is not proper to speak the Chair like this.

MR. SPEAKER: Many things have been said about the Chair. Much more has been said earlier.

(Interruptions)

SHRI DATTA MEGHE: Therefore, I gave a notice for the Privilege Motion. What have you decided about that?

MR. SPEAKER: I will look into the Privilege Motion later on.

[English]

SHRI PAWANKUMAR BANSAL (Chandigarh): Mr. Speaker, Sir, under Rule 4 of the Members of Lok Sabha (Disqualification of Ground on Defection) Rules, 1985, every Member has to furnish *inter alia* to the Secretary-General, a statement of particulars and declaration as in Form III. Further under sub-rule (2) of Rule 5, "the information

in relation to each member shall be recorded on a separate page in the Register."

For this purpose, I very briefly refer to two sentences mentioned in the Form. He files a declaration as to the party date of affiliation on election i.e., the political party to which he belongs. He further gives a declaration that in the event of any change in the information given above, he undertakes to intimate the Speaker immediately.

In Form IV, if you refer to columns 7 and 8, Column 7 refers to name of political party to which he belongs. Column 8 is about the name of legislature party to which he belongs.

In my humble manner, I will try to answer the question which you posed. If any political party ever suspends or expels any Member who is an elected member of any House of Parliament or of a State Legislature, my submission is that *prima facie* it does not affect his status as a member of that legislature or parliamentary party as such because tenth schedule does not provide for this and he has not furnished information to that effect to the Speaker or to the Secretary General. As the concerned Member does not furnish that information, no change can be brought about in the Register which is maintained by the Secretary-General. As long as that change is not brought about he continues to remain a member of that parliamentary party or legislature party for which he has signed the declaration.

Admittedly, in this case the four hon. Members to whom separately seats were allotted earlier and the four hon. Members to whom separate seats were allotted thereafter, did not furnish any such information to you and information furnished by anybody other than those concerned Members, is of no relevance. That is my humble submission and, as such, those Members continue to remain Members of that political party.

Under Rule 4 of the Rules of Procedure and Conduct of Business in Lok Sabha, it is only the Speaker who allots a seat to any Member in the House. That is the prerogative of the Speaker. If on a petition, on an application, filed by some Members to the Speaker, the Speaker allots them individual seats without deciding upon any other matter, that cannot be challenged by us and this brings me to the final point as to the rationale of allotting separate seats. If my presumption, my information, is correct, these hon. Members wanted separate seats. They are not claiming separation. That is accepted by Shri Ram Vilas Paswan also. The question of anti-Defection law does not arise. They wanted separate seats to avoid some unseemly situation, some unpleasantness, in the House and it is only an interim decision taken by you. Here I would like to say that whenever the question of interpretation of the provisions of anti-Defection law arises it becomes the bounden duty of the Speaker to see that nobody endeavours to circumvent the provisions of law.

The anti-Defection law postulates and accepts one provision. That is, if one-third of the Members of the Party want to split, they will not attract the provisions of the anti-Defection law. Our hon. friends at one time were expressing different opinions about it. They, at that time, accepted the provisions, but subsequently challenged it. Today they involve...

MR. SPEAKER: Please do not rake up the thing. Let us reduce the agony.

SHRI PAWAN KUMAR BANSAL: Sir, I would submit that if any Party wants to circumvent the re-provisions by expelling four Members at a time, I suppose the Speaker has to exercise the jurisdiction and decide the case on the merits as represented before him. In this case, the facts have not been brought before you and till

then the allocation of separate seats is perfectly legitimate.

SHRI SRIKANTA JENA: I was under the impression that you are supporting our view. You are not supporting our view.

MR. SPEAKER: You are alleging against everybody. You are not sparing anybody at all.

SHRI VIJAY NAVAL PATIL(Erandol): Twenty people have been expelled from your Party.

SHRI DEBI PROSAD PAL(Calcutta North West): The manner in which the proceedings started yesterday are very unfortunate. Some of the Members in this House have expressly observed that this high office is being denigrated by you. Some members have observed that this office has become a tool of the Government. But this is not the way in which the Members of this House should behave. This is not the way to behave properly and responsibly.

Now what has happened here? The Hon. Speaker has taken an interim decision. Under what circumstances? We are not going into the propriety of the action. That will be debated in a different way. Some of the Members are alleged to have been expelled by a political party. Now if the political party expels the Member, that does not automatically disentitle his Membership of this august House. As Shri Lal K. Advani has rightly pointed out under Rule 3 of the Tenth Schedule, there are two circumstances under which a person may be disqualified. Either he voluntarily quits the political party which he represents, or he has disobeyed the whip of his political party without any reason.

Now, if a political party expels a Member, that does not automatically or *ipso facto* mean that he has ceased to be a Member of

this House. The expulsion may be for different reasons. If arbitrarily a person is expelled from his political party and if the Speaker has to decide whether it is in accordance with the law or not, then the matter has to be gone into. The hon. Speaker has made it clear that it has to be probed in depth and then a final decision has to be taken. But until a final decision is taken, these persons have not ceased to be Members of this House. If that is so, then they must be allotted some seats in the House. You cannot say that they will have no seats; they will have no allocation of seats in this House. It is a prerogative of the Speaker. If the Speaker has taken this decision, as an interim measure, but until a final decision is taken in this matter, there is nothing wrong in that decision. In any event, we are not questioning at the present moment the propriety of the decision of the hon. Speaker. This we must not forget. (Interruptions) The Constitutional democracy has given rights to the members. But at the same time the dignity of the Office of the Speaker is to be preserved. The way in which some of the Members have behaved, it is not only an insult to this House but also it is a breach of privilege. By making disparaging remarks the highest Office of this House, you are committing a breach of privilege; you are committing contempt..(Interruptions) Yes, we have given a notice..(Interruptions)

SHRI HARI KISHORE SINGH: Kindly move your motion. (Interruptions)

DR. DEBI PROSAD PAL: The way in which it has been done, really speaking, is an insult to this House. If the Constitutional democracy is to function properly, we must have to respect the decision of the hon. Speaker. There are different way how you can express your grievances and also ventilate the grievances. You can express how you feel aggrieved...(Interruptions) But it is not a correct ways to make disparaging remarks, degrading remarks against the high

Office of the hon. Speaker. What are we doing? We are degrading ourselves; we have denigrating ourselves and this august House. Every Member has got a collective and individual obligation, responsibility to maintain and preserve the dignity of the House. We are now discussing the decision of the Speaker which has been given. We have got to obey it. We cannot make this sort of a disparaging remark. The hon. Speaker represents the high office, the highest Office of this House. If anybody makes this sort of a disparaging remark, then he is really degrading this august Body. We have already given a notice saying that the Members who have made these disparaging remarks have committed a breach of privilege. We have already given a notice of breach of privilege. I will request you to allow us to move that motion. (Interruptions)

MR. SPEAKER: Please spare us from the agony of just prolonging this discussion. Please understand the implications.

(Interruptions)

DR. KARTIKESWAR PATRA (Balasore): Sir, I am on a point of order.

MR. SPEAKER: What is your point of order?

DR. KARTIKESWAR PATRA: His goodness the hon. Speaker has allowed this discussion in this House. The matter is *sub-judice* in the hon. Speaker's Court ...(Interruptions) Yes, that is a fact. It is the prerogative of the Speaker that you will give a judgement in this matter. During the discussion if any aspersion is cast on the Chair, on the Speaker, we cannot tolerate. We cannot tolerate any aspersion cast on the decision of the Chair.

MR. SPEKAER: This is not a point of order. Please take your seat now. Please help me.

AN HON. MEMBER : It is an interim remark !

MR. SPEAKER: It is a very intelligent remark you are making.

(Interruptions)

SHRI INDRAJIT GUPTA(Midnapore): Mr. Speaker, Sir, whatever views the hon. Members may hold about the attitudes taken by some Members during the last few days, of this unfortunate episode, I think, we should be rather cautious - all of us - in approaching the issue involved because something is now happening which may easily affect any party in this House any day. At the moment, it is affecting one particular party. But what has happened can happen easily to any other party also. Therefore, we should be rather circumspect and cautious in approaching this question. I sincerely hope that nothing will happen which will lead us back as it were to the days when *Aya Ram Gaya Ram* used to be the order of the day and which led ultimately to the legislation of the Anti-Defection Act.

I think, what I heard just now were the arguments that were being made. I am sorry I was a bit late in coming here from some other place. The arguments seems to be over the question of - although everybody says that we cannot question or disobey the ruling, the order even if it is an interim order given by you yet there seems to be some arguments going on about the pros and cons of the question - allotting separate seats to some Members who have sought from you that indulgence. I only want to raise one or two points. The other Members of other parties may not be worried but I am worried about it. We are a small group here, the CPI. Suppose tomorrow, two or three of my Members who are now sitting here behind

me - of course, such a thing will not happen because discipline in our party is rather different - get up and they write to you or go and meet you in the chamber and say, "we do not like Mr. Indrajit Gupta, we do not like his face, we do not like the way he talks, we do not wish to continue to be under his leadership and, therefore, we request you to allot us some separate seats away from the CPI block of seats." what is to be done? I find that in the letter which was addressed to you, Sir, by some twenty hon. Members. I have got a copy of that letter here which was received, it is said: "At 10.30 a.m. on the 7th of August, we the undersigned members of Lok Sabha," there are twenty names here, "who were elected on the Janata Dal ticket to the Lok Sabha herewith give notice that we have fundamental differences with Shri V.P. Singh, the present leader of the parliamentary party on the question of safeguarding secularism and combatting communalism, "that means, they have some political differences." Shri V.P. Singh holds his personal likes and dislikes above the principles of social justice and secularism." This is the explanation what I read out just now. It further reads, "therefore, we want to sit separately in the House." In every party...

SHRI PAWAN KUMAR BANSAL (Chandigarh): You please read it further.

SHRI INDRAJIT GUPTA: I am coming to that, I will read the whole letter. One thing is agreed in all the parties to a greater or lesser degree, there may be individual Members who have some cause-justified or unjustified - or dissatisfaction with their own leaders or with their own party. Can that be a ground for their asking you to allot to them separate seats in the Lok Sabha?

Then they continue to say, "This is in consequence of a split in the political party and our claim under Para 15 of the Symbols Order to be pressed in an application before the Election Commission that we are the

original Janata Dal." Here I only wish to make two points of facts which I came to know. One was, they did approach the Election Commission under the Symbolic Order asking for the allotment of symbol to them and that was rejected. Secondly Sir, you yourself, I find in your order, have stated not once but at least three times in different places that "It is not at all clear to me what these people are wanting and what exactly is their claim, I could not understand from what they said to me." I may not be quoting your exact wordings because I have not got with me a copy of your order. But this is the substance of what you have said.

Did they say or are they saying even now that they have voluntarily resigned from the Janata Dal? Then, certainly they can say that they want separate seats. They have not said that. Have they said that one-third of the Members of the Janata Dal have defected and, therefore, they are entitled to have a separate group or a party and, therefore, you should give them separate seats? They have not said that.

MR. SPEAKER: Indrajitji, just now I explained this thing to Paswanji. Paswanji asked me: "They have not asked anything under the Tenth Schedule. Why do you decide under the Tenth Schedule?" They have not asked anything under the Tenth Schedule but the written statement given by Janata Dal speaks only about Tenth Schedule.

SHRI INDRAJIT GUPTA: But what you are saying is that you are not able to follow.

MR. SPEAKER: That is why, there is a plaint given by Ajit Singhji's group and there is a written statement given by V.P. Singhji's group. In Ajit Singhji's plaint, there is no mention about the Tenth Schedule; in V.P. Singhji's written statement, everything is about the Tenth Schedule. That is why, I had to say that I am not deciding any issue under

the Tenth Schedule now. I will decide that issue after hearing both the parties.

SHRI INDRAJIT GUPTA: Quite right. I am not repeating either what Shri Ajit Singh says or what Shri V.P. Singh says.

MR. SPEAKER: The question is why did I refer to Tenth Schedule, if it is not mentioned. That is the point. I am explaining that in the written statement nothing but the contents of the Tenth Schedule have been referred to.

SHRI INDRAJIT GUPTA: The point on which I would in fact, be seeking some further clarifications from you...

MR. SPEAKER: I will give all the clarifications. But it is very difficult to give clarifications sitting in this Chair. I can refer to the documents, show you the documents and show you everything. But sitting here, I feel, as if I am in a dock now. The Best course for me would have been to ask the House whether they have a confidence in me or not and then start proceeding because I cannot be sitting here giving the judgement and do both the things.

SHRI INDRAJIT GUPTA: I quite agree that position is very awkward for you.

MR. SPEAKER: That is why, the first thing I would like to ask the House now is that if they have confidence I will hear. Otherwise, I think this is a *de facto* no confidence motion against me if not *de jure*. If they have confidence I will sit here. Otherwise, I will step down and I will ask you to do that. But both the things cannot go together.

SHRI INDRAJIT GUPTA: I do not think that anybody has expressed lack of confidence in you.

[Translation]

SHRI ABDUL GAFOOR: Mr. Speaker, Sir, once somebody spoke a word against Shri Tandanji and Shri Tandan came to the House and offered to step down. Shri Chaudhary Khalikujma and all other leaders called on him and offered their apology. Here so many persons are speaking against you. Why do you not step down?

MR. SPEAKER: You are perfectly right, therefore, I am saying.

[English]

Before you proceed, if you have confidence in the Speaker then there is a proceeding. Otherwise, I will step down now itself.

SEVERAL HON. MEMBERS: No, no Sir.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD): Sir, we have total confidence in you and there is no question of any lack of confidence.

SHRI LAL K. ADVANI (Gandhi Nagar): As far as I can recall, throughout this period that you have been the Speaker of the House, never has any Member expressed any lack of confidence, even not the slightest of it. And, therefore, what happened yesterday might be an unhappy one and I said it publicly and I repeat it today also. And, therefore, this observation by an hon. Member should not be regarded in that way. You yourself offered in the beginning. I have said that if really we feel so aggrieved about it as to question the *bonafides* of the Speaker, may be wrong in his ruling and after all, everyone has his own judgement, has his own interpretation, but I would plead with every hon. Member let us not question the *bona fides* of

this Office because whatever is done is being done in a *bona fide* manner. As I myself have said, I do not fully agree with this interpretation. If this was the interpretation, due notice should have been given. This interpretation is likely to curb one thing that this expulsion device which is being abused by certain parties only to by-pass the split provision will not be used. Similarly Members who want to defy a party, deliberately invite expulsion in order to save themselves from the law of defection. This also will not happen. Because even after expulsion if he is under the whip of the party he will not be given that kind of advantage. So there are advantages in what you want to interpret, though as I said it is a belated interpretation. Therefore my friends here have reasons to be aggrieved about it.

MR. SPEAKER: I really say that Advaniji is trying to create a situation in which fair discussion can take place. Nothing more than that. I am thankful to him for that. I am really in a very awkward position. You can realise my agony also.

SHRI LAL K. ADVANI: That way I would say that the House is entirely in agreement; there is no question about it.

SHRI INDRAJIT GUPTA: What I understood from the observations of the hon. Leader of the Opposition is that he feels that your order, your interpretation is likely to have a beneficial effect on both sides. That is what he has said. It will curb those parties which will...

MR. SPEAKER: Indrajitji, you will excuse my interruption. This is not the final order. I have said that you come and convince me. Supposing you are aggrieved by my order, now the Supreme Court has said that the order of the Speaker is applicable to the Supreme Court, it is justiciable also. But

then I am not saying that. This is not the final order. I have not said that this is the interpretation of this or that. I have said that it has to be finally decided.

I will just read out what I have said. "Para No.40 - What is the legal implication of their sitting separately at the instance of the Leader of the Party, at their own instance in groups of four or in a group of 20 is to be clearly determined." So this is not the final order. I have given an opportunity to the Members to come and explain to me, enlighten me, change my view if I have any. This is not my final order. I can very well see the apprehensions the Members might have or you might have.

SHRI INDRAJIT GUPTA: May I proceed Sir?

MR. SPEAKER: Yes. But my difficulty is, it seems that you have not read everything.

SHRI INDRA JIT GUPTA: I have read it not once, but several times.

MR. SPEAKER: I do not take it because your memory is so sharp that once you read, you remember it also.

SHRI INDRAJIT GUPTA: I will tell you what is puzzling me or confusing me. That is why I am asking you to clear my confusion.

The parliament of India, according to the present system by which we are functioning, is formed on the basis of parties. The political parties are the basis of this Parliamentary democracy which we are functioning in. People are represented here. Except for a very few members who may be independent Members or Unattached Members, an overwhelming majority are people who are representing certain well defined political parties. They have come here as their representatives, as their nominees, as their

candidates. If that is so, I only wish to know from you whether anything can be done or should be done which would undermine this party system or dismantle it in any way. That is the question.

As I said, suppose some Members of my party do not like me and want to go and sit over there, then what happens to the party? Then all parties can be disrupted, fragmented and separated from each other according to that by giving them separate seats or sitting arrangement, although they have not said that they have resigned, although they have not said that they have formed a separate party. Why should they be given separate seats? It is within your power to do it, I do not question your power.

MR. SPEAKER: Because I may not be remembering this point and reply to it later on, I am just replying now. Supposing the leader wants me to give a separate seat to his members in four groups and on the same basis other Members also ask for a separate seat, what should I do?

SHRI LAL K. ADVANI: Your question is not fair Indrajitji. Because a party leader only asks in case of Members whom the party has expelled. It is not arbitrary. It is not arbitrary. I cannot say that I would like Shri Jaswant Singh to be seated there. I would never say. But, if I expel anyone from my party and on that account I seek a separate seat for him, that is justified. Similarly, if a Member has resigned from the party or if a Member says that he is no longer in the party and so he wants a separate seat, then it is justified and not arbitrarily.

MR. SPEAKER: Okay, I can see the point in it; but I will reserve my final opinion on it. After hearing you, I will do it. I can quite see the point which you are making.

SHRI INDRAJIT GUPTA: I am only

saying that this practice can be carried to a length. It can be carried to a length, where the very basis of the party functioning in this House can be disrupted and distorted. If my individual Members - one, two, three, four or half a dozen - claim as their right that because they do not like the policies of their party or the leader of their party, they must be given separate seats, then what happens to the party? It will happen tomorrow to any other party. It will happen most of all to our friends sitting here. Then what will happen? *(Interruptions)* Yes. It can happen to my party; it can happen ten times more to your party.

So, Sir, as I understand it, your interpretation is - please correct me if I am wrong - that if a party, according to its own constitution, rules, etc. with which you are not perhaps concerned, expels any Member from the party, then that expulsion will not immediately affect his status inside the House. That is your interpretation.

MR. SPEAKER: Yes.

SHRI INDRAJIT GUPTA: He may be expelled from the party, but within the House he continues to be subject to the discipline and the whip and everything of that party.

AN HON. MEMBER: No.

SHRI INDRAJIT GUPTA: That is his interpretation and not mine.

SHRI SRIKANTA JENA: That is the ruling.

SHRI INDRAJIT GUPTA: That is the ruling that has been given.

MR. SPEAKER : No. Where is it, Mr. Indrajit, written?

SHRI INDRAJIT GUPTA: You have said,

Sir, that according to your interpretation...

MR. SPEAKER: I have said that I have to decide it.

SHRI INDRAJIT GUPTA: According to your decision, for example, even Shri Ajit Singh who was expelled by the Janata Dal in December last, is still subject to the whip of the Janata Dal and if he does not carry out that whip, he will be disqualified from the membership of the House. This is the logical meaning of that.

MR. SPEAKER: Where is it you find in the judgement. If you have read it, you show it to me.

[Translation]

SHRI RAM VILAS PASWAN: Even yesterday you said this and a discussion is being held on it today... *(Interruptions)*

MR. SPEAKER: If you want to discuss about what was said yesterday then a full discussion will have to be allowed. I have said that in the judgement.

[English]

I can come to that conclusion. But after hearing you. Where is it written in the judgement? Please show it to me.

SHRI INDRAJIT GUPTA: They have been expelled by the party, which the party has openly stated; and has informed you also that the following Members have been expelled.

MR. SPEAKER: That kind of a thing, I had discussed with the Members who had given this and they have said certain things to me. I am not going to tell you those things here in the House. Now you are pinning it down. You are discussing this judgement.

You show me, where I have mentioned that.

SHRI INDRAJIT GUPTA: By virtue of the fact-again please correct me if I am wrong - you have apparently agreed that all these 20 people who have written to you, approached you and met you, may be allotted separate seats. That means, in your judgement - the four Members who were expelled in last December, the four Members who were expelled subsequently in January and another four Members against whom, I believe, the Janata Dal party has sought to file a petition because they violated the whip, all these people plus the twelve Members or how many, I do not know, who subsequently approached you - all are to be lumped together as one lot. I do not understand as to how it can be done. All the twenty of them, you have said, can sit separately. My only humble request to you is this. I have no doubt and, as you very correctly said, you will give this matter your fullest consideration before coming to your final decision. I would only request you to take every care - I am sure you will - to see that the process which has started now apparently is checked.

MR. SPEAKER: I will certainly.

SHRI INDRAJIT GUPTA: This process, if not checked, at some stage may invite further horse-trading and defections to bring people over. That should end. I do not want to go back to those days. I was here when 'Aya Ram Gaya Ram' business was going on in full force. We should avoid that. We should not do anything which wittingly or unwittingly encourages those kinds of proceedings. That is why I am asking you to please see. All these people cannot be lumped together in one category. They have not been expelled. Some have been expelled. Some have not been expelled. None of them has resigned. You see all the aspects.

They have stated in Mr. Ajit Singh's

letter why do we want separate seats: for better functioning in the House! What is the meaning of that? Anybody can understand anything from that. What is better functioning of the House? Somebody said, 'to prevent unseemly scenes'.

Some may have some other argument. What kind of a serious argument is this that to function in the House, we require separate seats? There is no other argument. I think, then there will be nothing left of the organised parties which are functioning in this House. I would request you to consider that. Then only give your final decision which I hope will be coming very soon. That is All I have to say. *(Interruptions)*

MR. SPEAKER: May I request please? *(Interruptions)* You please tell me within two minutes on the legal points. Otherwise I will ask the Deputy Speaker to sit here. *(Interruptions)* I have to go. The foreign Speaker has come.

(Interruptions)

SHRI VIJAY NAVAL PATIL (Erandol): First of all, I would like to thank you for not adjourning the House today. We are seeing especially the Janata Dal friends. *(Interruptions)* On the issue of Ayodhya, the House was adjourned for eight days during this session.

SHRI SRIKANTA JENA: What is he talking about?

SHRI VIJAY NAVAL PATIL: Yesterday also, the House was adjourned. Today, you have given them lot of opportunity. According to me, the procedure demands that when the leader to a particular party has spoken, it is not necessary for others to speak. There are microscopic parties in this House. You are also allowing all of them.

Mr. Indrajit Gupta has spoken about

anti-defection. It was not our worry. We were in a thumping majority. We had 400 Members of Parliament in this House when this Anti-Defection Law was passed. Why was it necessitated? Because right from 1977, we saw Janata Parties forming and then splitting again and again. Only in Bharatiya Janata Party and erstwhile Jan Sangh and Communist Party, there was not a split. (*Interruptions*) Please listen.

We brought the Bill when we were in a thumping majority. Then, we were 400. This disease of defection is attached to the main Janata Dal-Janata Party. (*Interruptions*) Only with Janata, it has started. Mr. Indrajit Gupta has said about Mr. Ajit Singh. Mr. Ajit Singh in his letter has claimed that they are the real Janata Dal. And that is why there is no need to say that they are defecting.

AN HON. MEMBER: He can argue his own case.

SHRI VIJAY NAVAL PATIL: We have to argue. We have seen them. We have to express our opinion once it has been allowed to express our opinion.

When you have given the interim decision, here you have also categorically stated that after your final ruling, people will be free - if they so desire - to approach the Supreme Court. The Supreme Court has given the ruling that it is appealable decision. Even then, Sir, Some of our friends at high post in some parties - I do not want to mention the name of that gentleman - have made derogatory remarks against you in the press. If they make derogatory remarks against you in the press, will it not affect your final decision? When an interim order is passed by the court and the proceedings are going on and the judge is to give his opinion, in between, something appears in the press which is derogatory. I do not want to mention everything that has appeared in the press. But I would like you to take cognisance of that

also. You have reserved your ruling on the privilege motion which I have moved. There may be technical difficulties. So, I would also like you to give serious attention to my privilege motion and give the ruling subsequently.

MR. SPEAKER: Mr. Saifuddin Choudhury, be brief.

SHRI SAIFUDDIN CHOUDHURY (Katwa): Sir, I will take only one or two minutes. I thought you were not calling me because defections on the basis of money and allurements of posts do not take place in my party. When the Anti-Defection law was brought into being, it was contemplated that the kind of immoral trafficking of MPs taking place from one party to the other party should be prevented and we had to do something to prevent that. Now, the moral question that comes is why this kind of fluidity in the situation should be kept alive with the interim order. Should the Anti-Defection law be interpreted in such a manner that would give a boost to the defectors and that would keep alive the process of defection on the basis of money? Now, allegations have come and those allegations have come in the open. Money is given; lakhs and lakhs of rupees are given. We are the decision-maker of the country and if we are purchased and sold on the basis of money, then what about the morality of the country? That is the vital question that comes. I am not going into the technical question. Mr. Pawan Kumar Bansal has said that individual Members file their statements as to which party they belong to. That is not the end of the matter. That has to be ratified by the leader of the party and on that basis, a block of seats are given. If that is so, then Mr. Pawan Kumar Bansal may write that he belongs to CPI (M). And I will not endorse that. This type of step should not be taken. The statement that individual members of a party make is not final. There is a party system and the highest post of this House cannot be interpreted in such a manner

that will undermine the party system in our country. If the people who are MPs in the House are expelled outside, then the information in that regard given to the Speaker by the relevant leadership of the parliamentary party has to be taken note of.

MR. SPEAKER: Saifuddinji, if you want that thing, you introduce it in the Constitution.

SHRI SAIFUDDIN CHOUDHURY: That is the rule and tradition.

MR. SPEAKER: This is not the rule.

SHRI SAIFUDDIN CHOUDHURY: That has to be.

MR. SPEAKER: I agree with your position but you have it in the Constitution.

(Interruptions)

SHRI INDRAJIT GUPTA: They have been expelled outside and not here. How can there be dual personalities?...*(Interruptions)*...

MR. SPEAKER: If what you do under the party constitution has to be accepted in the House, then you say it in the Constitution. I will accept it.

SHRI SAIFUDDIN CHOUDHURY: That is why I am telling you, Sir. You take the instance...

MR. SPEAKER: It is a legal point. I will discuss it with you afterwards.

SHRI SAIFUDDIN CHOUDHURY: If some of the MPs are expelled by the party outside, the right thing to do is that I should inform you that I do not want them to be in my party because they will in that case remain bound by our whip. It is my moral duty to inform you that they do not belong to my

parliamentary party; allot them different seats and then you should do that. We have to follow certain rules, norms and traditions. We cannot do it arbitrarily.

MR. SPEAKER: This is a legal point.

SHRI SAIFUDDIN CHOUDHURY: That is why, I say...*(Interruptions)*... If you are not willing to listen to me, I will not speak in the House.

MR. SPEAKER: I will just keep quiet. But Mr. Saifuddin, this is being very unfair to me.

SHRI SAIFUDDIN CHOUDHURY: But I am pained, Sir.

MR. SPEAKER: You speak as much as you want. This is blackmailing me in the House itself. You speak as much as you want.

SHRI SAIFUDDIN CHOUDHURY: I do not want to speak on the points made already.

MR. SPEAKER: You speak and I will not object to your speaking. It will be a matter of record. But what you are saying is not correct.

SHRI SAIFUDDIN CHOUDHURY: I decided to speak one-tenth of what he spoke today. And that is over.

MR. SPEAKER: Saifuddinji, this is very unfair to me. You take as much time as you want. But this is not correct.

SHRI SAIFUDDIN CHOUDHURY: I have made all the points which I wanted to make. There is no other point.

SHRI SRIKANTA JENA: Mr. Speaker, Sir, first let me spell out the position of our party...*(Interruptions)*

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV): In 1964, there was a split in CPI(M) and CPI. What happened then? May I ask Shri Saifuddin?

SHRI SAIFUDDIN CHOUDHURY: Our anti-defection law has very rightly recognised...*(Interruptions)*

MR. SPEAKER: Now, Please sit down. I called Shri Jena.

SHRI SRIKANTA JENA: Let me clarify one position. Let me say that from the beginning, we are not pressurising anything on you. We are only recording our protest and we are confronting your decision, which, according to us, is not correct. I will only draw your attention to the letter written by your Director, Shri Ahluwalia on 7th July 1991, when the Tenth Lok Sabha was constituted:

"To

Shri V.P. Singh.

About the sitting arrangement in the Lok Sabha, I am directed to state that the Speaker is pleased to allot 56 seats as per the statement and the sitting plan of the Lok Sabha, enclosed, for allotment to Members of Janata Dal in Lok Sabha."

If you recognise those 20 Members as Janata Dal Members, you have no right to allot them seats again, unless Shri V.P. Singh writes to you, because you have already allotted 56 seats to the Janata Dal block. This is your own letter and you are diluting your own letter. I say this because without even consulting us, and without telling us that these are the 20 Members to whom you are allotting separate seats, you have taken such action. This is not a letter written to Shri V.P. Singh alone. Letters on the same line are sent to all the political parties. In this House, is this the way the

political parties function. Only the leaders of the respective political parties write to you and accordingly, you allot the seats. My objection is, how can those Members write to you saying that they are in Janata Party but they do not recognise their leader? If they do not recognise their party leader, let them throw the leader out, by voting in a party meeting. Without doing that, if you recognise them and allot them separate seats, then you are interfering in the internal party affairs. That is our grouse.*(Interruptions)*

SHRI PAWAN KUMAR BANSAL: He cannot talk in such a way. *(Interruptions)*

13.00 hrs.

SHRI SRIKANTA JENA: Sir, we respect you and we have nothing against you. But our only objection is that you are interfering and you are diluting your own Secretariat's letter, by giving them separate seats.

As regards the whip, on 11th I wrote to you that four Members had violated the whip. Under the Tenth Schedule, under the Anti-defection Law, you have nothing to do. You only have to see whether whip was given to them or not and whether they have voted or not in the Motion of Confidence. And you should have given your decision by this time. Our apprehension is that these Members are brought in en bloc, to enable them to make it 20m, so that there can be a split in the party. Your office should not be utilised to enable them to effect a split in our party. This is our grouse.

SHRI PAWAN KUMAR BANSAL: He is crossing the limits of discretion.

SHRI SRIKANTA JENA: Let me complete. In view of this, I request you that as recognised political parties in this House, please allow us to allot our seats. I request that you may please withdraw your order

giving them separate seats. (*Interruptions*)

Bill today.

SHRI A. CHARLES (Trivandrum): Sir, this is too much..(*Interruptions*)

[*English*]

MR. SPEAKER: MR. Charles, please allow me to conduct the House. I don't want to subject myself to this kind of agony.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): Sir, a Member cannot call another Member a 'defector'. This should be expunged from the records...(*Interruptions*)

(*Interruptions*)

[*Translation*]

[*Translation*]

SHRI NITISH KUMAR: Mr. Speaker, Sir, you have allotted us seats adjacent to Ajit Singh group without any request from us...(*Interruptions*)

SHRI SURAJ MANDAL (GODDA): First of all please tell him to resume his seat.

If you have done it for better functioning of the House then I would request you to allot us seats adjacent to Shri Advani.

MR. SPEAKER: I have given you a chance to speak.

This is my request to you.

SHRI SURAJ MANDAL: My submission is that discussion is going on in the House under the Anti-defection law and the Members are leveling charges on one another. We are blaming one another. Just now Shri Paswan, Shri Jena and Shri Hari Kishore Singh were speaking. But who started all this? Who is responsible for it, the congress party or the Janata Party?...(*Interruptions*) Who took how much and the way it was done..(*Interruptions*)

MR. SPEAKER: If this is your sincere proposal, you can talk to them.

MR. SPEAKER: You please address the Chair while speaking and do not speak to them directly.

SHRI NITISH KUMAR: My submission is this that you have allotted me a seat without taking in confidence the leader of my party...(*Interruptions*)

SHRI SURAJ MANDAL: How many crores were paid by the Janata Dal to force defection of two M.Ps. of our party. Not only this, they also gave in writing about it here separately..(*Interruptions*)

MR. SPEAKER: All of us are sitting in the House. We are not isolated from one another.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD): Sir, the Deputy leader of Janata Dal is defecting to the B.J.P. This should be noted.

MR. SPEAKER: No, no.

Secondly, Mr. Speaker, the Members of Janata Dal..(*Interruptions*)*

SHRI MOHAMMAD ALI ASHRAF FATMI: Why are you calling the defectors. A discussion is being held on anti-defection

MR. SPEAKER: Whatever has been

said about the other speaker would not go on record.

SHRI SURAJ KANDAL: This can also happen in your case.

MR. SPEAKER: You can hurl abuses on me, but whatever has been said about the other speaker would not go on record.

[English]

This is not forming part of record.

[Translation]

SHRI SURAJ MANDAL: When seven members gave in writing to the Speaker on August 5...

MR. SPEAKER: No, this pertains to another legislature.

SHRI SURAJ MANDAL: I am not mentioning the name of any Assembly here.

MR. SPEAKER: The name of any other legislature we would not go on record. You should not discuss matters relating to other legislatures here in this House.

SHRI SURAJ MANDAL: I am talking about the morality of Janata Dal, Shri Saifuddinji has mentioned...

MR. SPEAKER: Alright, but you cannot refer the name of anyone.

SHRI SURAJ MANDAL: Sir, if there are a total of a eighteen Members in the House and seven Members give in writing to the Speaker that they consider one Member who is unattached as their leader what is his reaction. He calls the other Members and they give in writing that the unattached Member should be included in their party and they designate him as their leader. Then, the elected leader of the party is removed.

Where is the sense of morality? This kind of horse trading has started in Bihar and Janata Dal has started it. There is a proverb...

**Jis Ka Joota Usi Ke Sar
Dil Hal Khota Bada Shahar**

Mr. Speaker, Sir, this aptly describes the situation in Bihar...

(Interruptions)

SHRI MOHAMMAD ALI ASHRAF FATMI: Mr. Speaker, Sir, you have just said that two previous Speakers had declared them unattached. You have now used the word 'Separate'. Another Speaker may use the word 'Suitest' or 'nearest' in case such a thing happens again and say that I am allotting them nearest seat. What does it mean? Mr. Speaker, Sir, you may call them unattached, separate, suitest or nearest but my submission is this from where has this separate seat come? Mr. Speaker, Sir, this is serious question. You have said it is a separate seat, another speaker may give it another name... (Interruptions)

MR. SPEAKER: You have raised a very good and pertinent question. I would think over it and then give a reply. (Interruptions)

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Sir, I will not take much time.

Firstly, it is just a reiteration. I was in the Rajya Sabha along with Mr. Advani at that time when the discussions were taking place on the anti-Defection Bill. I want to reiterate that he has exactly reproduced what had happened at that time. There was that provision and that was withdrawn because of the interest involved at that time.

Secondly, when that Bill was at all

generated in the House - we must understand that also - we were in charge of keeping the polity and political democracy in the country, in a clean manner which we have not done. It was therefore generated that defection has become such a sore on our body politic that there should be some measure to at least contain that. All action subsequent to that was guided towards that objective. When we talk of amending the anti-Defection Bill, that was also in the same spirit. Even after the adoption of this Act, perhaps, there were loopholes. Therefore all actions that we take within the House should have that kind of an aim and that should not help the forces of defection, forces of Ayaram-Gayaram, rather, it should be opposite to that; as Mr. Saifuddin Choudhury has eloquently indicated that it should be in our perspective.

Thirdly, I want to make a point viz. a political point. He has said that there is only the legal point. We come here as people who believe in true politics and where we can do something for the country. Therefore, the political aspect can never be allowed to be forgotten, at least, in this House.

Fourthly, I want to make a point on this. You are frequently referring to the Constitution. Any proposition can be related to the Constitution not in one manner, not in two manners but in three manners. The statement can be a part of the Constitution. There can be a second position. We all know this. There can be something which is anti-Constitutional. Therefore, that should be objected to. But, there are various other things which are not embodied in the Constitution nor are anti-Constitutional, which can be described as non-Constitutional. Many things are not provided for in the Constitution. I am giving you a very frivolous example. For example, the Constitution does not provide that there should be enough atmosphere to breathe within the House and therefore, we

have the right to take away the entire atmosphere so that we can become breathless. There are many things which are not provided for in the Constitution. The point is to see whether that is against the spirit of the Constitution or the letter of the Constitution.

The Constitution, as has been pointed out, does not provide for a political party, yet there is an election provision which recognises a political party, gives a symbol; and we do not consider that to be anti constitution, but see that this is not inconsistent with the Constitution.

Exactly, similarly, here, very frequently, we talk about the development of a multi-party democracy as one of the things we are proud in the country. Therefore, the party system has to be strengthened; and every step that you take inside this House also strengthens the party. I will give you an example. When you give seats - already he has mentioned that when statements have been made by individuals, that have to be corroborated by the leader of the party; and the leader of the party is a designated person. Therefore, the leader of the party certifies that somebody belongs to the party and therefore he is included in that party. It does not stop there. Supposing you declare him as a Member of our party; and we want to denounce him that we cannot take him. Secondly, the seats are given, blocs of seats are given to a party that should also be noted. In order to strengthen party democracy, we are allotted 36 seats in the House. Therefore, it is left to the party to allot those seats in terms of every single member of the party; this is done by the party; this is not done by the House. We submit a list to the Speaker or the Secretary-General and that is accorded recognition. This also strengthens the party functioning inside the Parliament. Therefore, what I submit to you is not to try to clinch the whole question in a sense.

in a way which will affect the functioning of the parties here.

[English]

In the instant case, what has happened? In the instant case, some of the Members have been expelled from their party. You have given recognition. (Interruptions)

SHRI A. CHARLES: Just to defeat the Anti-Defection Law, a few Members have been expelled by the party. That is a fact of the issue that four Members have been expelled.

SHRINIRMAL KANTICHATTERJEE: I appreciate your understanding, but the Speaker has not understood as you did. He has already recognised at Istetast four Members in January and offered them separate seats.

Seats are allotted in terms of a statement made by the leaders of the various political parties and not in other way. Therefore, I submit, when you recognised that four persons should be detached from a particular party, you had incidentally decided that they no longer belonged to that party whose leader had indicated to you that they were expelled.

Therefore, I submit that, as has been desired by the Janata Dal, a decision on the question of defection is urgently called for; and only solution on that score can help party democracy service and help Parliament continue functioning in a spirit which should be the correct one from the Parliament's point of view.

MR. SPEAKER: Shri Sobhanadreeswara Rao Vadde will be the last Speaker.

[Translation]

SHRIGEORGE FERNANDES (Muzaffarpur): Mr. Speaker, Sir, Kindly allow me two minutes time to speak.

MR. SPEAKER: I will give you as much time as you like in the Chamber please. I will hear you; both of you I will hear - yourself and Shri Guman Mal Lodha.

[Translation]

SHRIGEORGE FERNANDES: I will not raise political issues. I will confine myself to the legal issues raised by you. (Interruptions) I will not discuss constitutional issues...(Interruptions)

[English]

MR. SPEAKER: I will hear you; I will record your arguments in writing please.

(Interruptions)

[Translation]

MR. SPEAKER: I will call you.

(Interruptions)

SHRIGEORGE FERNANDES: How can this take place...(Interruptions)

MR. SPEAKER: I will hear your arguments and arguments of all the leaders and record them in writing and will give time to you.

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I will not take more than five minutes. (Interruptions)

MR. SPEAKER: I will give you five minutes' time.

(Interruptions)

SHRI SURYA NARAYAN YADAV: Mr. Speaker, Sir, we should also be given time to speak.

SHRI SATYA PAL SINGH YADAV (SHAHJAHANPUR): Mr. Speaker, Sir, all are speaking against us, therefore, we should also be given time to speak.

MR. SPEAKER: I will also give time to you to speak.

Yes please.

[English]

(Interruptions)

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Speaker, Sir, thank you for giving opportunity to me to speak on this very important item. I would like to humbly submit with all due regards to you, that I recollect the date when you had invited the leaders for various political parties to discuss the matter of the Supreme Court judgement regarding the Anti-Defection Act.

Now, as per the Act, the final authority was vested with the Speaker of either the Parliament or the respective Legislative Assemblies. Then the Supreme Court had made a pronouncement and you had invited all the political party leaders suggesting that let us honour the verdict of the Supreme Court.

I recollect and with all due respect to you, I would like to submit that the interim order, that has been given, has given the impression to the Members, because of the earlier pronouncement of the previous Speakers of Lok Sabha, the fact that four Members have been allotted separate seats basing upon the letter of the leader of their party. Also subsequent allotment of four separate seats to four more Members and now clubbing 12 Members...

MR. SPEAKER: Mr. Rao, I will hear that in detail in the office, please.

SHRI SOBHANADREESWARA RAO VADDE: Now clubbing 4+4+12 has given wrong signals. That is why, we are all very much agitated and this will lead to subverting the democracy of the Parliamentary party system. This will cause great harm.

Already, the Ruling Party is making strenuous efforts to split the political parties in the opposition and increase their numbers because they were short of sum crucial numbers. With the very objective, they have brought split in our own Telugu Desam Party and other political parties in this House.

So, my humble submission to you is, as the custodian of this House, which is the highest body in this country, to protect the parliamentary democracy and the functioning of the political parties. Now, the Tenth Schedule is there and also Party Constitution is there and as per the practices that have been followed till now, you have to take a decision and give an impression that not only justice is done but also the people should feel that justice is done. On that aspect, you kindly take a decision as early as possible. It is because you are not clinching the issue earlier in respect of the four Members and again in respect of the other four Members.

Now, a very extraordinary situation has been created, I urge upon you to take immediate action on this.

[Translation]

SHRI SATYA PAL SINGH YADAV (Shahjahanpur): Mr. Speaker, Sir, the House is discussing this issue since morning. I would like to raise a few legal points. Some Members have said that the former speaker had used the word "unattached" and you have now used the word 'separate'. There is neither the word "separate" nor the word 'unattached' in the Tenth Schedule. I would like to ask you when we the four Members

were allotted separate seats for the first time at that time they did not raise any objection. If they had any objection to the use of the word separate and this decision was not right they should have raised this objection then and there instead of raising it now. If you have allotted us separate seats only because the proceedings of the House may run smoothly and there is no uproar in the House, even then we continued to be the Members of the Janata Dal. If we were not served any whip, we were not at fault. It was their responsibility to serve whip to us. Had we disobeyed that whip, they should have objected to it. Now they are pressuring as to why you are not giving your decision about these Members. Sir, your decision is absolutely interim. The House is in session. If you have taken any decision under the existing circumstances, it is quite judicious. Besides, if seven Members disobey the whip, it has been done arbitrarily for four Members. Are we not condoning them. You have condoned three Members. If they want such a decision, then it is a different thing. They will have to listen to it as to why were the four Members not able to present themselves and obey the whip there must be a reason behind it. They will have to clarify legal aspect. But today they are forcing us and saying that they remained in the party like bonded labourers with us. We have learnt it very well. Shri V.P. Singh too had learnt it when he was in the Congress Party. At that time, he used to honour the whip of Congress and it was said about us outside the House that whip is disobeyed in the House and abusive language is used for the Congress. We have learnt it. We are passing time for seven months and we have not been regarded as Members of the party. I would like to know from you that if there was some delay in this decision. You should have raised it within these seven months. All were the Members of the Janata Dal. If we, 20 Members, have written to you under Tenth Schedule, we had no other option at that time. You must give your final decision after considering all as-

pects. The way they are pressurising. I think, if any action is taken under their pressure, then it belittles the importance of the democracy. I make an appeal to you not to bow down today nor in future.

SHRIGEORGE FERNANDES (Muzafarpur): Mr. Speaker, Sir, I hope I will have not to speak too much. I have already said that I will not speak on any political issue. You have asked a few question in the letter you have sent.

[English]

"Under what provisions of the Tenth Schedule of the Indian Constitution?" etc.

[Translation]

I will not go in all these things. The fourth question in it is:

[English]

"Under what Rules of Procedure followed by the House can a Member or Members be expelled by the party? Mr. Speaker, under these rules, the Rules of Procedure of the House.

[Translation]

SHRI RAM SUNDER DAS (Hajipur): Mr. Speaker, Sir, my question relates to rules, kindly listen to me at the moment. You want to run the entire House. Will all the Members speak on that or they will reply to the paper. If so, all Members should be given the right to make a reply in the House. Are you going to allow all the Members?

[English]

MR. SPEAKER: Your point of order is very valid. But you know in extraordinary circumstances it is being done. Your point is very valid. I have upheld it.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I want to draw your attention to Appendix-4. It is compulsory in 1(A) under Rule 3 on page 181 that the parties shall inform its Members under Form, I - after they are elected, within few days - the time is specified there. But the matter does not end here. It is obligatory under rule 3(1) (B) -

[English]

"a copy of the rules and regulations (whether known as such or as constitution or by any other name, of the political party concerned."

[Translation]

Mr. Speaker, Sir, further Rule 3 (1) (C) says:

[English]

"Where such legislature party has any separate set of rules and regulations (whether known as such or as constitution or by any other name)' also a copy of such rules and regulations."

[Translation]

When a legislature party has its own Rules or the constitution and if we give them due regard, then the party gets recognition under these rules and the question as to under what Rules there is a right to expel a Member from a party ends there. Under this rule there is schedule provision for it in Appendix 4,3 (1) (B) and (C)

Mr. Speaker, Sir, now the question is whether any expulsion by any party will be accepted under the Tenth Schedule or not. I think this matter ends with Rule 3 (1) (B) and (C)...(Interruptions) Suppose, the matter does

not ends there in your opinion then I would like to draw your attention to sub-rule (4) of rule 3. Now we have submitted a list to you. After submission of the list under Form I, if you raise a question under what rules the expulsion was made, you may refer to Rule 3 sub-rule(4) for that because I have taken any action against any member of my party for his expulsion under the constitution of my parent party or under the rules or constitution of my legislature party.

[English]

Rule 3 sub-rule (4) says:

" Whenever any change takes place in the information furnished by the leader of a legislature party under sub-rule (1) or by a member under sub-rule (2), he shall, within thirty days thereafter, or within such further period as the Speaker may for sufficient cause allow, furnish in writing information to the Speaker with respect to such change."

[Translation]

Now, which change is this, this change is for the whole life (Interruptions) every year, after one year or two years...(Interruptions)

[English]

MR. SPEAKER: If a Member expires; if other parties join with that party...(Interruptions)

[Translation]

SHRI GEORGE FERNANDES: It has been talked about.

[English]

MR. SPEAKER: That does not mean that under the party you can expel.

[Translation]

SHRI GEORGE FERNANDES: You have given half of the reply to my query and are refusing to give the full reply. (*Interruptions*) It was merged and the total was tallied...(*Interruptions*)

MR. SPEAKER: No-no, not like this. (*Interruptions*) You have to tell me as to now the authority to expel is derived from it.

[English]

SHRIGEORGE FERNANDES: Rule (b) and (c) - why do I provide my constitution to you?

MR. SPEAKER: That is for knowing who is your leader. That is for knowing to whom you have given the tickets. I will leave all these points open. I will hear you patiently in my Chamber.

I really appreciate the arguments which you are putting forth. In fact if you had argued the case in the House itself, it should have been done as you are doing now. I can quite see the points which you are making. I am not accepting it at this point of time. My saying this should not be taken as an acceptance of it. I would very much like to hear you. You would have done me some sort of a favour if you come and argue before me. But then these are so nice points, intricate points, that it would be very difficult for you to put before me all these points in five minutes' time and for me to elicit more information; either for you to convince me or for me to convince you. so, I plead with you. You are making very good points. I have not closed my mind on it. You please give me in writing, and argue before me. I will not decide it before hearing you.

[Translation]

SHRI GEORGE FERNANDES: it is all right, I have said in the beginning that I am not indulging in politics.

(*Interruptions*)

[English]

MR. SPEAKER: That is a very good point. I appreciate it. But then, the only thing is that it cannot be decided in five minutes.

[Translation]

SHRI GEORGE FERNANDES: Now I am sure that you have agreed to half of that what I have said. (*Interruptions*)

MR. SPEAKER: It is not a case made by a lawyer, it is a matter of cleverness. (*Interruptions*) Never quote such things in future.

[English]

I have said that I see some points. I have not made any decision. I will hear you. Either you convince me or I will convince you.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker Sir, it is alright, therefore, I am concluding here and I am not going to complete my statement.

MR. SPEAKER: I have not agreed to the half of it or the whole of it.

SHRI GEORGE FERNANDES: Therefore, I am not going to complete my statement, I am concluding here only.

MR. SPEAKER: You are trying to tell that the party constitution does not come in the way.

[English]

and you are rightly doing this. I will hear you on this point. You have to convince me.

[Translation]

SHRI GEORGE FERNANDES: I have observed the argument given by you..

MR. SPEAKER: It is not final.

SHRI GEORGE FERNANDES: That is correct and I do agree that you have not taken any decision.

[English]

MR. SPEAKER: That is correct. Thank you very much.

[Translation]

SHRI GEORGE FERNANDES: It seems to me that the way you have raised the question the rules and other concerned things are being over looked. I have this doubt and that is why I have submitted it humbly...

MR. SPEAKER: I appreciate your argument.

[English]

SHRI GEORGE FERNANDES: I will hear you. Thank you very much.

[Translation]

SHRI CHANDULAL CHANDRAKAR (Drug): Mr. Speaker Sir, I am on a point of order. Since long, this matter has been under discussion. You know it very well that more than one lakh rupees per minute are spent on the House. We should be informed as to how long the discussion on this issue will go

on? It would be better, if this discussion takes place in your Chamber. Those who have been defectors till date only they have started defection in the first month and therefore, please do not indulge in it and whatsoever be the discussion, it should be held in your chamber; it should not be discussed further.

SHRI NITISH KUMAR (Barh): They have developed the habit of fixing price for everything. (*Interruptions*)

SHRI CHANDULAL CHANDRAKAR: You are going on spending, the price should be fixed. (*Interruptions*)

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Speaker, Sir, here I wish to make it clear that we are somewhat upset. I made it very clear yesterday evening. This is not against Shri Shivraj V. Patil, as such. Please do not misunderstand that because your ruling or your decision so far is an interim decision. According to us it seriously affects the functioning of the parties inside the House and also raises certain questions which are disturbing us.

It is being treated to be a matter of disqualification under the Tenth Schedule. The whole thing has been initiated by a letter which appears to be an undated letter from 24 Members and signed by 20. There are three paragraphs in the note. In the first paragraph, they have stated that they are not happy with Shri Vishwanath Pratap Singh. The second paragraph is one line sentence I quote:

"Therefore, we want to sit separately in the House". The third para says and I quote:

"We request you to recognise us as Janata Dal members and allocate us sepa-

rate seats in the Lok Sabha. This is in consequence of a split in the political party and our claim under Para 15 of the Symbols Order to be pressed in an application before the Election Commission that we are the original Janata Dal."

You are not concerned with the symbols and what they wish to place before the Election Commission. The jurisdiction of the Speaker can be invoked under Clause 6 of Tenth Schedule. It says and I quote:

"If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House..."

They have not raised a question of disqualification. In this letter how do you invoke your jurisdiction under Clause 6.

MR. SPEAKER: That is correct. It is a very good point. You have made a very good point and that was the point which was made by Shri Indrajit Gupta. If it is coming from the leader of your stature and jurist of your stature. I must accept it. This is a very good point. This application itself is not under the Tenth Schedule, but the written statement is under the Tenth Schedule, which you have mentioned.

SHRI SOMNATH CHATTERJEE: I am glad that you have raised it. This counter statement is not a counter claim.

MR. SPEAKER: It is not a counter claim.

SHRI SOMNATH CHATTERJEE: If they withdraw the counter claim, you dismiss it.

MR. SPEAKER: I will.

SHRI SOMNATH CHATTERJEE: You reject it.

MR. SPEAKER: Now, you withdraw it.

SHRI SOMNATH CHATTERJEE: Your jurisdiction is invoked only on the basis of their letter. If that is so...

MR. SPEAKER: Somnathji, I am really a little confused. As a good lawyer you think that my point is correct but, at the same time, as a good politician you have to give the argument. My difficulty is that.

SHRI SOMNATH CHATTERJEE: Sir, we are not arguing in a vacuum here. It is not a vacuum here...*(Interruptions)*.

[Translation]

SHRI NITISH KUMAR: As you have asked comments from the party, that is why we have given...*(Interruptions)*

[English]

SHRI SOMNATH CHATTERJEE: Sir, you have taken a decision on the basis of this letter. There is no other thing. Your jurisdiction is invoked only if a question on disqualification is raised.

MR. SPEAKER: Have I said this is a decision? I said this is an order.

SHRI SOMNATH CHATTERJEE: Order and not a decision.

MR. SPEAKER: I have written that it is an order, it is not a decision. You shall have to distinguish these things.

SHRI SOMNATH CHATTERJEE: Therefore, let us proceed on the basis that you have not decided anything.

MR. SPEAKER: Yes.

SHRI SOMNATH CHATTERJEE: But you have given them seats...*(Interruptions)*.

MR. SPEAKER: That is under the rules. It is not under the Tenth Schedule.

SHRI SOMNATH CHATTERJEE: Very well, Sir. Then we are narrowing down the scope of our discussion. It is a question of your allocation of seats.

MR. SPEAKER: That is correct.

SHRI SOMNATH CHATTERJEE: Therefore, it is not a case of split. You have yourself been kind enough to state that they have not been able to make out a case for split.

MR. SPEAKER: No. You read it very carefully.

SHRI SOMNATH CHATTERJEE: May I read your observation, Sir?

MR. SPEAKER: Yes, you must read it.

SHRI SOMNATH CHATTERJEE: In D1 - this celebrated document is D1 - the signatories have not claimed that they have split from other members of the Janata Dal Party. Then, Sir, one more sentence I will read out.

MR. SPEAKER: No, you please complete it. Not like that.

SHRI SOMNATH CHATTERJEE: They appear to be claiming that they are the main and original party. They asked for their recognition.

MR. SPEAKER: What that means is not very clear. In the content of D1, they asked for seats.

SHRI SOMNATH CHATTERJEE: Then, Sir, 11 is very important. They asked for seats for sitting separately for the purpose of their working in the House. From the seats where they are sitting, they cannot work. Very well. So, 11 is very important. D1 does

not give any other significant information which is relevant to the pointed issue. They are not saying 'split'. They are not giving any information. They only want to sit separately. For what purpose? As I said, there are so many dissidents in Congress. They thrive in dissidence. They want to sit separately... (*Interruptions*).

SOME HON. MEMBERS: No, no.

SHRI SOMNATH CHATTERJEE: The friendship of some of them with Shri Advani's party is known. Sir, it will be a mockery - please excuse me - if in the name of my not liking a leader, I sit wherever I like and you put anybody anywhere you like. If Saifuddin a young man, may like to sit somewhere else, what can it do?

SHRI MURLI DEORA (Bombay South) Shri Nirmal Chatterjee, not Saifuddin.

SHRI SOMNATH CHATTERJEE: How do I control him? what is the remedy? What will be the consideration? What will be the standards to be applied? It will amount to encouraging people to have all sorts of ideas. They may be happily treating them selves elsewhere. If they are being looked after well there, they will come and say they do not want to sit near V.P. Singh, they want to sit near Advani Ji.

MR. SPEAKER: Somnath Ji, my difficulty also you realise.

SHRI SOMNATH CHATTERJEE: As said yesterday, I am not a Minister and I have never been a Minister. I like to set by the side of Ghulam Nabi Azad, my nephew. Please give me that seat.

MR. SPEAKER: Somnath Ji, you hear me for one minute. Do not avoid to hear me. You want me to give separate seats under the rules at the instance of the leaders, but

you do not want me to give separate seats to others.

SHRI SOMNATH CHATTERJEE: How can it be? My members will behave truant and you will go on encouraging them. How can it be? If they do not accept me as their leader, either they go out or they must be under my discipline. They disciplinary authority party-wise is not with the Speaker, the disciplinary authority inside the House is me, so far as my party is concerned; Advaniji, so far as BJP is concerned, not anybody and everybody.

MR. SPEAKER: Is that the view of other leaders also?

(Interruptions)*

SHRI LAL K. ADVANI: Sir, you have already said it so far as seats are concerned. Going by convention, we have always been told that these are the 119 seats. You allot those seats. This is the convention. It is given in writing.

MR. SPEAKER: It is correct.

SHRI LAL K. ADVANI: In case their leader has asked. You have been arguing that because their leader has asked for separate seats to be given to these four, how could you deny when Members ask for separate seats. I said the leader asked only on a specific situation when the party had expelled those four Members. And in this case also if the members said that they have resigned from the party, they are certainly entitled to sit separately. *(Interruptions)*

SHRI PAWANKUMAR BANSAL: Para

3 of the letter gives reason. Please see it. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: But do not bifurcate the party yourself. *(Interruptions)* Please do not trifurcate the party sitting from that chair. Sir, you are sitting higher, above us. You should maintain yourself in that pedestal. You do not come down to the party level. This is the glory of that chair that you are occupying. Therefore, Sir, may I make a request to you...*(Interruptions)*

SHRI SOMNATH CHATTERJEE: My personal respect to you will not be diminished by their shouting. Therefore, let them not take up your cause. *(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY (DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT) (SHRI RANGARAJAN KUMARAMANGALAM): Why not? *(Interruptions)* That is objectionable. We are all Members of this House. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: Sir, you have yourself had a doubt in your mind. It is in para 40 of your order. I quote it:

"What is the legal implication of their sitting separately at the instance of the Leader of the Party or at their own instance in groups of fours or in a group of twenty is to be clearly determined".

Therefore, without that how can they keep sitting separately?

MR. SPEAKER: That is why it is an interim order.

SHRI SOMNATH CHATTERJEE: Sir, may I make a very very humble request to you? So many doubts are still in your mind. Please keep it in abeyance and give a final decision.

MR. SPEAKER: That is correct.

SHRI SOMNATH CHATTERJEE: Therefore, I earnestly appeal to you. We know that you will apply your mind in the final stage. But when so many doubts are still in your mind, please keep it in abeyance. Do not withdraw it. Please keep it in abeyance. Let them go back to their own seats for a few days. (Interruptions) Please go back to your seats. Sir, if they do not like, we shall provide buffers. We should informally provide buffers. I hope they do not indulge in scuffling. We shall provide buffers to them. I can assure you. Therefore, I submit that so many doubts have been raised and every leader has expressed doubts. Therefore, my request to you is to keep it in abeyance and to take your own time to decide. Thank you.

SHRI GUMAN MAL LODHA (Pali): Mr. Speaker, Sir, it appears that there has been a lot of confusion on account of mixing up of the two things. One is, under Rule 4, the hon. Speaker has got the authority to allot the seats. That is our view in the House. Once that authority is exercised by hon. Speaker, no court can go into that matter because it is the internal arrangement. If that would have been so simple, then there would have been no requirement of any such debate or discussion or such controversy which is being raised now here.

The whole problem has arisen because

under the law of defection, the rules which have been framed by the House, require that an application should be made in a particular form having the verification etc. and that application - is to be determined and adjudicated by the hon. speaker, according to the rules which require hearing of the other side and also taking up of the evidence, if it is necessary and then adjudicating the matter.

Sir, as our leader has very correctly put it, the defection has been defined there. There are exceptions to that. The exception is a split. Now the whole crux of the matter is that unfortunately, without casting any aspersion and imputing any motive, the simple order which your honour has passed - which is a very simple and one-line order - is being criticised. I quote your order:

"For the purpose of functioning in the House, for the interim period, until this matter is finally disposed off, the twenty Members who have signed the D1 in my chamber, are permitted to be seated separately from other Members of the Janata Dal Parliamentary Party."

This is a one-line order which is here before us. The problem is that four Members were allowed to sit separately, earlier by your separate order. Where was the occasion to amalgamate or to mix up these four with the other sixteen Members? They are already sitting there. If your honour would have said that all the 16 persons who have applied wanted separate seats for themselves and till you decide the matter finally, so far as the application for defection is concerned which has been given by the Janata Dal leader - you permit them to sit as a bloc of 16 without any other implications, it would have been very simple.

Then, Sir, the matter would have been very simple. This number 20 has sent a signal to the country that there is something going on account of which these 20 are treated, which indirectly would reflect that there is a split which comes in the exception and saving them from disqualification of this Section. This is the whole matter. Normally, the hon. Speaker's adjudication, decision and orders are not to be discussed, not at all to be commented, upon, much less to be adversely commented upon. But, Sir, may I respectfully submit, as our honourable Leader submitted, that apart from the question of departing from the earlier tradition — that is a different matter — this amalgamation of 16 plus 4 has created the whole problem and, therefore, Sir, I would submit that the signal which has been sent to the country as a whole is that 'look here....' — because, Sir, the demand was made by my friend, Mr. George, earlier that defections have been caused on account of payment of huge funds and an inquiry should be conducted. Well, Sir, inquiry should be conducted or should not be conducted is a different matter. That was on a moral standard, standard of ethics, standard of political morality, that we are not here to encourage defections because that is a very bad phenomenon in a political society. But, Sir, that we have not accepted for some reason or the other. It would have been better, I personally feel, if an inquiry is made because there are allegations and counter-allegations. They say that Rs. 50 lakhs have been paid; the other persons say that 'Mr. V.P. Singh was acting as an autocrat, a despot or a monarch, and we are not prepared to surrender our entire things to him and our discipline etc.' Now, Sir, one or the other may be correct. But the entire country today is concerned with the fact that it appears that there has been a lot of criticism in the leaving of 20 Members — 4 earlier and 16 now. Therefore, Sir, I would respectfully submit that the other problem is

as you stated why. I may submit that Your Honour discussed in the chamber certain things. It is very well, discussion is all right. Now, here an impression was given that you have decided that whenever a Member is expelled he would continue to be a member of that Party. That is not your finding, that is not there. (*Interruptions*). Mr. Bansal I am saying, it is not there, but it was discussed in the chamber.

MR. SPEAKER: Supposing that kind of idea occurs to me, I want your explanation on that.

SHRIGUMAN MAL LODHA: Sir, *prima facie* that may be one view or the other view, and since Your Honour is yet to adjudicate on that point, that would be adjudicated after hearing both the sides and after also consulting the law and legal luminaries etc. It is a serious matter. So, I would say that at the moment...

MR. SPEAKER: Yesterday I said again and again that you can convince me this way or that way.

SHRIGUMAN MAL LODHA: I am happy. But the whole problem is on account of our plus sixteen. So, I would submit, Sir, that if Your Honour thinks proper and if the consensus of the House is there that there are 16 Members sitting separately under Rule 4 expressly mentioning that it is the arrangement under Rule 4 of the Rules and not under the law of disqualification or anti-defection under Tenth Schedule, that would solve the problem.

Well, I would not say anything more. Sir, Thank you very much.