

[श्रीमती सरला महेश्वरी]

शक्ति का इस तरह दुरुपयोग न करें कि हमारे जनतंत्र की बुनियाद ही कमजोर पड़ जाए।

इसी के साथ, उपसभापति महोदय, मैं फिर एक बार माननीय गृह मंत्री जी द्वारा रखे गए इस परिनिश्चित संकल्प का विरोध करती हूँ। धन्यवाद।

THE DEPUTY CHAIRMAN: The House is adjourned for lunch for one hour.

The House then adjourned for lunch at thirty-two minutes past one of the clock.

The House reassembled after lunch at thirty-five minutes past two of the clock. **The Vice-Chairman (Shrimati Sushma Swaraj)** in the Chair.

STATUTORY RESOLUTION SEEKING APPROVAL OF PRESIDENT'S PROCLAMATION IN RELATION TO NAGALAND MOTION AND SEEKING ITS APPROVAL OF THE PROCLAMATION—Contd.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): We will continue the discussion on the Statutory Resolution in relation to the State of Nagaland.

SHRI BHUBANESWAR KALITA (Assam): Madam, Vice-Chairman, I thank you for the opportunity given to me to speak on this Statutory Resolution and at the outset I welcome the Statutory Resolution moved by the hon. Minister of State for Home Affairs, Mr. M. M. Jacob. I have been listening with rapt attention to the previous speakers. The points made by them had expressed the gravity of the situation in Nagaland and I also express my concern along with others about these political developments taking place in Nagaland. Madam, as a Member from the neighbouring State of Nagaland I really feel con-

cerned about the developments that have been taking place from time to time. In fact, in the last four years Nagaland has seen three Chief Ministers and, as has been mentioned by my previous speaker, almost 90 per cent of the MLAs became Ministers. As we all know, Nagaland is a border State. It is bordering Burma and other countries. Peace and stability is the basic concern of all of us. Peace and stability is the basic thing which is required in a border State or the country and the people of Nagaland have been struggling for it for years together. If we follow the political developments and the political scenario of Nagaland of the past few years since it has got its statehood, we find that in the general elections hardly any party gets a majority. There have been coalition ministries. These are not new phenomena because there had been unstable ministries earlier also. Therefore, when we interact with the common people, with the politicians, their basic concern is, Nagaland needs peace and stability, stability of the Government particularly, and that they have proved in 1989 when they elected a stable Government, a truly majority Government. In Nagaland in the 1989 general elections the Congress got 36 seats out of a total of 60 and the Opposition, NPC, got 24 seats. All of us, particularly the people of Nagaland expected a stable Government in Nagaland. A Congress Government was formed under the leadership of Shri S. C. Jamir which continued for 17 months. What happened after 17 months. What happened during that time? In 1989, after the general elections, the Government at the Centre was changed and the National Front Government came into power. Immediately after that Governors were changed and that is how the Governor of Nagaland was also changed. Immediately after the change of the Governor the game of instability started and as a result of that the 17-month old Congress Ministry was toppled; defections were engineered and a Govern-

ment was formed under the direct instigation of some of the then Central Ministers. That is how the instability started in Nagaland.

Madam, I want to start from where Shrimati Sarala Maheshwari concluded. She gave a call to our Members that we should not form Government through defections; we should try to come to power through elections. I welcome her statement. I agree with her. Who started the defections? How were the Government changed? Who came to power through defections? It was not Congress. In Nagaland the Congress has always suffered. The Congress Ministry was toppled; defections were engineered; Congress Members were disqualified and finally when the Vamuzo Ministry was about to be reduced to a minority by the verdict of the Guwahati High Court, he immediately recommended the dissolution of the Assembly. Shrimati Maheshwari is not here. I want to tell her that Congress never wanted to come to power in Nagaland through defections. It came to power through election. It is the other parties whom she is defending who came to power through defection and this is the logical outcome President's rule is the logical outcome of the formation of Governments through defections. One defection led to another defection and finally dissolution of the Assembly and the logical outcome of President's rule has come about. I agree with her that Nagaland is a very sensitive State. We know better than anybody else the sensitivity of that region. But Madam, we should also keep in view how this sensitivity has been aggravated. The secessionist activities, hobnobbing with the secessionist forces, were going on under the nose of the Chief Minister. What were those two foreign nationals doing over there? What was their secret mission? Why was this secret mission? Why didn't they take permission or get permit to visit Nagaland? What were they doing? What was the Chief Minister doing? I agree with her that by the action of

the Government we should not hurt the sentiments of the people or encourage the secessionist activities. But if the secessionist activities grow and go on under the nose of the State Government, does not the Central Government have any duty? Should the Central Government ignore all these happenings, all these developments? The root-cause of this instability in Nagaland is corruption. Corruption is rampant at all levels in Nagaland. There is corruption because, I am sorry to say, everyone wants to become Minister, not only Minister but they want lucrative portfolios. Scandals are going on in the Department of Public Health which are under inquiry now. Inquiry Commission has been formed. Corruption is there in Medical Department. Corruption is there in Forest Department. A Teak forest in Ranga Pahar reserve forest has been deforested. And there is scandal in NEHU. Madam, no truck can pass without giving fees from the check gates made by some people. Madam, corruption is rampant at all levels. We have seen in the newspapers that the Chief Secretary of that state owned 11 flats in posh areas of Delhi. It is quite surprising and amazing. The level of corruption that is going on is the root cause of instability in Nagaland. The Government should take serious note of it. To me that was a Government which went on with this corruption with all sorts of scandals. This is the logical outcome which would have come today or tomorrow. The Government has taken a correct steps to do away with such activities. I am taking a clue from the call given by Shrimati Maheshwari that we should not come by defection, we should come by election. I would say that this is a welcome development, this is a welcome step taken by the Government. Let the people of Nagaland make the choice. Let fresh elections be held and let a new Government come to bring peace and stability in Nagaland.

SHRI RAM JETHMALANI (Karnataka): Madam, I accept some of the

[Shri Bhubenewar Kalita]

major facts that have been alleged by the hon. Members on the Treasury benches, I particularly agree with the last speaker that there has been instability in Nagaland. I further agree that possibly that State is rampant with corruption. I further agree that instability is perhaps caused by corruption of politicians as well as bureaucrats. I don't want to go into the particular case of the Chief Secretary who was attracting headline of some of the newspapers, who was mentioned just now. I have just not the means to go into the merits of these controversies. I do not even have the means of judging whether the Governor had anything to do with those two foreigners. I do not even know whether those two foreigners were on lawful business or not. The Members on the other side seem to have superior sources of information to which I have no access. But as a trained lawyer, I do not accept allegations unless the party has been heard and so long as neither the Governor nor the foreigners nor the Chief Secretary has been heard and the other side presented here, I will not venture into passing any valid judgement upon the conduct of these three persons. I am more concerned with the Constitutional law. I am concerned with the Constitutional proprieties. I am concerned with the validity and the property of the action of superseeding a Government or an administration that existed and the imposition of President's rule. Madam, let me say this—I have a very distinguished lawyer sitting here on the front bench that side—that the imposition of President's rule under article 356 is not the remedy contemplated by the Constitution for instability or for corruption or for substitution of a Government which you like in the place of a Government which you do not like. Bad Governments cannot be displaced under article 356. Corrupt Governments can't be displaced under that article nor a substitute, that is, President's rule, can be imposed merely because there are conditions

of instability or there are some foreigners who have managed to get on to the border. In every State, there are offences committed. The most tragic offence in recent history took place in the State of Tamil Nadu and nobody had said that therefore the State Government must be dismissed on that ground. There will be corrupt bureaucrats in every State. There are corrupt Ministers in every State. Let us take this for granted. There may be corrupt Ministers everywhere. But that is no reason for invoking article 356. I would like.....

SHRI MADAN BHATIA (Nominated): Madam, I would like to have one clarification.

THE VICE-CHAIRMAN (SHRI MATI SUSHMA SWARAJ): Are you yielding?

SHRI MADAN BHATIA: Kindly yield for a minute.

SHRI RAM JETHMALANI: If at the end of my speech, I have not clarified your doubt, you can ask me the question. You can be sure of my clarification. I now exactly know what you have in your mind.

THE VICE-CHAIRMAN (SHRI MATI SUSHMA SWARAJ): You please continue.

SHRI RAM JETHMALANI: You won't grudge a little understanding of my friend. Now first of all, let us be clear about the facts because I believe, on the 3rd of March or some date which was mentioned by Mr. Mathur this morning, the Home Minister made a statement that he did not know whether the present Chief Minister enjoyed the majority or not. Now let us look at the facts. The facts are that the Assembly was dissolved on the 27th March. But on the 26th March, the previous day, all the Budget proposals presented by the Government to the Legislature were passed by a majority. If the vote of confidence or a lack of confidence had to be expressed by the Assembly, they

would have refused to pass the Budget proposals. The most important Constitutional method of toppling a Government is to reject the Motion of Thanks. But the Motion of Thanks was passed on the 26th of March. More than this, elections to the Rajya Sabha took place and the ruling party's representative was elected to the Rajya Sabha on the 26th of March. Therefore, on the 26th of March, there was majority in support of the Chief Minister of that State and nobody can allege or much less prove that by the 27th, the next day when the Chief Minister advised dissolution, he had ceased to command the respect and the confidence of a majority of the legislators in his State. I do not wish to go into the previous history of these gentlemen. It is true that 59 out of these 60 persons have become Ministers at one or the other time. It is true that there have been three Chief Ministers in respect of three years from 1989 to 1992. I am assuming that they are all ambitious politicians there sitting to grab offices and grab lucrative posts and so on and so forth. But how do you impose article 356 under these situations? But let us assume that the Chief Minister was aware on the 27th when he advised dissolution that he was about to lose his majority there. I go further. Let us assume that on the 27th when he gave the advice that the Assembly should be dissolved he already was convinced in his own mind that he had lost his majority in the Legislature. Now, the constitutional law is very clear that the defeated Chief Minister of a State has a right to appeal to the political sovereign, that is, an appeal from the Legislature—that is, the legal sovereign—to the political sovereign. A defeated Chief Minister can advise the Governor, "I want to test my strength with the people of the state, please dissolve the Assembly and let us go to polls, let us have a proper verdict." My friend is very right when he says that the remedy is that you hold elections. Yes, the remedy is 'hold elec-

tions'. That is precisely what the Governor had done. That is precisely what the Chief Minister had advised the Governor to do. He had dissolved the Legislature and he had ordered the holding of fresh elections. And he had only installed the Chief Minister as a caretaker Chief Minister. Now, it is at this stage...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Would you please yield for a moment? It is possible for the Governor to accept the recommendation of a Chief Minister in the absence of a Cabinet resolution or a decision recommending to the Governor dissolution of the Assembly? There was no Cabinet meeting held prior to recommending to the Governor dissolution of the House on the 27th or even on the 26th or the 25th.

SHRI RAM JETHMALANI: I am proceeding on the assumption now that the Chief Minister on the 27th when he tendered the advice for dissolution had already lost the majority...

THE MINISTER OF STATE OF THE MINISTRY OF COMMERCE (SHRI P. CHIDAMBARAM): That is not the point.

SHRI RAM JETHMALANI: No, that is the point...

SHRI P. CHIDAMBARAM: The point he is making is in the light of Article 174 whether the Chief Minister can advise the Governor to dissolve the House without placing the matter before the Cabinet, go to the Governor without the Cabinet's advice, in the light of Article 174.

SHRI RAM JETHMALANI: Yes, it is the Chief Minister's right to ask for a dissolution and not of the cabinet...

SHRI P. CHIDAMBARAM: Not in the light of Article 174.

SHRI RAM JETHMALANI: ... because every Minister in the Cabinet holds office at the pleasure of the Chief Minister. It is open to the Chief Minister there and then to dismiss every Minister who opposes his move for such advice and say that the remainder is the Cabinet, that the remainder is the whole Cabinet after getting rid of every Minister who opposes him. Therefore, it is well known that is the privilege of the Chief Minister and not of the Cabinet. The privilege at the Centre is of the Prime Minister and not of his Cabinet. I will assume that the Prime Minister has all the Ministers against him and the Ministers want to dethrone him. But he has a right to go to the electorate and say 'Over the head of my entire Cabinet I want to test my popularity with the people of the country.' The people are the political sovereign. And the constitutional law and practice allows him this. And once it is conceded as it must be conceded—even if Mr. Chidambaram says that it is a different question—that a defeated Chief Minister had undoubtedly the right, if he is defeated by the legislators, the legal sovereign, defeated by his own Cabinet inside his own chamber of the Cabinet, it is no defeat at all, because he can dismiss every Minister who opposes his will and substitute all such Ministers by new ones and say, 'This is the Cabinet which is now advising the Governor.' Everybody knows about it. Now that it is conceded, I would only wish to read the most recent, the latest authority on constitutional law, Prof. Griffin. On Parliament he says that it is the right of a defeated Prime Minister to seek the dissolution and the sovereign in England accedes to this request of a defeated Prime Minister. And that is the precise practice which we follow in this country. And that is the precise practice which has to be fol-

lowed because our Supreme Court has held that we are following the Westminster model.

Now, I propose to deal with the more important question. Dr. Ambedkar—and this is a very curious thing that we are in the centenary year of Dr. Ambedkar and we build statues, we have pictures, we have conventions, we garland the pictures and statues. But this is hypocrisy because unless you follow the teachings of Dr. Ambedkar, all this garlanding, all these *tamashas* that are going on, are really an insult to the memory of that great man. That great man was asked in the

3 p.m. Constituent Assembly of India, 'what should be done before imposing President's Rule?', and this is what he said—it is recited in the Constituent Assembly debates and in every textbook on Constitutional Law:—

"The first thing that the President will do will be to issue a mere warning to a province that has erred that things were not happening in the way in which they were intended to happen in the Constitution. If that warning fails, the second thing for him to do is to order an election allowing the people to settle matters by themselves. It is only when these two remedies fail that resort can be had to that article."

Now, these are the words of Dr. Ambedkar and I do not need any judge or any jurist. He was the father of the Indian Constitution and, according to me, his word is final. This is how he understand the Constitutional Law and Practice that President's Rule will only be imposed if two conditions are satisfied: first, the President must find out in what manner the Government of the State is not being carried on in accordance with the Constitution so that thereafter you cannot, at any stage, go on making out a case and as soon as a controversy develops, at every stage of the controversy, you cannot develop

a new case. You must, therefore, precisely tell the State, "In my opinion, you are doing a wrong and the manner in which you are doing is wrong. Please remedy it." If necessary, the President should issue a direction under article 355 because article 355 says that it is the duty of the Union Government to see that the Government of the State is carried on in accordance with the Constitution and, for that purpose, power has been given to the Union Government to issue directions. No such direction was issued here because they are not sure of their case and the Home Ministry is not sure of the case! The Home Minister does not know even the facts of Nagaland case and perhaps he does not even know the interpretation of article 356.

The second thing that Dr. Ambedkar says is that if you find that Government is not being carried on in accord with the Constitution, then the first remedy is to order election. Let the political sovereign in the State assert its will and create a proper administration and create an administration that will function in accordance with the provisions of the Constitution. Even that has not been done. But what you have proceeded to do is that you have imposed President's Rule, not in a State in which the Government was not being carried in accordance with the Constitution, but in a State where the Government was being carried on in accordance with the Constitution, because the Constitution is one thing which your Home Ministry does not seem to approve of. That is the tragedy and an evil precedent has been set and the precedent that you have set now is a precedent which is going to recoil again and again, because I wish to warn that this irresponsible use of article 356, this irresponsible reference to article 356, as soon as something goes wrong in a State, is bad. As soon as something goes wrong in a State the Home Ministry issues a ukase, "I am considering application of article 356." You think that the Chief Ministers

are your employees, they are your subordinates, and you have only to dismiss them at your pleasure, whenever you feel that they are not going to act according to your wishes or whims or perceptions of what a Government should be like. Now, this is the notion which has got to be got rid of and the earlier you get rid of it, the better. The Governor in this case was doing precisely what his duty was. He was dealing with a situation in which there was instability, he was dealing with a situation in which there was corruption and he was dealing with a situation in which the Members of the Legislature were bent upon seeking office and doing things for their own self-interest. What should a Chief Minister do and what should a Governor do? The moral, ethical and political duty of theirs was to go to the political sovereign of the State and ask the political sovereign saying, "This is the situation we are facing. Please elect a new Assembly." And this is precisely what the Governor did, this is precisely what the Governor did and this is precisely why you got the Chief Minister removed, the idea only being that you wanted to be in control at the time of elections so that you should be able to rig the elections in your own way and that there should not be any caretaker Chief Minister who, at least up to the 26th, enjoyed the majority.

Now, Madam, I want to read out the Governor's letter to the President justifying the action he has taken. This was in the shape of a telex message and after that a whole letter has been written, and you see the Governor has acted precisely on the considerations which the hon. Members have been planting since morning—instability, corruption, and so on. The Governor says that it has created a situation in which 59 people had already become Ministers once upon a time and he had to deal with three Chief Ministers, and this kind of instability and political corruption

[Shri Ram Jethmalani]

can only be remedied by a fresh election, "and I therefore order fresh election." The letter of the 27th March from the Governor to the President, I hope, is placed on the Table of the House and hon. Members should read it. The Governor acted with utmost propriety in this matter. He acted in accordance with the advice of Dr. Ambedkar and he acted in accordance with what the Constitution required him to do.

Now, let me take one or two minutes more to deal with the dismissal of the Governor himself. Now, directly, it seems the dismissal of the Governor is not involved here. But you have proceeded to dismiss the Governor and made allegation against the Governor that he was not able to take care of two foreigners who had managed to get into the State. Now, does the Governor look after the police functions in the State? Is he an investigating officer? Is he an SHO or a CBI officer? What is he supposed to do? The Governor does not even now know about the presence of that the two persons were caught these two persons. But you say that the two persons were caught and therefore the Governor should be removed. I have never heard of such travesty of Indian Constitution. I have never heard such ridiculous argument being made that because two foreigners are found roaming about in the State the poor Governor had to be dismissed. On that score you will have to dismiss every Government. And I am afraid you will have to dismiss yourself if this the criterion for continuance of Governments. And may I ask, when did you discover these two foreigners and the connection of the Governor with these two foreigners? How is it that you discovered it only after he acted in a manner that you did not like? As a lawyer I can say that just when you dismiss him you discover this inconvenient factor against the poor fellow, against which the man has been

given no opportunity, the man has had no say, and you proceeded to dismiss him.

We are talking to the Chief Secretary, Mr. Ahluwalia. Madam, I propose to pass no judgement upon him. Perhaps he is a corrupt man. But when have the treasury benches developed such great solicitude for elimination of corruption and prosecution of the corrupt? I hope you give some better example of your own solicitude and evidence of your concern with prosecution of the culprits and proper investigation of crime. If the Chief Secretary is corrupt he ought to be prosecuted. But the Governor has said that three Chief Ministers—not he alone, three Chief Ministers who have operated in that State since 1989 had cleared him. All of them may have been corrupt, but the matter he treated as closed. If the matter was treated as closed, now whose duty is it, whose province of jurisdiction is it, to sanction prosecution, whoever he may be, so long as he is working as the Secretary of the Government and his misconduct arises out of his office as an employee of the State Government? It is the function of the State Government to sanction or not to sanction prosecutions. Assuming that there was some hanky-panky in not sanctioning his prosecution, the remedy was a judicial remedy. The President of India or Mr. Chavan is not the remedy for sanctioning prosecution of people who ought to be prosecuted. They should have gone to the High Court and the High Court could have examined the material said: on this kind of material obviously the refusal of grant of sanction is malafide. But nothing of the kind was done. But in any event if the Chief Secretary was corrupt or deserved to be prosecuted it certainly is not the circumstance which calls for exercise of powers under article 356. And I said before that the real conduct from you, if you are to avoid the charge of hypocrisy, is that you must burn down

Ambedkar's Constitution, you must tear off all his literature and his writings and pull down all his statutes. That is the conduct of which you are guilty in the Centenary year which you are celebrating with such great hypocrisy, Thank you.

SHRI MADAN BHATIA: Madam Vice-Chairman, I may be permitted, on the basis of what has been said by the hon. Member, to seek...

THE VICE-CHAIRMAN (SHRI MATI SUSHMA SWARAJ): You want a clarification or you are raising a point of order?

SHRI MADAN BHATIA: ...a few clarifications because he has agreed.

SHRI RAM JETHMALANI: I am prepared to continue. Now he can ask.

SHRI MADAN BHATIA: The first point the hon. Member made was that if the entire Government of the State becomes corrupt, even then Article 356 cannot be invoked. Article 356 says, "if the Government of the State cannot be carried on in accordance with the provisions of the Constitution." Is this the understanding of the hon. Member that if the entire Government of the State indulges in looting of the State, still it will be said that the Government of the State is being carried on in accordance with the provisions of the Constitution? To me, this proposition of the hon. Member not only seems untenable but totally constitutionally preposterous.

Secondly, the hon. Member has said that... (Interruptions)

THE VICE-CHAIRMAN (SHRI MATI SUSHMA SWARAJ): He is asking another question.

भाटिया जी, जल्दी पूछिए ।

SHRI MADAN BHATIA: Madam, the second point that he has made is that even a defeated Prime Minister

or Chief Minister has the right and the prerogative to demand the dissolution of the House. I would like to ask the hon. Member whether this is true or this is not true and whether he has gone through the opinions of the various jurists when a situation arose, like the one which arose in Nagaland, Harold Wilson was the Prime Minister of England...

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज):
 आप सिर्फ सवाल पूछिए । देखिए,
 परम्परा से हटकर मैंने आपको समय
 दिया है ।

SHRI MADAN BHATIA: I am seeking a clarification. I will take only one minute. Harold Wilson was threatened with revolt by some Members of his party which would have reduced his Government to minority. And he declared openly that 'if these Members are going to revolt against me, I shall seek the dissolution.' The entire jurists in England spoke with one voice that if a Prime Minister is facing a revolt from his own party which is likely to reduce him to minority in the House, he has no constitutional right to seek the dissolution. And if he seeks dissolution, the Sovereign must reject his request for dissolution. This is much more than what the hon. Member has said that a defeated Chief Minister can ask for the dissolution. I would simply ask the hon. Member to read any constitutional authority—Jennings, Vaughan Phillips and the various Prime Ministers who have...

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज):
 आप सारी कांस्टीट्यूशिन अथॉरिटीज यहाँ
 रेफर न करें । अब आप बैठिए ।

SHRI MADAN BHATIA: ...held a contrary view. And he has misled this hon. House.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज):
 जेठमलानी जी आप जवाब देना चाहेंगे
 एक मिनट में ... (व्यवधान) क्योंकि
 जेठमलानी जी एग्री कर गए थे

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मैंने कहा । मिस्टर बेबी आप बैठिए ।
 एक मिनट में आप समाप्त करेंगे ...
 (व्यवधान) अब आपको बोलने दीजिए ।

SHRI RAM JETHMALANI: I will take 30 seconds for each question, total one minute. Now I deal with question number two first. I have been challenged to point out a single authority which says so. The trouble with Madan is that he argues more law in Parliament than in a court.

SHRI MADAN BHATIA: I would give one name. King wrote...

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज):
 देखिए । आपकी तरफ से, आपकी पार्टी की ओर से आपका नाम नहीं आया है ।

SHRI MADAN BHATIA: ...that Harold Wilson has no business to ask for dissolution.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज):
 अब आपने अपना प्रश्न कर लिया । आप सुन लीजिए ।

SHRI RAM JETHMALANI: Instead of getting into this rhetorical outburst, I am passing on this quotation from Griffith, his latest book on Parliament. He is the biggest authority today on constitutional law. And the last line in this passage is, "that the Prime Minister may advise dissolution because the Government is defeated when seeking a vote of confidence." This is Griffith. Read Seervai, read Basu. But, unfortunately, as I said, it is all right here to make a statement like this. If you are in a court, you will be hauled up. And the first question is: If the whole State Government consists of dacoits who loot, can the Government be dismissed? In the first place, my answer is that if there are dacoits who are in control of office, the remedy again is to go to the political sovereign and remove the dacoits unless you go to the court of law. But

another dacoit has no right to sit in judgement over a dacoit and say: 'I am substitute for another dacoit'.

SHRI BHASKAR ANNAJI MASODKAR: I am really surprised at the onslaught of Mr. Ram Jethmalani when he talked about one dacoit sitting in judgement over another dacoit. That is surely not expected in this House and I trust that he never meant by the word 'dacoit'...

SHRI MADAN BHATIA: This is no arguement if the hon. Member comes down to abuses. He has not answered the question.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज):
 आप उनको बोलने दीजिए । आपकी ही पार्टी के सदस्य बोल रहे हैं ।

SHRI MADAN BHATIA: He cannot go on indulging in abuses as he goes on even in the court.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज):
 आपने जो पूछा, उन्होंने जवाब दिया । अब आपकी ही पार्टी के श्री जुरिस्ट बोल रहे हैं, आप उनको बोलने दीजिए ।

SHRI BHASKAR ANNAJI MASODKAR: I surely attribute it to Mr. Jethmalani that he holds the highest office of the country, the office of the President, with due dignity and honour. I have read some articles which he has written about the President of India and I do hope that he does not attribute any such denigrating imputations while responding to Mr. Bhatia.

SHRI RAM JETHMALANI: I have not said anything against him. I only referred to the illustration he gave when he said 'if there is a corrupt government which loots the people'. 'Dacoit' is a better term for those who loot. I did not say that for Mr. Bhatia.

SHRI BHASKAR ANNAJI MASODKAR: I have great admiration for his advocacy but the substance

which comes out of that advocacy is always doubtful. I can only assure you that in this particular case, I do not know why this debate is being raised. He admitted the fact of instability. He says that there is corruption. He says that 59 legislators out of 60 had adorned what you call the ministership. And there is a rampant doubt at least that all this is being manoeuvred by the politicians in the legislature, and in such circumstances the Assembly was dissolved. He has no grievance against that. After the Assembly was dissolved, the stage comes when the President looks into it. The only debate probably I thought which he could have raised is whether the President could look into the circumstances after the Assembly is dissolved. I ask this question to Malaviyaji as well as Balaramji. What do you want to achieve by this particular debate? The Assembly cannot be revived. It is a fact which has already taken place by the Governor's orders, and that is not being disputed here, nor are we debating it. The only question is whether the President was right or not.

Madam, I am very happy that Dr. Ambedkar's name is being mentioned here again and again, but the quotation that is being given is only half way. I have, therefore, decided today to make it a part of the record of this House as to what Dr. Ambedkar said while introducing and amending the original article 356. The history is like this. The amplitude of article 356 was increased upon the recommendations of the committee and the original article which was article 188 merely provided that the President could act on the report of the Governor. Thereafter it was thought that this may not cover all the contingencies. Therefore, the word 'or otherwise' was added. While explaining that, Dr. Ambedkar, by whose memory we stand and whose memory we cherish very much, explained the position. One of the portions which Mr. Jethmalani right-

ly read is like this. The paragraph reads like this. And this is from the speech of Dr. Ambedkar. I quote "The original article 188 merely provided that President could act on the report of the Governor. The word 'otherwise' was not there."

"Now it is felt that in view of the fact that article 277A (now article 355)...

to which he made a reference—

...imposes a duty and an obligation upon the Centre, it would not be proper to restrict and confine the action of the President, which undoubtedly will be taken in the fulfilment of the duty...

This is more important.

...to the report of the Governor of the province. It may be...

This is a matter which the House should consider.

It may be that the Governor does not make a report. I think as a necessary consequence to the introduction of article 277A, we must give liberty to the President to act even when there is no report by the Governor and when the President has got certain facts within his knowledge on which he thinks he ought to act in the fulfilment of his duty."

The position is absolutely clear, Dr. Ambedkar had no such doubt, which is haunting my learned friend. He had a clear picture of India; how the Governor would act, how the Legislature would act.

It is not that such a provision is there only in the present Constitution. If you see history, you find that right from 1935, these provisions were there. But the scape was widened by the Constitutional amendment, which was for the purpose, as Dr. Ambed-

[Shri Bhaskar Annaji Masodkar]

kar had said, when certain facts within the knowledge of the President may require action under article 356.

After the Assembly was dissolved, was there a Constitutional Government? I would like to know. What led to this situation and what the facts are have been mentioned by Mr. Jethmalani in his speech, while referring to the latest letter of 27th March from the Governor to the President. Upon this, cannot the President form his opinion under article 356? Madam, as you know, I wanted to say something after I heard him. I made a request to the Chair. I wanted to hear Mr. Jethmalani on article 356. But to my surprise, he did not say a single word.

The question is, can the President act on his own or not? After the Assembly was dissolved, after the Constitutional machinery had failed, and when the facts had come to the knowledge of the President, can he act or not? I think, as far as this aspect is concerned, there is hardly any argument, there is hardly any substance, except some usual political statements that one Government had done this, the other Government had done that, etc.

Madam, I do not wish to take the time of the House. Mr. Ahluwalia had already elaborated on the facts. They show as to what machinations were going on in the House of 60 Members. Do you mean to say that even if there is corruption, the President cannot act? I am surprised to hear an argument like that. I do not think the House will approve of the advocacy of corruption in this manner.

SHRI RAM JETHMALANI : We are not advocating corruption.

SHRI BHASKAR ANNAJI MASODKAR: What is the use of having article 356? I would like to know.

AN HON. MEMBER: Because it there, it has to be used!

SHRI BHASKAR ANNAJI MASODKAR: Because it is there, it has to be used. Wherever it is necessary it must be used. If you forget to use this article, it will be dead. The powers are not given to be kept in the statute book as a sort of decoration or something like that. They have been given to the President exactly for this purpose. It is an argument that there may be machinations, there may be defections, there may be supersession of the Assembly.

SHRI PRAKASH YASHWAI AMBEDKAR (Nominated): What about the Governor? Is the Governor or independent, or, is he only an instrument of the Central Government?

उप-सभाध्यक्ष (श्रीमती सुषमा स्वराज) : आप उन्हें बोलने दीजिए प्रकाश जी। आपका जब तब आया तब बोलिए। मासोदकर जी, आप कन्टीन्यू करिए।

SHRI SUBRAMANIAN SWAMI (Uttar Pradesh): But he is Ambedkar, so he has a right to ask a question.

SHRI BHASKAR ANNAJI MASODKAR: He has a right to ask a question. I respect when he asked this question, but we are not really discussing the Governor, we are discussing action. The President and the Resolution moved by my learned friend, the Home Minister, whether the action of the President is constitutionally valid, whether it is supported by the material which is admitted material as is told by Mr. Ram Jethmalani. This is the only narrow question. I do not see why this debate is being raised in this House. Even if, suppose this motion is not admitted or accepted, you cannot revive the Assembly. What is going to happen, with this argument and why this losing tempers? Therefore, I would submit that the Statutory Resolution moved by the Home Minister should be

cepted and in defence of that I must say that it is a well-warranted action by the President on the admitted facts on all hands in this case.

Madam, he made a reference to article 355. I must say a word about it before I finish. On first principle, it is a rule of constitutional law that each article must be read as a whole and interpreted as such. If article 356 permits an action which is taken by the President, I do not know why this article 355 should govern it. The argument that is being made is that a particular direction should be issued, upon getting a direction, upon getting a report, action can be taken, but the words or otherwise, as I explained earlier, and also from the speech of Dr. Ambedkar, are wide enough to take all contingencies and here was a contingency where the Governor had acted on 27th upon the advice of the Chief Minister. We do not know whether there was even a Cabinet meeting or not. The Home Minister says that there was no Cabinet meeting also. There was total failure of the Constitution. Therefore, I do not know what adjective Mr. Jethmalani would choose for it, but this will be a perverted advice, totally perversion of the Constitution.

Under the circumstances, I submit, Madam, that this House should put a seal of approval on the Government Resolution.

श्री सत्य प्रकाश मातुलीय : माननीय उपसभाध्यक्ष जी, यह भी उद्घोषणा हुई है, इसको मैं दो परिवेश में देखता हूँ, एक तो यह कि नागालैंड के राज्यपाल ने संविधान के अनुच्छेद 174 (2) (ब) में अपने अधिकारों का जो उपयोग किया, वह कहां तक उचित था और उसके बाद केन्द्र सरकार ने 2 अप्रैल को संविधान के अनुच्छेद 356 का जो उपयोग किया, वह कहां तक उचित था? यह सैवधानिक धाराओं का दुरुपयोग था केवल इसलिए कि वहां पर जब चुनाव हों तो कोई केअर-टेकर चीफ मिनिस्टर न हो। सबसे

पहले जो नागालैंड की विधानसभा थी, 60 सदस्यों की होती है, उसमें से 15 ऐसे सदस्य थे, जिनकी अयोग्यता का मामला न्यायालय के अधीन विचाराधीन था, 02 ऐसे सदस्य थे जो संबद्ध हो चुके थे और 19 ऐसे सदस्य थे जो कांग्रेस पार्टी के सदस्य थे। इस प्रकार उस दिन जो एफेक्टिव स्ट्रेन्थ थी, वह 45 की थी। उसमें जो नागालैंड पीपुल्स काउंसिल है, जिसके चीफ मिनिस्टर मिस्टर वाम्जो थे उनके साथ 24 लोग थे।

[उपसभाध्यक्ष (श्री भास्कर अन्नाजी मातोकर) गीठाली हुए।]

उपसभाध्यक्ष महोदय, जैसा कि जेठमलानी जी ने तथा अन्य सदस्यों और स्वयं गृहमंत्री जी ने भी इस बात को माना है कि जिस दिन मुख्यमंत्री ने अपनी संस्तुति की कि वहां की विधानसभा को भंग कर दिया जाए, चुनाव कराए जाएं और जब तक चुनाव न हो जाएं वह केअर-टेकर मुख्यमंत्री के रूप में कार्य करते रहें, उस दिन मुख्यमंत्री को वहां बहुमत प्राप्त था अथवा बहुमत नहीं प्राप्त था।... उसके ठीक उस दिन के अंदर ही वहां का बजट विधान सभा में पारित हुआ और जो राज्यपाल महोदय का अभिभाषण होता है, उसके लिए धन्यवाद का प्रस्ताव वहां पारित किया गया। उपाध्यक्ष महोदय, इसके अतिरिक्त वहां मि० विजोल हैं जिन्होंने कि कांग्रेस पार्टी के प्रत्याशी को राज्यसभा के चुनाव में हराया था। इसलिए मेरा कहना यह है कि इस बारे में कोई विवाद ही नहीं था कि 27 मार्च को, जिस दिन मुख्य मंत्री ने अपनी संस्तुति की, वह बहुमत में थे अथवा बहुमत में नहीं थे। संविधान में भी इस बात को कहा गया है कि राज्यपाल को पूरा अधिकार है कि जो मुख्य मंत्री की सिफारिश है, उसको मानने के लिए यह बाध्य हैं। उसमें प्रविजन है—

"The Governor has the power to summon the Assembly, to prorogue the Assembly or to dissolve the Assembly."

[श्री सत्यप्रकाश मलवीय]

तो मैं अपनी बात आगे कहूँ, इसके पहले मैं दो उदाहरण देना चाहता हूँ क्योंकि चिदम्बरम जी ने इस ओर ध्यान आकर्षित किया था। एक तो वामुजो साहब ने जो चिट्ठी लिखी है, उसमें चीफ मिनিসटर ने यह कहा है कि—

"The Cabinet has, therefore, come to the conclusion that the Assembly be dissolved and a caretaker Government be allowed till such time as a fresh mandate of the people is called for."

तो वामुजो साहब ने खुद राज्यपाल महोदय को लिखा कि मंत्रिपरिषद् की बैठक हुई और मंत्रिपरिषद् की बैठक में यह फैसला लिया गया। अब उसके बाद राज्यपाल के सेटिस्फिकेशन का सवाल था। राज्यपाल संतुष्ट हो गए।

SHRI M. M. JACOB: The Chief Minister's letter itself is a false document when there was no Cabinet meeting.

SHRI P. CHIDAMBARAM: That statement is a false statement.

श्री सत्य प्रकाश मलवीय: मैं उस पर भी आ रहा हूँ। तो मैं तो यह मानकर चलता हूँ कि मुख्य मंत्री ने जो कहा कि मंत्रिपरिषद् की बैठक हुई और उसके बाद राज्यपाल ने भी इस बात को माना कि उनोखबर मिली, व में रेडियो और समाचार पत्रों के जरिए कि कुछ मंत्रियों ने त्यागपत्र दिए। तो मेरा कहना यह है कि जिस वक्त मुख्य मंत्री ने अपनी संस्तुति की, वह बहुमत में मैं और उनके अनुसार मंत्रिपरिषद् ने यह फैसला किया था। दूसरा साकल यह है कि मुख्य मंत्री बहुमत में नहीं थे। उससाधुधर महोदय, चौधरी चरण सिंह इस देश के प्रधान मंत्री हुए और जब प्रधान मंत्री होने के दावे को उन्होंने प्रस्तुत किया, उस वक्त यह विवाद का विषय था कि वह बहुमत में हैं या नहीं हैं। लेकिन तत्कालीन राष्ट्रपति श्री संजीव रेड्डी, सारे कागजात को देखने के बाद, लोगों से वातचीत करने के बाद

स्वयं वे संतुष्ट हुए कि चौधरी चरण सिंह उस वक्त इस स्थिति में हैं कि वे भारत सरकार के प्रधान मंत्री बन सकते हैं और उन्होंने चौधरी चरण सिंह को आमंत्रित किया कि वह सरकार बनाएं, लेकिन एक महीने के अंदर वह लोकसभा में अपना बहुमत सिद्ध करें। चौधरी चरण सिंह ने अपनी मंत्रिपरिषद् बनायी, उन्होंने प्रधानमंत्री की शपथ ग्रहण की, लेकिन एक महीने के अंदर जैसाकि राष्ट्रपति जी ने कहा था, उन्होंने लोकसभा को बुलाया नहीं और बिना उसके उन्होंने राष्ट्रपति को परामर्श दिया कि भारत की लोकसभा को भंग कर दिया जाए और चुनाव कराए जाएं जबकि यह सही था कि उन्होंने लोकसभा को बुलाया नहीं था, लोकसभा के आगे अपना बहुमत सिद्ध नहीं किया था। इसके बावजूद भी श्री संजीव रेड्डी ने उनकी सिफारिश को माना और उनकी सरकार चलती रही। वह कैब्रल टेकर प्रधान मंत्री रहे और उसके बाद लोकसभा के चुनाव हुए। तो मेरा कहना यह है कि एक राज्यपाल जिसने कि शपथ ले रखी है कि संविधान को प्रोटेक्ट करूंगा, डिफेंड करूंगा और संविधान को प्रिजर्व करूंगा और उसने जब उस शपथ के तहत काम किया तो वह उसने ठीक किया था क्योंकि जब संविधान तिमांतियों ने संविधान बनाया तो उन्होंने वही अधिकार दिया था कि जब कांस्टीट्यूशनल मशीनरी ब्रेक डाउन हो, संविधान की धाराओं का और संविधान का ब्रेक डाउन हो, उसी सूत्र में केन्द्र सरकार वहाँ राष्ट्रपति शासन लागू कर सकती है। इसलिए मैं संविधान के अनुच्छेद-356 को आपके समक्ष पढ़ना चाहूंगा।

"If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation..."

मेरा निवेदन यह है कि प्रेसीडेंट को भी इस बात का अधिकार है कि या तो राज्यपाल अपनी रिपोर्ट भेजे और अगर

राज्यपाल अपनी रिपोर्ट नहीं भेजते हैं तो उनके पास जो मॉटेरियल हो, उससे वह किसी फैसले पर पहुंच सकते हैं। लेकिन यह क्या मॉटेरियल है कि वहां पर कांस्टीट्यूशनल मशीनरी का ब्रेक डाउन हुआ है, इसकी जानकारी केन्द्र सरकार को कहां से मिली यह आज तक किसी भी उद्घोषणा में या किसी रिपोर्ट में बतलाया नहीं गया है। इसलिए मेरा यह नम्र निवेदन है कि जब राज्यपाल ने एक फैसला ले लिया था तो उस फैसले को केन्द्र सरकार को मानना चाहिए था और वहां पर राष्ट्रपति शासन लगाने की कोई जरूरत नहीं थी।

दूसरे, मैं यह निवेदन करना चाहूंगा कि जिस तरीके से वहां के राज्यपाल को हटाया गया है, आज यह मौका है कि हम तीन चीजों पर पुनर्विचार करें, कि जो दल-बदल विरोधी कानून है, उसकी पुनः समीक्षा होनी चाहिए। दूसरे, जिस प्रकार से राज्यपाल को हटाया गया वह क्या उचित था और क्या संविधान के निमोताओं का मंशा थी कि राज्यपाल को जब चाहे केन्द्र सरकार हटा दे? मैं इस संबंध में एक समाचार, जो कल के इंडियन एक्सप्रेस में छपा है, को पढ़ना चाहूंगा। पता नहीं सही है या गलत है, लेकिन समाचार छपा है 27 तारीख के इंडियन एक्सप्रेस में—

“Following directive from Prime Minister Narasimha Rao, Union Home Secretary Madhav Godbole, summoned Mr. Singh...”

That is Mr. Markandey Singh.

“...to his office on Sunday afternoon and told him...” (Interruptions)

I am entitled to read it, Mr. Chidambaram.

डा० रतनाशर पाण्डेय (उत्तर प्रदेश) : वह पुलिस कमिश्नर की तरह काम कर रहे थे, गवर्नर की तरह नहीं कर रहे थे।

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Malaviyaji, let us restrict to Nagaland.

श्री सत्य प्रकाश मालवीय : यह राज्यपाल को जिस तरह से हटाया गया उसमें आया।

“...that the Government has decided to replace him and he should tender his resignation.”

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Malaviyaji, Governor's removal is not a part of article 356. Let us restrict to it and finish off the debate.

श्री सत्य प्रकाश मालवीय : वह ठीक है, लेकिन मेरा निवेदन यह है कि राज्यपाल को जिस तरीके से हटाया गया, उसके बारे में मेरा निवेदन यह है कि केन्द्र सरकार शायद यह समझती है कि जो राज्यपाल हैं वे केन्द्र सरकार के एजेंट हैं या केन्द्र सरकार के अधीन हैं। मेरा यह निवेदन है कि राज्यपाल केन्द्र सरकार के अधीन नहीं हैं, केन्द्र सरकार के एजेंट नहीं हैं बल्कि वह स्वयं में एक स्वतंत्र कांस्टीट्यूशनल मशीनरी हैं और इस बात का सरकार को स्थान करना चाहिए। राष्ट्रकुल तिलक के संबंध में फैसला हो चुका है, एक शमशेर सिंह का केस था, इस संबंध में भी फैसला हो चुका है। मैं यह कहना चाहूंगा कि स्पष्ट रूप से यह संवैधानिक धाराओं का दुरुपयोग है और संविधान निर्माताओं की यह मंशा थी कि धारा 356 का दुरुपयोग या प्रयोग केवल उन्हीं हालात में करना चाहिए जिन हालात में उनका विवरण दिया गया है। तो इसलिए मेरा नम्र निवेदन है कि इस विषय में जो केन्द्र सरकार ने फैसला लिया है वह संविधान की धाराओं का दुरुपयोग था और साथ-साथ राजनीतिक उद्देश्यों की पूर्ति के लिए था। मासोदकर जी ने बीजले समय जो एक प्रश्न उठाया कि जाखिर इस प्रस्ताव पर चर्चा करके हम क्या हासिल करेंगे क्योंकि विधान सभा वहां की भंग हो चुकी है, राष्ट्रपति जमान वहां पर जायें

[श्री सत्यप्रकाश मालवीय]

हो चुका है और श्री जगदीश प्रसाद माथुर जी का संकल्प जिसका मैं भी समर्थक हूँ यदि पारित भी हो जाता है तो वहाँ की विधान सभा पुनः जीवित नहीं हो सकती है ? लेकिन इस बहस के जरिए केन्द्र सरकार ने जो राजनीतिक उद्देश्यों की पूर्ति के लिए संवैधानिक धाराओं का दुरुपयोग किया है उसकी ओर हम ध्यान आकषित कर रहे हैं इस आशा और विश्वास के साथ कि भविष्य में तीन बातों का पुनः पुनरीक्षण करना चाहिए। एक तो जो मैंने पहले निवेदन किया कि दल-बदल का जो कानून है, इसके संबंध में कहाँ तक यह कारगर रहा है। दूसरे, राज्यपाल की नियुक्ति, जिसके लिए सरकारिया कमीशन ने संस्तुति भी दे रखी है की जो प्रक्रिया है और राज्यपालों को जिस तरीके से हटाया जा रहा है इस पर हमको पुनः विचार करना चाहिए और तीसरे संविधान की धारा 356 का इस प्रकार से दुरुपयोग न हो अपनी पार्टी के लिए, अपने राजनीतिक उद्देश्यों की पूर्ति के लिए। इस पर बैठकर के हमको पुनः विचार करना चाहिए और सरकार से मेरा निवेदन है कि इस संबंध में जितने विपक्ष के नेता हैं, वह उनको बुलाए और बुलाकर के बात-चीत करे क्योंकि आपकी सरकार भी सहमति के आधार पर चलनी चाहिए।

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I have to remind Members that this Motion is to be put to vote by 4-30 or 5.00 p.m. So, You will be as brief as possible. Of course, we will accommodate as many Members as possible.

Now, Dr. Pande.

SHRI MENTAY PADMANABHAM (Andhra Pradesh): Does your remark apply to Dr. Reddy?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Everybody.

SHRI G. G. SWELL (Meghalaya): Mr. Vizol is a new Member from Nagaland.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Yes, I have his name.

SHRI G. G. SWELL: Also it is his maiden speech. So, he may be given a chance.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Yes, I will give him, but I will restrict the time. That is what I would do.

DR. RATNAKAR PANDEY: After my speech he will speak.

SHRI YASHWANT SINHA (Bihar): How can you restrict, Sir?

SHRI JAGDISH PRASAD MATHUR: A maiden speech, how can you restrict, Sir?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Do you not want a voting on this?

डा० रत्नाकर पाण्डेय : माननीय उपसभाध्यक्ष जी, मैं बड़े ध्यान से देश के दो मानिन्द वकीलों की बहस इस सदन में सुन रहा था। एक क्रिमनल लॉयर हैं जो अभी यहाँ नहीं हैं। केवल क्रिमनल तस्कर, जमाखोर, राष्ट्रद्रोहियों की वकालत करने वाले और दूसरे... (व्यवधान)

उपसभाध्यक्ष श्री भास्कर अनाजी मासोडकर : पाण्डेय जी, वकालत को क्यों ला रहे हैं।

Spare the lawyers at least.

डा० रत्नाकर पाण्डेय : दूसरे संवधान की बात करने वाले की बात सुन रहा था। उपसभाध्यक्ष जी, आपने उसके बाद न्यायाधीश की तरह जो हमारे संविधान के निर्माता ग्रम्बेडकर जी को पूर्ण रूप से उद्धत किया, उससे बात बहुत साफ हो गयी है। नागालैंड में मुझे भी 1989 के चुनाव में जाने का मौका

मिला था। वहां बर्मा से 26 किलोमीटर दूर तेनसेंग डिस्ट्रिक्ट में मुझे रहना पड़ा और वहां की जो स्थिति है वह नियंत्रण के बाहर है। परमिट सिस्टम वहां है और सीधे वे अपने को इण्डिया से आये हैं, ऐसा उन्हें भर दिया गया है—सामान्य नागरिकों को। नागालैंड और नॉर्थ ईस्टर्न स्टेट्स की जो ज्वलंत समस्याएं थी, उनका निराकरण बड़ी तेजी के साथ राजीव गांधी जी ने अपने शासनकाल में किया और वहां शांति स्थापित हुई। स्थिति यह है कि वहां 5-6 हजार वोट पर विधायक चुने जाते हैं और रात-दिन फीस्ट चलता है। वहां की जनता अनपढ़ है और भारत के पूरे नक्शे से नावाकिफ अधिकांश लोग वहां हैं। वे अपने पर्वतों को, वे अपनी बर्फ जमी हुई धरती को, वे अपनी अंगीठी सेकती हुई जिंदगी को ही स्वयं में भारत मानते हैं और अलगाववादी प्रवृत्ति वहां बड़ी तेजी से अपना सर वहीं नहीं बल्कि नॉर्थ स्टेट्स हर जगह उठा रही हैं। वहां के मुख्य मंत्री के० एल० चीसी० जी और हम दोनों एक साथ सकिट हाउस में रुके हुये थे। एक विंग में वे थे और दूसरे विंग में मैं था। उन्होंने मेरे ऊपर सुनियोजित ढंग से आक्रमण कराने की साजिश की। वर्तमान गुह राज्य मंत्री जी भी वहां उस समय थे। वे अली-भाति वाकिफ हैं और घेराबंदी करके वहां से भगाने की कोशिश की थी। मैं स्वर्गीय राजीव गांधी को स्मरण करना चाहता हूं कि उन्होंने हमारे आग्रह पर वहां हेलीकोप्टर भेजना चाहा कि मैं लौट आऊं। लेकिन मैंने कहा कि हेलीकोप्टर नहीं, अगर भारत सरकार के पास फौज हो तो भेजो, क्योंकि अगर मैं लौट जाऊंगा तो इसका परिणाम अच्छा नहीं होगा, भगौड़ा सिद्ध हो जाऊंगा। सेंट्रल इंडस्ट्रियल सिक्योरिटी फोर्स के लोग वहां गये और उसके बावजूद भी उन्होंने कहा कि आज एम०पी० को हम जान से मारेगा। वहां के के० इल० चीसी ने नशे में धुत और कुछ मिलिटेंट्स को लेकर के जो भाला, बरछा, पिस्टल और माउजर से लैस थे। तो दू

दिन जब आने लगे तो सेंट्रल इंडस्ट्रियल सिक्योरिटी फोर्स ने समझाया और मैं चूर जब वे नहीं माने तो हमारी फोर्स ने अपना एक्शन लिया और उनके ड्राइवर और उनके अंगरक्षक को वहीं धराशाही कर दिया गया और तब मेरी जान बची। यह स्थिति वहां है।

मुझे वहां के कबीलों में भी जाने का मौका मिला। हर आठ-दस मील पर नये-नये कबीले हैं। उनकी अपनी-अपनी संस्कृति है, उनका अपना-अपना खान-पान, पहनावा अलग-अलग चीजें हैं। विदेशी ताकतें उनका दुरुपयोग करती हैं। चाहे चीन के हथियार वहां मिलें, चाहे अमरीका के हथियार मिलें, चाहे बर्मा से उन १० उकसाया जाये, चाहे बंगला देश से उनको प्रोत्साहित किया जाये कि भारत के खिलाफ काम करो। वे शक्तियां जब तक इस राष्ट्र को आत्मसमर्पित नहीं होती हैं केवल नागालैंड की नहीं बल्कि पूरे ईस्टर्न स्टेट्स की, तब तक वहां की समस्या हल नहीं होगी और उस काम को, मैं विश्वास करता हूं कि जिस तरह से शांति स्थापना का काम वहां राजीव गांधी की सरकार ने किया, नर्सिंह राव जी की सरकार वहां एक डॉयलाग चलाएगी। जो अति पिछड़े हुए, वादियों में रहने वाले पहाड़ के लोग हैं, उनसे सीधे बातचीत करके उन्हें मेनस्ट्रीम में लाने की कोशिश करेगी। तब नागालैंड की समस्या या नार्थ ईस्टर्न स्टेट्स की समस्या हमेशा के लिए सुलझ जाएगी। मैं समझता हूं कि इस पर हमारी सरकार, हमारे गुह मंत्री जी विशेष ध्यान देंगे।

जहां तक वर्तमान सरकार का प्रश्न है, मैं स्पष्ट करना चाहूंगा कि अष्टाचार ताक के ऊपर हो गया था और वहां जो स्थिति थी उसमें अनियंत्रित अष्टाचार वहां हो चुका था। जो 13 विधायक दल-बदल के लिए प्रेरित हुए हर विधायक आज वहां मंत्री होना चाहता है, मंत्री बनकर ऐसा पोटफोलियो जिसमें अधिक धनराशि खर्च करने का प्रावधान हो, उसको लेना चाहता है। महोदय

[डा० रत्नकर पाण्डेय]

से बहुमत तोड़ देते हैं। वहाँ चाहे हमारे जमीर साहब की सरकार रही हो, चाहे वामुजो की सरकार रही हो, 1989 से अब तक चार-चार सरकारें वहाँ बदल चुकी हैं और जब इस तरह से डोमोक्रैसी के, जनतन्त्र के मूल्यों की अवहेलना करके उसकी धजियाँ उड़ाई जाएं तो निश्चित रूप से संविधान में प्रदत्त जो अधिकार हैं उनका प्रयोग सरकार को करना चाहिए।

महोदय, गांवों तक जो इंसेंशियल सामग्री थी, अनिवार्य सामग्री थी, वह वहाँ नहीं पहुँच पाती थी और अण्डाचार पर नियंत्रण करना मुश्किल हो गया था। वहाँ हमारी सरकार राष्ट्रपति शासन के माध्यम से गांवों तक आवश्यक वस्तुएँ पहुँचाने के लिए जो वितरण प्रणाली है, उसको पुनर्जीवित करना चाहती है, पुलिस फोर्स का आधुनिकीकरण करना चाहती है। महोदय, वहाँ अस्पतालों में सुई में पानी भरकर इंजेक्शन दिया जाता है और सारा रुपया हास्पिटल्स का खा जाते हैं। कोई दवा नहीं होती है। लोग तड़पकर मर जाते हैं। मैंने देखा है वहाँ लोगों को तड़पकर मरते हुए और सिरिज में पानी भरकर इंजेक्शन के नाम पर देते हुए। सारी नार्थ ईस्टर्न स्टेट्स की यही समस्या है। वहाँ स्कूलों में टेम्प्रेरी टीचर्स ही नियुक्ति किए जाते हैं। हरा-भरा, हरीतिमा से भरा हमारा वन कानन था, वहाँ की लकड़ी काटकर बाहर भेजने का एक जोरदार अभियान बहुत से मंत्रियों ने, व्यूरोक्रेट्स ने और बिजनैसमैन ने चलाया जिसके कारण वहाँ के पर्वत नंगे हो गए हैं और वहाँ पर्यावरण के संरक्षण की आवश्यकता है।

महोदय, राजनीतिक और व्यक्तिगत हित में वहाँ कार्य इंडिजियन्स के लिए हो रहा था। वहाँ के सारे प्रशासनिक अधिकारी बदल दिए गए हैं। एस।सी।के. लोया नए प्रशासनिक सचिव हुए हैं। श्रीमती बानो जमीर सैक्रेटरी बनी हैं। एम० एम० कृष्णावे जो मणिपुर के चोकर सैक्रेटरी थे और ग्रंडनान-निफोबार के कमिश्नर थे, अभी 10-12 दिन पहले

उन्होंने एडवाइसर का चार्ज लिया है। ऐसे 17 पोस्टिंग और ट्रांसफर किए गए हैं। नागा और नॉन-नागा बिजिनैसमैन और व्यूरोक्रेट्स ने मिलकर जो करोड़ों रुपए कमाए थे उसमें 17 अधिकारी जो इनवाल्स पाए गए हैं उनकी भी पोस्टिंग या ट्रांसफर की गई है। बिना काम के कई करोड़ रुपए और अरबों रुपए का भुगतान वहाँ से हो लिया गया है और कंफ्लिशन सर्टिफिकेट भी सरकार ने दिया है। क्या ऐसी सरकार हमारे जनतांत्रिक मूल्यों की अवहेलना करने वाली सरकार नहीं है? 18 महीने में 160 करोड़ रुपए का ओवर ड्राफ्ट नागालैंड की सरकार ने किया है और 92 करोड़ रुपए का बजट ऐसेंबली ने पास किया था उसके बाद भी 32 करोड़ रुपए का भुगतान करना अभी वहाँ बाकी है। दो वर्ष के क्षेत्रीय पार्टियों ने वहाँ की पोलिटिकल स्थिति को कंफ्यूज कर दिया है और नए चुनाव राष्ट्रपति शासन लागू कराकर सारी चीजों को नियंत्रित करके नवंबर और मार्च के बीच में भारत सरकार को वहाँ चुनाव करा देने चाहिए। एक भी सरकारी सस्ते गल्ले की दुकान वहाँ के गांव में नहीं खुलती है। उनको करोड़ों रुपए की सामग्री भेजी जाती है। गंडे बंदमाश वहाँ अपना शासन चलाते हैं। जो बाहर के नागरिक हैं सारी खाद्य सामग्री गोहाटी के बाजार में वहाँ के मुख्य मंत्री के सुझाव पर भेज दी जाती है और कहा जाता है कि केन्द्र की सरकार वहाँ पर अनाज नहीं भेजती है। केन्द्र यहाँ से अन्न भेजता है जब कि सारी सामग्री गोहाटी के बाजार में भेज दी जाती है। पिछले दिनों मुख्य मंत्री ने 35 प्रतिशत वी०आई०पी० कोटा बांधा था काम देने का और अब वहाँ स्थिति यह है कि जो नागा लोग हैं वे कोई भी ठेका ले लेते हैं और व्यवसायी 10 परसेंट कमीशन देकर उनसे वह ठेका खरीद लेते हैं और 10 परसेंट पूरी एमार्गेंट का भुगतान उनको हो जाता है। ऐसी स्थिति में जुडिशल इनक्वायरी की घोषणा सारी चीजों पर वहाँ के महानिहम वर्तमान राज्यपाल श्री लोकनाथ मिश्र जो ने की है और सारी चीजों की जांच कराने के लिए कदम उठाया है। वहाँ एक प्रतिशत लोग लैब्रिशली रहते हैं और 99

प्रतिशत जनता शोषण का शिकार है। वह जनतंत्र की रोशनी भी नहीं देख पाई है जब कि भारत को स्वतंत्र हुए 45 साल हो चुके हैं। आज उसके सामने कोई चारा नहीं है इसलिए वह रेवलूशन की ओर मुड़ गए हैं। वहां के बाजार की जो परिस्थिति है उसमें वहां के लोग नहीं जाते हैं, वे हांगकांग, न्यूयार्क के बाजारों में जाते हैं। एक प्रतिशत लोग 99 प्रतिशत लोगों पर वहां शासन कर रहे हैं। मैं जानना चाहूंगा गृह मंत्री जी से कि जो लोग जनतंत्रीय शासन में करोड़ों रुपए की संपत्ति वहां बनाए हैं क्या उनके विरुद्ध क्रिमिनल केस चलाएंगे चाहे वे किसी भी राजनीतिक दल में हों, किसी भी ब्यूरोक्रेसी में हों, उनके ऊपर आप क्या कार्यवाही कर रहे हैं?

महोदय, हमारे गृह मंत्री ने स्पष्ट कहा है कि सोने के बिस्कुट चीफ सेक्रेटरी के यहां से पकड़े गए। उन्होंने साफ कहा है कि भ्रष्टाचार अपनी चरम सीमा पर पहुंच गया था और धारा 147 और 356 के अनुसार गवर्नर ने काम किया है वे जब वहां गवर्नर बनए गये तो उस समय जनता पार्टी की सरकार थी। जार्ज फरनांडिस थॉमस जी मित हैं, वे दिश्वनाथ प्रतापसिंह जी के प्रवक्ता के रूप में काम कर रहे थे। भारत सरकार के गवर्नर के रूप में काम नहीं कर रहे थे। ये कुछ तथ्य मैं रेकार्ड कराना चाहता हूं। इसलिए उन्होंने संविधान को एक तरफ रख दिया। उस समय सुप्रीम कोर्ट में मामला चल रहा था। उन्होंने सरकार बनाने की प्रवृत्ति देकर उनके नेतृत्व में नए चुनाव कराने का ऐलान करके जो काम किया वह भारतीय जनतंत्र के नाम पर एन कर्तव्य और धम्मा है। धारा 356 के अंतर्गत राष्ट्रपति ने जो कुछ किया है उससे हमारे जनतंत्र की सुरक्षा हुई है। नए चुनावों से नागालैंड में हम जनतंत्र की पहचान करेंगे। भ्रष्टाचार, अनाचार, अत्याचार और

दुराचार से जो शोषण हो रहा है और विदेशी सुपर पावर्स जो वहां काम कर रही हैं देश को तोड़ने के लिए। उनको नेस्तनाबूद करने के लिए कड़ाई से काम करना होगा। इन शब्दों के साथ मैं अपना वक्तव्य समाप्त करता हूं और विश्वास करता हूं कि गृह मंत्री जी केवल इस सदन में मैं या लोक सभा में वक्तव्य देकर इतिश्री नहीं कर लेंगे, राष्ट्रपति शासन लागू करके नहीं कर लेंगे, भ्रष्टाचार को जड़ से मिटाने के लिए कड़ी से कड़ी सजा देनी होगी और ऐसे लोगों को जो धरती का सबसे महत्वपूर्ण कानून है उसमें बिना किसी भेदभाव के उन सब को मूजरिम बनाकर जिन्होंने करप्शन किया है—चाहे वह किसी दल के हों, चाहे किसी ब्यूरोक्रेसी के हों, चा किसी पंजीपति की फर्म के हों—उनको सजा देनी होगी ताकि भय दूर हो। इन शब्दों के साथ मैं जो जैकब साहब ने नागालैंड के संबंध में रखा है उसका समर्थन करता हूं।

श्री जगदीश प्रसाद सायनुर : एक शब्द मुझे कहने की इजाजत दी जाए। मैंने यह प्रस्ताव नागालैंड में राष्ट्रपति शासन को रद्द किया जाए, मूव किया था। मुझे दिल्ली से बाहर जाना है इसलिए मैं चाहूंगा मालवीय जी मेरे सहयोगी ने भी मूव किया है वह इस प्रस्ताव के अधिकारी रहें।

उपसभाध्यक्ष (श्री भास्कर अग्नाजी म. सोवकर) : ठीक है।

श्री मोहम्मद खसीलुर रहमान (ग्राम्थ प्रदेश) : जनाब वाइस चेयरमैन साहब, होम मिनिस्टर साहब ने नागालैंड से ताल्लुक जो रेजोलूशन रखा है मैं उसकी मुखालिफत करता हूं। अभी टेजरी बैच के अराकीन ने अपनी स्पीजिब में यह कहा कि नागालैंड में करप्शन हो रहा है। नागालैंड में डिफेक्शन हो रहा है। हो सकता है यह तमाम बातें सही हों। मगर यहां पर सवाल करप्शन का नहीं है, डिफेक्शन का नहीं है। यह सवाल नहीं है कि 60 एम०एल०एज० में

[श्री मोहम्मद खलिलुर रहमान]

से 59 एम.एल.एज. मिनिस्टर बने । यह हो सकता है तमाम बातें अपनी जगह सही हों लेकिन सवाल यह है कि क्या मिस्टर वाम्जो ने जो गवर्नर को इस बात की सिफारिश की थी कि असेम्बली डिजोल्व की जाए उस वक्त उनको मेज्योरिटी, अकसरियत थी या नहीं थी ? यह देखने की जरूरत है । अगर यह साबित हो जाए कि मिस्टर वाम्जो को उस वक्त जब उन्होंने गवर्नर को इस बात की सिफारिश की थी कि नागालैंड की असेम्बली को डिजोल्व किया जाए उस वक्त उनको अकसरियत थी तो यह हुक्मते हिन्द के जिस एक्शन से वहां पर प्रेजीडेंट रूल लागू किया गया है मैं समझता हूं दस्तूर की खिलाफवर्ती है । ऐसा नहीं होना चाहिए । और हुक्मते हिंद को इंतही मोहताल तरीके से काम करना चाहिए था । अब जो रिकार्ड्स और कागजात हमारे सामने पेश किए गए हैं उनसे यह जाहिर होता है कि 27 मार्च 1992 को नागालैंड के चीफ मिनिस्टर ने गवर्नर से यह सिफारिश की थी कि नागालैंड की असेम्बली को तहलील किया जाए उससे एक दिन पहले 26 मार्च, 1992 को वहां की नागालैंड असेम्बली में 1992-93 का बजट पास किया गया और फिर मोशन आफ थेंक्स पास हुआ । उसी दिन रा सभा की सीट के लिए इलैक्शन हुआ । वहां की नागालैंड की जो रूलिंग पार्टी थी उसका कंडीडेट राज्य सभा के इलैक्शन में कामयाब हुआ । इन तीनों बातों से जाहिर होता है कि वहां के नागालैंड चीफ मिनिस्टर को असेम्बली में अकसरियत हासिल थी और नागालैंड चीफ मिनिस्टर ने गवर्नर को जो सिफारिश पपे की थी वह हकबजनाबी थी । गवर्नर ने जो असेम्बली डिजोल्व की, वह गवर्नर का जो इकदाम था वह अपनी जगह बिल्कुल दुरुस्त इकदाम था, बिल्कुल कानूनी इकदाम था । इन तमाम चीजों के बावजूद इंतही अफसोस की बात है कि सियासी मकासिद सामने रखते हुए यहां की मरकजी हुक्मत ने वहां के चीफ मिनिस्टर को बुदखल कर दिया और वहां पर प्रेजीडेंट रूल लागू कर दिया ।

क्या आर्टिकल 356 का यही मंशा 4.00 P.M. है कि अपनी पाटों के मफात को सामने रखते हुए उसे जिस तरह से चाहें उस तरह से इस्तेमाल करें ? इसका यह कतई मकसद नहीं है । इस कानून को सामने रखते हुए और इसका इस्तेमाल करते हुए इतिहाई एतिहात के साथ इसका इस्तेमाल करना बेहद जरूरी था । उसके बाद जो एक्शन गवर्नमेंट आफ इंडिया का हुआ उस एक्शन से भी जाहिर होता है या गवर्नर को सिडमिस करने का एक्शन उससे भी जाहिर होता है कि वहां पर जो प्रेजीडेंट रूल लाया गया है वह बदनियती से लगाया गया है और दस्तूर की खिलाफवर्ती की गई है । मैं पूछना चाहता हूं कि क्यों वहां के गवर्नर मि० थागस को हटा दिया गया ? उनकी तो अभी मियाद भी बाकी थी । ऐसी हालत में उनकी जगह पर क्यों दूसरा गवर्नर लाया गया और वह भी बगैर किसी किस्म के वजूहात बताए हुए लाया गया । ये तमाम चीजें इस बात की दलील हैं कि मरकजी हुक्मत के आर्टिकल 356 का नाजाइज इस्तेमाल करते हुए नागालैंड में प्रेजीडेंट रूल लागू किया है । यह इतिहाई गलत बात है । मैं समझता हूं कि कम से कम आर्यदा के लिए मरकजी हुक्मत का यह फर्ज है कि आर्टिकल 356 को लागू करने के पहले इतिहाई एहतिगत के साथ इन तमाम बातों का जायदा लें । लिहाजा मैं एवाम से दखोस्त करूंगा कि हमारे होम मिनिस्टर साहब ने जो स्टेट्यूटरी रिजोल्यूशन पेश किया है उसको नामंजूर किया जाए ।

† [شری محمد خلیل الرحمن]

(آنڈھرا پردیش): جناب وائس
 چیئر مین صاحب - ہوم منسٹر
 صاحب نے ناگالینڈ سے متعلق جو
 رزلوشن رکھا ہے میں اسکی مخالفت
 کرتا ہوں - ایوی تریبوزی بیلنچز کے
 اراکین نے اپنی بیلنچز میں یہ کہا

کہ ناگالینڈ میں کیپٹن ہو رہا ہے -
ناگالینڈ میں ڈیفینشن ہو رہا ہے -
ہو سکتا ہے یہ تمام باتیں صحیح
ہوں - مگر یہاں پر سوال کریشن
کا نہیں ہے - ڈیفینشن کا نہیں ہے -
یہ سوال نہیں ہے کہ ۶ ایم - ایل - ایو -
میں سے ۵۶ ایم - ایل - اے - مسترد
ہوئے - یہ ہو سکتا ہے کہ تمام باتیں
ایڈی جگہ صحیح ہوں لیکن سوال
یہ ہے کہ کیا مسٹر وائس چو نے جو
گورنر کو اس بات کی سفارش کی
تھی کہ اسمبلی ڈیپارٹمنٹ کی جائے
اس وقت انکو ریجسٹر - اکثریت
تھی یا نہیں تھی - یہ دیکھنے کی
ضرورت ہے - اگر یہ ثابت ہو جائے
کہ مسٹر وائس چو کو اس وقت جب
انہوں نے گورنر کو اس بات کی
سفارش کی تھی کہ ناگالینڈ کی
اسمبلی کو ڈیپارٹمنٹ کیا جائے اس وقت
انکو اکثریت تھی تو یہ حکومت
ہند کے جس ایکشن سے وہاں پر
پریزیڈنٹ رول لگا کر دیا گیا ہے -
میں سمجھتا ہوں کہ دستور کی
خلاف ورزی ہے - ایسا نہیں ہونا
چاہئے اور حکومت ہند کو انتہائی
محسوس طریقہ سے کام کرنا چاہئے
تھا - آج جو ریکارڈس اور کاغذات
ہمارے سامنے پڑھ کر گئے ہیں -
ان سے یہ ظاہر ہوتا ہے - کہ
۲۰ مارچ ۱۹۹۲ کو ناگالینڈ کے
چیف مسٹر نے جو گورنر سے یہ

سفارش کی تھی کہ ناگالینڈ کی
اسمبلی کو تحلیل کیا جائے - اس
سے ایک دن پہلے ۲۶ مارچ ۱۹۹۲
کو وہاں کی ناگالینڈ اسمبلی میں
۱۹۹۲-۹۳ کا بجٹ پاس کیا گیا
اور پھر موشن آف تھینکس پاس
کیا گیا - اسی دن راجیہ سبھا کی
سنیٹ کیلئے الیکشن ہوا - وہاں
کی ناگالینڈ کی جو رولنگ پارٹی
تھی اسکا کنڈیڈیٹ راجیہ سبھا کے
الیکشن میں کامیاب ہوا - ان
تینوں باتوں سے ظاہر ہوتا ہے کہ
وہاں کے ناگالینڈ چیف مسٹر کو
اسمبلی میں اکثریت حاصل تھی -
اور ناگالینڈ چیف مسٹر نے گورنر
کو جو سفارش کی تھی وہ
حق بجانب تھی - گورنر نے جو
اسمبلی ڈیپارٹمنٹ کی - وہ گورنر کا جو
اقدام تھا - وہ ایڈی جگہ بالکل
درست اقدام تھا - بالکل قانونی
اقدام تھا - ان تمام چیزوں کے
باوجود انتہائی افسوس کی بات ہے
کہ سیاسی مقاصد سامنے رکھتے ہوئے
یہاں کی مرکزی حکومت نے وہاں
کے چیف مسٹر کو بے دخل کر دیا
اور پریزیڈنٹ رول لگا
کر دیا - کیا آرٹیکل ۳۵۶ کا یہی
منشا ہے کہ ایڈی پارٹی کے مفاد
کو سامنے رکھتے ہوئے اسے جس طرح
چاہیں اس طرح استعمال کریں -
اس کا یہ قلعی مقصد نہیں ہے

اس قانون کو سامنے رکھتے ہوئے -
اور اسکا استعمال کرتے ہوئے انتہائی
احتیاط کے ساتھ اسکا استعمال کرنا
بیمحد ضروری تھا - اس کے بعد جو
ایکشن گورنمنٹ آف انڈیا کا ہوا اس
ایکشن سے بھی ظاہر ہوتا ہے -
پہلی گورنر کو تس مس کرنے کا
ایکشن - اس سے بھی ظاہر ہوتا
ہے کہ وہاں پر جو پریذیڈنٹ رول
لیا گیا ہے - وہ بدنیوتی کے ساتھ
لیا گیا ہے - اور یہ دستور کی
خلاف ورزی کی گئی ہے - میں
پوچھنا چاہتا ہوں کہ کیوں وہاں
کے گورنر مسٹر تھامس کو ہٹا دیا
گیا - انکی تو ایہیں مہمدا بھی
باقی تھی - ایسی حالت میں
انکی جگہ پر کیوں دوسرا گورنر لیا
گیا اور وہ بھی بغیر کسی قسم کے
وجوہات بتائے ہوئے لیا گیا - یہ
تمام چیزیں اس بات کی دلیل
ہیں کہ مرکزی حکومت نے آرٹیکل
۳۵۶ کا ناجائز استعمال کرتے ہوئے
ناکالیفڈ میں پریذیڈنٹ رول لاگو
کوا ہے - یہ انتہائی غلط بات ہے -
میں سمجھتا ہوں کہ کم سے کم
آئندہ کھلے مرکزی حکومت کا یہ
فرض ہے کہ آرٹیکل ۳۵۶ لاگو کرنے
کے پہلے انتہائی احتیاط کے ساتھ ان
تمام چیزوں کا جائزہ لے - لہذا میں
ایوان سے درخواست کروں گا کہ ہمارے

ہوم منسٹر صاحب نے جو اسٹیٹمیری
ریزولوشن پیش کیا ہے - اس کو
نا منظور کیا جائے -

SHRI VIZOL (Nagaland): Mr. Vice-Chairman, Sir, excuse me, this is my first appearance in Rajya Sabha. Since there is a motion on Nagaland, I would like to say a few words. I thank every one of you for giving me time. Nagaland is the seventh sister State of the North-East. It is situated in the north-eastern part of India. The seven sister States are Manipur, Nagaland, Meghalaya, Assam, Tripura, Mizoram and Arunachal Pradesh. All these States have borders with foreign countries. Nagaland, Manipur and Mizoram have borders with Burma. Assam, Tripura and Meghalaya have borders with Bangladesh. Arunachal Pradesh has borders with Tibet and China. Because of the contiguity of these States with foreign countries we have a very, very complex problem to solve. We have never brought this perhaps in a House like this for discussion, but I am giving you this as food for thought for future guidance because these seven States are neglected very badly till today. Despite 45 years of independence of India, these seven States are treated very badly and stepmotherly. These States are treated very badly and stepmotherly. These States are neglected and looked down upon; as a result, some States like Assam, Tripura are being swallowed by the influx of unauthorised persons. Because of this, Assam had a lot of discussion with the Centre. Agreements were made, accords were signed. But what happened to those agreements and accords? They were never implemented

That is why the youths resorted to the path of violence and now we have this problem today. Nagaland is not very important. Though our State is very small, our problem is not very small. When we say this is our problem, these are our problems; they say, this is your regional problem; this is your internal problem; this is your state problem; this is your internal affairs." But we believe India is a huge country. It is a country of regions and sub-regions and we believe all these regions, sub-regions and States are parts of India, parts of the whole and we believe the whole is the parts. So, we hope, pray and look to the Government of India to take our problems into serious consideration. You know it is the custom, regional custom, that we never do anything to prevent any outbreak of violence. Until there is a violence or until there is an agitation we never bothered. When there is an agitation or violence then only we feel concerned. This is our weakness. So, these States, I believe, are the sentinels of India—north-east sentinels of India. Therefore, we deserve your kind consideration, your help and your guidance also. But we shall see how long this will continue. The problem has not been solved. It is going on. When are we going to solve the problem in Nagaland, Assam or elsewhere? Nagaland is a land for Naga tribes. Nagaland is divided into two by Burma and India. The so-called Indo-Burma boundary cuts through the heart of Nagaland leaving a greater portion of Nagaland in northern Burma and the rest in India. Now, both people, from Burma and this side, in the border areas use this land for their livelihood. But every year, specially in the dry season, there is disturbance. This year in the last week of January, Burma sent the army to Naga areas in Burma. They had encounters with insurgents. As a result there were casualties on both sides.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Vizol, it will be better if you concentrate on the subject.

SPRI VIZOL: They went on a rampage in all the villages in that area driving thousands and thousands of people to our side of the border. Now, the army has left. Some of these refugees refused to return to their villages. About 400 to 500 are still there in Nagaland. We have informed the Home Minister about this and I am told that the Home Ministry has given instructions to the Chief Minister asking him to issue temporary permits to these people. So, we did it. This is a routine affair. Every year this is being done. Therefore, the people on the border have now taken up this issue on their own. They want a homeland; they want peace, normalcy and prosperity. They want a homeland comprising these Naga areas in Burma also. They want an integrated Nagaland for them to live. For that they have taken up arms to protect these areas and those people in Burma. Therefore, I thought I should bring this to your notice. The present Nagaland is a small State with a small number of people. As I have already said these problems are very big. What happened when insurgency was at its peak in the year 1960? The State of Nagaland was carved out of the undivided Assam as the sixteenth State of the Union of India. Since the formation of Nagaland State two political parties have emerged. One is a national party, the Indian National Congress. The second is a regional party, the NFC. We have only two parties in Nagaland. We enjoyed two-party system because we find that it is the most healthy system. These two parties have been contesting all Assembly and Parliamentary elections and forming governments alternately. But what surprises me is that whenever the regional party formed the Government in Nagaland, I am sorry to

[Shri Vizol]

say, we have to end up in President's rule. Our party won the election in the year 1974. I formed the Government. In the year 1975 the whole of India was reeling under emergency. So, there was a split in my party engineered by vested interests people. I found I was reduced to minority. Within hours I resigned. Then what followed? Hors-trading for one whole month continued. Finding that no party was in a position to form Government, President's rule was imposed in Nagaland. The President's rule lasted three years. That was the first President's rule. The first President's rule was imposed because of insurgency. The people of Nagaland lived under day-and-night curfew. When the State was formed, Nagaland people thought that at least they will find some relief in the State Government.

After that in the year 1988 the Congress won the election. They formed the Government. But there a split in their party. The splinter group joined our party. Mr. Vamuzo led 34 MLAs and the Congress 26 MLAs. That continued for months. But Mr. Vamuzo was not allowed to form Government. He was denied the opportunity to form Government in spite of staking claim to form Government. Instead President's rule was imposed in Nagaland. That was the second time when the regional party Government ended in president's rule. You say that now there have been three governments. But I say that there have been four Governments. In 1989, the Congress won the election and Government was formed. Within one and a half years there was a split in the party. So the splinter group came out and merged with the NPC. Mr. K. L. Chishi formed the Government. This Government lasted only 28 days because again there was a split in that group also. So, Mr. Vamuzo with this splinter group formed the coalition Government with the Congress. It went on for about six months and then the coalition partners did not

agree on some points. When they go split, Vamuzo found it impossible to run the Government. He dropped all of them and formed the NPC Government because he was in majority. With these, Mr. Vamuzo was in Government for two terms, Mr. Jamir for one term and Mr. Chishi for one term. We have had four Governments in a period of three years. I is shameful to say this. But what can I do? That is what they wanted. Now we have been discussing; this will not do. It has become unmanageable. It has become unworkable with this group of habitual defectors. We have to go in for a fresh mandate. Basing on this decision, Mr. Vamuzo sent his recommendation to the Governor for the dissolution of the Assembly. The Governor complied with his recommendations and dissolved the Assembly. The caretaker Government was also dismissed later on. We find that the Governor was also dismissed. It is very unfortunate. All we want to know is, did the Governor dissolve the Assembly in a hurry and in undue haste? If something is found wrong, it is better to find out the mistaken and then correct it. But why is President's rule being imposed all the time? As I have said, every time when a regional party comes into power, it ends up with President's rule. This is something very funny. I am a layman. I do not know law. But there must be some propriety, some norms and conventional practice. If the party in power at the Centre should try to steam roll a small State, bulldoze a small State, I am not happy about this. I do not know as to how long this President's rule will continue. Some people say that it will continue for one year. Some say that it may continue for even a longer period as they can get it extended in Parliament. But will this be in the interests of the people in Nagaland? What is happening in Manipur? The same thing is happening there also. Now when President's rule has been imposed only a few days back, yesterday one very eff-

cient police officer, an Additional Superintendent, was shot dead near the local football ground in broad daylight at 12.45 p.m. It is a crowded place and yet the assailant was not caught. I am afraid that there might be some more trouble if we do not stabilise the situation. If this President's rule is to continue, I request the Central Government to devise a way for holding early election in that State. Otherwise, President's rule means the rule of bureaucracy with a remote control from Delhi. This is very bad. I thank my friends, Mr. Jagdish Prasad Mathur and Mr. Satya Prakash Malaviya for tabling this motion in this House for discussion. I waited and waited for my turn to speak. In the course of that waiting I have found that this House is pathetic. I have come to this House for the first time. And my first impression has become very bad. We do not observe the dignity and the decorum of the House and of the Chair. Three or four or five Members speak at a time. I did not know who was speaking and who was listening. I am very sad to know this.

SHRI M. S. GURUPADSWAMY (Uttar Pradesh): This is your first lesson.

SHRI VIZOL: This is my first lesson and first impression.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): This is your maiden speech.

SHRI VIZOL: This is my first impression of Rajya Sabha. This is the Council of States. We all represent a State each in this Council. This is the House of Elders rich in wisdom and experience. This is the Upper House of Parliament. What is this House doing? I am so sad to know this since this is my first experience. Anyway, in conclusion, I would support the motion for revocation of President's rule in Nagaland. Thank you.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Vizol, thank you very much for your maiden speech. Everybody appreciates it. Mr. Narayanasamy. We have to cut short the time.....

SHRI V. NARAYANASAMY (Pondicherry): I will be very brief, Sir.

PROF. SAURIN BHATTACHARYA (West Bengal): He is also making his maiden speech on Nagaland.

SHRI V. NARAYANASAMY: Mr. Vice-Chairman, Sir, I thank you for giving me this opportunity. I support the motion moved by the hon. Minister of State for Home Affairs.

SHRI SATYA PRAKASH MALAVIYA: I thought you were supporting my motion.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Malaviyaji, please let him complete.

SHRI V. NARAYANASAMY: Sir, the question before this House is whether the imposition of President's rule in Nagaland is valid factually and constitutionally. Two main facts have been accepted by the other side. One is with respect to the dissolution of the Assembly. It was done by the Governor. We do not dispute the powers of the Governor in dissolving the Assembly. The Centre has not interfered with the powers of the Governor as far as the dissolution of the Assembly is concerned. That is the first point. Secondly, we also want fresh elections. Fresh elections are demanded by the other side also. Therefore, there is no dispute relating to that also.

The main contention of the other side is that the keeping of Vamuzo as the caretaker Chief Minister has been done in accordance with the provisions of the Constitution. As far as my knowledge goes, the act of the Government keeping Vamuzo as the

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caretaker Chief Minister is not in accordance with the Constitution and the principles of natural justice. Sir, Mr. Jethamalani, a very hon. Member of this House, calls the then Chief Minister Vamuzo a corrupt Chief Minister. He said that during his period, corruption was rampant. The Chief Secretary was also a corrupt person. That being the case, the Governor considers such a person to be the caretaker Chief Minister. Will anybody accept such a person as the Chief Minister? The question is whether the Governor followed the procedure in right earnest in dissolving the Assembly.

To my mind, if we go through the facts of the matter and the report of the Governor, the Governor did not act according to the Constitution. On the day when the Chief Minister recommends dissolution of the assembly, he need not enjoy a majority of MLAs on his side. On 26th it was a different matter. On 27th March, when he wanted the Assembly to be dissolved and when he wanted the Assembly to be dissolved was to be put as the caretaker Chief Minister by the Governor, he did not enjoy a majority of MLAs on his side.

Sir, the reason is that on the 27th, before he recommended dissolution to the Governor, three Ministers were sacked and he recommended sacking more persons and more than eight MLAs of his group had defected and they wanted to form a separate party. There was a total of 13 Members, that is, three Ministers and two more Ministers later on and eight other persons. These people wanted to form a separate party. That being the case, the Governor should have acted in a prudent manner. The Governor knows the facts and circumstances of the case and he has got the Intelligence report also with him. When the Chief Minister went and approached the Governor in a hasty manner for the purpose of dissolution of the

House, the Governor should have followed the entire procedure for the purpose of consideration. While referring to Dr. Ambedkar, the honourable Member referred to the powers of the President. I would like to say something about the procedure and how the Governor should have acted to these circumstances.

Sir, if we go through the clarification made in the Constituent Assembly by Dr. Ambedkar with reference to the President's powers in dissolving the Lok Sabha, we would know how it should be applied to a State Assembly. For dissolving the Assembly, the Governor should first try to ascertain the feelings of the House and find out whether the House would desire dissolution or whether he should entrust the affairs of the State to a person who is enjoying the majority there. The question now is whether that exercise was done by the Governor or not. The Governor failed in his duty. The Governor should have tried an alternative Government there. But he did not do that. Therefore, the Governor did not follow the procedure that has been prescribed. Now, the Chief Minister comes, without the approval of the Cabinet, for the dissolution of the Assembly. His Cabinet was not consulted. Under article 167(c) of the Constitution, the Governor should have returned the papers to the Chief Minister for the purpose of getting the Cabinet's approval for the dissolution of the Assembly.

In this connection, I would like to remind the honourable Member of the case of the last Prime Minister, Shrimati Indira Gandhi. When Mr. V. V. Giri was the President and when Indiraji was having the majority in the House, she wanted dissolution of the Lok Sabha and she approached the President for the dissolution. But the President returned the papers saying, "You have to get the approval of the Cabinet for the purpose of dissolution of the Lok Sabha." Thereafter, Indiraji went to her Cabinet and got the approval and thereafter the House was dissolved. So,

Sir, we have this precedent in our Parliament. That being the case, the Governor failed in his duty by not taking the Assembly into confidence, by not taking the Minister into confidence, and he acted in a hasty manner, in support of the Chief Minister, Shri Vamuzo just to keep him as the caretaker Chief Minister. Therefore, the Governor did not act according to the Constitution.

I will go to another important point.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): You have to conclude now, Mr. Narayanasamy. Only a very short time is left and there are many speakers who also want to express their views. Let us accommodate them also.

SHRI V. NARAYANASAMY: I have got only one more point, Sir.

In the administration there, there was corruption. The Plan funds have been swindled by the Ministers and other Members. Moreover, the Government had got an overdraft of more than Rs. 110 crores. Apart from that, the administration of the State could not be carried on in accordance with the Constitution. I will touch upon the procedure for the imposition of President's Rule in Nagaland. The Governor has said in one line in support of this. He has said that the "State Government and the Chief Minister have completely neglected law and order in the State and the Chief Minister and the Ministers are fighting and they are not in a position to concentrate on the administration."

SHRI SATYA PRAKASH MALAVIYA: Law and order has nothing to do with the breakdown of the Constitution.

SHRI V. NARAYANASAMY: I will come to that. Law and order had been completely ignored. How can a very sensitive State, Nagaland, thrive when the law and order situation is

not controlled? The Chief Minister claimed to unite the insurgents. It was a very serious thing. This is a very serious statement he made. How can you do it? (*Time bell rings*).

I will conclude in a minute, I am not going beyond that.

Now, Sir, the President is not allowing the Caretaker Chief Minister to continue. This is justified. According to the facts and circumstances of the case the President was right in removing the Caretaker Chief Minister and in imposing President's rule in Nagaland well within the Constitution has got every right. If the administration of the State cannot be carried on in accordance with the Constitution, the President has got the powers, in the interest of the State, to impose President's rule. Therefore, I justify the action of the President. Otherwise, Sir, the State administration would have been ruined.

Therefore, Sir, I support that motion and I disapprove the motion moved by the hon. Member, Shri Satya Prakash Malayaviya. Thank you.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Ambedkar. Five minutes.

SHRI PRAKASH YASHWANT AMBEDKAR: I will not take more than five minutes.

Mr. Vice-Chairman, Sir, the Constitution has provided two ways in which the State Assembly can be dissolved. One action he can take on his own on the advice of the Council of Ministers or the Chief Minister. The second is dependent on the line of action that is given to him by the President of India. Here there are two cases and we are trying to complicate each other. Whether the Chief Minister had a majority or not, that is a disputable issue. But Nagaland has a special right: Article 371(c) under which the Governor is entrusted with additional responsibilities of maintain-

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ing law and order and other situations which might develop in that State. Looking into those provisions, the Chief Minister's advice given to Governor, this is one action which he has taken. After complying with the advice given by the Chief Minister he has sent his report to the President of India. The Government has treated that report of the Governor under article 356. I would like know from the Home Minister, Mr. Jacob, who is here, whether the report of the Governor which he is treating under article 356—does it really fall under that, or does it merely state the action taken by the Governor, and after taking the action by the Governor he is making a compliance report, sent to the President of India? Secondly, if you see article 356, article 356 is under the heading of emergency. May I know from the Government as to what emergency existed in Nagaland? Or is it a mere political gimmick in which the then Chief Minister of Nagaland has outwitted the Congress Party remaining out of power as they had done in Meghalaya and Manipur? I think we are in a situation in which the post of the Governor which has its own original jurisdiction and its own powers should not be abused in such a way in those sensitive States where people are going to be alienated. Nagaland is already one of the most sensitive States in the North-East. I would not go into the history, but it was somewhere in 1975 that we had an accord with Phizo, and insurgency was brought to a certain extent under control. By these acts of the Government which would hurt the feelings of the people, may I inform the Government and the concerned Department and the Minister, that people are going to get agitated and will be pushed towards the insurgents and become their sympathiser? Already in the North-East, in many parts they do not refer to themselves as Indians. They refer to the others in some other words which I would not like to use here. But they call themselves as non-Indians. In this

sensitive State, by this provision, if we are going to dismiss Governors, dismiss Chief Ministers at our sweet will because they do not suit our own political purpose, then I may say that the office of the Governor, the post of the Governor which we have built over the years and which has a sanctity, we may destroy the sanctity itself. May I know from the Home Minister as to what made them act under Article 356 has the President of India any special reports than what the Governor has sent, and whether the Home Minister is going to let this House know whether the report that has been submitted by the Governor is, in fact, a report contemplated under Article 356 or just a mere compliance report? (Time-bell). Sir, I will just conclude in a few minutes. If we are going to abuse the office created by this Constitution in the manner in which we are using it today, then whatever sanctity that is left, whatever faith that is left and whatever faith people have in this House and in this Constitution, one day, it might just vanish. May I warn the Government that we are standing today at the cross-roads. It is very difficult for people outside to choose. They do not have an opportunity. But don't force people to take paths in which they will turn violent. Already when there is a provision, when there is a chance when the Governor has said that the elections will be held, I don't think it is necessary for the present Government to revoke Article 356 for a Presidential Rule. There is already sufficient safeguard in the Constitution that you can have an election within six month and call the State Assembly and let the Government continue. I request the Members of the ruling party to think over this stand. Politically, it might be against them. But in that sensitive State, there are agencies which are working in different ways. There is a report in which two foreigners were caught. May I say that until they disclosed the name of the organisation for which they were working—Naga vigil, as they have called them—

elves—the Intelligence agency of India did not have any inkling whether there is any such organisation or not. It was only after the disclosure that the Government has become panic and has sought means and ways of finding out where this organisation exists. Even today, my information is that the Government has not been able to locate where the head office of the Nagaland Vigil is. In such a sensitive State, may I request the Members of the ruling party to think over the stand which they have taken and the President's Rule which they are imposing? I hope they will think of withdrawing it and allowing the office to continue over there. Thank you. Sir.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. N. Giri Prasad. You are making maiden speech.

SHRI N. GIRI PRASAD (Andhra Pradesh): Mr. Vice-Chairman, I thank you for the opportunity you have given to me to make my first speech here.

There are two motions before us. I am here to oppose the Statutory Resolution moved by the Home Minister seeking approval for the proclamation issued by the President under article 356 in regard to Nagaland. The second motion disapproves the Presidential proclamation. I am in general support of it.

The arguments advanced by the Government in support of their Statutory Resolution do not base upon the political situation or the legal requirements. Politically, Nagaland is a very sensitive State. There is a lot of insurgency there. Even in the neighbouring North-Eastern States, insurgency problem is very serious, and I read that there is a move for coordination among the various groups of insurgents. They are even having their own network in the neighbouring country also. When a Government at

the Centre wants to deal with such problems like Nagaland, they must be very careful to know all the intricacies involved in the situation. Our country is already troubled; many States are troubled. Problems of insurgency, terrorism, secessionist movements, are increasing. There used to be only or two State earlier facing these problems. Now the number of such State is growing.

We could not hold elections in Kashmir, and in the earlier elections, I am told, only two per cent of the people participated. Why was it so? Even now the Government is not sure when it will be able to hold election in Kashmir. About Punjab also, we might have fulfilled the constitutional requirement by holding elections there. But we must also be clear in our mind that only 20 or 25 per cent of the electorate participated in the elections. Why is it so? Are we to bring all those people into the mainstream of Indian politics or is it enough that we run administration either by President's rule or by a government elected by a very minority vote? And if this goes on, and when we are not sure about tackling the Punjab problem, when we are not sure of holding elections in Kashmir, we are creating yet another problem besides the insurgency which is already there in Nagaland. What I am trying to make out is, by the actions taken by the Central Government and by such other measures, the people in these sensitive States, border States, are getting more and more alienated from the mainstream of Indian politics. It is not a question as to which party is in power, which party will be defeated in the coming election. This is not the main question. The main question is one of preserving the country's unity and integrity. Besides the legal and Constitutional questions involved in the Proclamation, the main question is, does it serve the purpose of the country? Does it serve the purpose of safeguarding the unity

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and integrity of the country? It is high time the Central Government looks into this point also when it is dealing with the Nagaland problem.

About the Constitutional question also, there may be legal squibbling this way or that way. But one thing is clear, according to me. The then Government in Nagaland had a majority till the previous day, i.e., the 26th March. There is no doubt about that. Mr. Vizol was elected to the Rajya Sabha from the Nagaland Assembly, from the ruling party side. He is a clear witness here. He also spoke here. What does it mean? The Chief Minister was enjoying majority in the Assembly. Next morning, for whatever reason it may be, he recommended dissolution. It may be that because he wanted to get a clear majority, to have a proper united team, to bring about proper administration, he thought of going in for the elections. He advised the Governor accordingly, and the Governor agreed to it.

Then, the Central Government invoked article 356. The Chief Minister recommended dissolution of the House and he was ready to face the elections. But the Central Government did not want the elections. It imposed President's rule. For what purpose? What is it saying? What harm is there if that party is defeated and the Congress(I) is voted to power, because there are only two parties, according to my friend? One of the parties may win the elections.

Sir, elections are the best and the only form of democratic verdict. There is no other method. Imposition of President's rule and denial of an elected Government to the people of Nagaland will not solve the problem. There may be arguments this way or that way, about the Constitutional validity. If the Parliament approves the Proclamation it may

be Constitutionally valid. But even if not today, at least, tomorrow, you have to hold the elections. The people will have to participate in the elections. This is the only best course.

In order that the people of Nagaland do not get alienated from the rest of the country and they get integrated into the mainstream, it would have been better if the Chief Minister was allowed to go to the people and we have a new Assembly and a proper Government, whichever party comes to power. That way, the action taken by the Governor was in tune with democratic principles and in the spirit of national unity and integrity. Therefore, the action taken by the Central Government, namely, imposition of President's rule, is highly unjustified. It goes against the spirit of democratic principles and also violates Constitutional law.

Arguments have been put forth from the other side, particularly, by the Minister of State for Home Affairs, Mr. Jacob. I read in the papers. There were two or three reasons why President's rule had to be imposed. There were two or three reasons, according to him. These are highly fallacious reasons. He says that it is a God-given opportunity to the Nagaland people. I do not know how. As far as I know, President's rule never solved any problem anywhere in the country, in any State. It is, at best, a stop-gap arrangement till the elections. It cannot root out corruption. It cannot set up a proper Government. It cannot keep the unity of the country. It is only a rule by the bureaucracy. Wherever it was imposed, whether it was in Punjab, or, in Kashmir, or, even in Assam—now, in Nagaland—it did not create a congenial atmosphere for proper functioning of democracy, or, for national unity. So, I do not accept the contention that it is the best opportunity given to

Nagaland people. By this action Nagaland people are likely to get alienated more and more. That is why this Proclamation under article 356 is highly unjustified.

Then the Minister said that this President's rule will continue till the normalcy is restored. I do not know in which State there is perfect normalcy. There are many States in our country where there is no normalcy and it is a very rare commodity which we cannot buy from anywhere. Normalcy is a regular process and every time we have to strive for it. But as far as Nagaland is concerned, already insurgency is there. So, it may go to the extent of saying, until the insurgency problem is solved, no elections will be held. Even he said that he is ready to hold talks with the insurgents. He may hold talks within the premises of the Constitution, I have no objection, but to say that till the establishment of normalcy in Nagaland the President's rule will be continued, it is a highly dangerous thing. Even to bring about normalcy, it is the bounden duty of the Government to hold election, that is my point.

About corruption there was much discussion here. There may be corrupt people and that is the one area where everybody must be ashamed of. Corruption is everywhere. It is in Delhi, it is in Nagaland, it is in Hyderabad, in Madras, everywhere. It is there at many levels, not only one Chief Secretary level or one Chief Minister level. This corruption must be routed out, there should not be two opinions on that. How far are the State Governments or both the Houses of this Parliament or State Assemblies prepared to discuss this issue? Only in regard to Nagaland, just to get support under article 356 you talk about corruption, it does not solve any problem. It is the duty of all political parties to think together how to solve this problem of

corruption. And if the Central Government thinks that by bringing Nagaland under President's rule it is going to solve the problem of corruption, nobody can believe that, I do not believe that, I do not know whether anybody can believe that. Under President's rule also corruption is everywhere and corruption has increased by leaps and bounds because there is nobody to check them. Parliament cannot discuss that situation very often here.

The other argument given by him is about strengthening public distribution system. Of course, that is a good step and every party wants to strengthen public distribution system, but is it necessary to prolong President's rule to effect this public distribution system? As far as I know, public distribution system all over the country is very vague. In many areas, especially in remote areas, many commodities are not reaching the people and people are affected by high prices and scarcity of many articles. Under the President's rule they may try to tone up the administration, I have no objection, but the point is whether they are justified in issuing this Proclamation under article 356. This is one of the constitutional provisions which was most misused and misused for political purposes. It is not for anything it is not for proper administration or routing out corruption. It was always done—maybe, not always but most of the times—by the ruling party in order to have monopoly of power everywhere, not only at the Centre but in almost all the States. That has always been the tradition. In order to have the monopoly of power, to have one-party rule all over the country, recourse to article 356 has been taken and I think it is high time the Rajya Sabha disapproves this. Not that many things will change. President's Rule will not go. Elections may come—that is a different matter. But this vote here

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must be a warning to the Central Government not to misuse this article 356 again for their political ends.

Thank you very much, Sir.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Thank you, Mr. Giri Prasad, Shri Fernandes. We will complete it, I believe.

SHRI M. M. JACOB: We have to complete.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): What is the consensus of the House? Beyond five o'clock? There are two, three speakers. We will complete this subject.

SHRI JOHN F. FERNANDES (Goa): I am the last speaker, Sir.

SHRI M. M. JACOB: There is on other speaker.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): There is no other; they have withdrawn their speakers. Let's finish it... (Interruptions)...

PROF. SAURIN BHATTACHARYA: Mr. Fernandes, how dare you say that you are the last speaker?

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): No, he is not the last speaker. You are speaking thereafter.

SHRI M. M. JACOB: Last speaker from this side. That is what he meant. Mr. Vice-Chairman, Sir, I rise to support the Statutory Resolution moved by the hon. Home Minister that this House approve the Proclamation issued by the President under article 356 of the Constitution.

Sir, the States in the north-eastern region are politically unstable States because of insurgency. We know, Sir, that they are border States and

a lot of mischief is involved there where the neighbouring countries play some role by which these States get destabilized.

Sir, if we see the events from the 27th of March, the action of the Governor was nothing short of a constitutional coup engineered by the then Governor. It would have been appropriate for the Governor, though article 174 gives full powers to the Governor on the face of the Constitution, it would have been unethical, wise and proper for the Governor to consult the Office of the President because we know that a Governor in our country is not elected like in the U.S.A. The Governor is a nominee of the President of India and is appointed under article 155 at the pleasure of the President of India. Therefore, I say that it would have been proper and ethical for the Governor of Nagaland, before he took any action or decision on the 27th of March, if he had consulted the Home Ministry or the President of India.

If it was not binding on the Governor to send a report to the President before the dissolution of the Assembly, I don't know what made the Governor send a report to the President after the dissolution. The President would have read it in the newspapers or heard it on the T.V. or the All-India Radio. As was rightly said, I don't blame the Governor because the Constitution gives him power under article 174 and, in the light of this, I hope the Home Minister would consider amending this article. Under article 174(2) (a) and (b), the Governor has the power to dissolve the Legislative Assembly. So, I would like to suggest to the hon. Home Minister to see that a saving provision is brought under this article to say that the Assembly shall be dissolved by the Governor only after consulting the Home Minister or the President of India.

Sir, as I mentioned earlier, this is nothing short of a political coup, and again the Governor went to the extent of criticizing the President of India in dismissing the caretaker Government under article 356. It would have been proper for the Governor to say if there was a law and order problem in the State when the Assembly was suspended. And an Assembly can be suspended only under article 356. Sir, the Governor said that he was not politically motivated, but here there was every ground to say that the Governor was involved in active politics. I say this because I happen to be a political observer for my party in that State. I receive quite many party workers and MLAs. They 5.00 P.M. came to me and said that the office of the Governor was involved in politics. And this particular Governor is on record as having said, "I was a victim of the emergency. Mrs. Indira Gandhi had imprisoned me along with Mr. George Fernandes. We will see that the Congress(1) does not come to power in this State." So, this goes to show that his mind was prejudiced politically. Therefore, whatever has happened, the events which took place go to prove that the office of the Governor was involved in politics. I do not say that the office of the Governor should be above or below politics, but I say that the office of Governor should be away from politics.

[The Vice-Chairman (Shrimati Jayanthi Natarajan) in the Chair].

We know that when the Janata Party came to power in 1990, many Governors were removed, replaced because that Government took a decision, a political decision, an arbitrary decision to dismiss the Governors. This particular Governor, Mr. Thomas, who happened to be the prison-mate of Mr. George Fernandes, the then Railway Minister, was appointed. I feel that the Government of India should not allow the

office of Governor to be politicised. This House should not be surprised if Mr. Thomas has consulted not the President of India but Mr. George Fernandes, the ex-Railway Minister, who was his appointing authority.

Madam, again, I would request the hon. Home Minister—I am going to be very brief—to see that article 174 is amended, that a saving provision is introduced to see that the office of President is not humiliated by his own nominee, that is, the office of Governor.

With these few words, I hope that the Home Minister will take my suggestions earnestly.

Thank you.

PROF. SAURIN BHATTACHARYA (West Bengal): Madam, the issue before us is the imposition of the President's rule in Nagaland. President's rule is such a common thing in independent India that it speaks of our spleen that we still discuss this phenomenon so earnestly.

While listening to my friend, Mr. Narayanasamy, I was really shocked to listen to something like corruption in connection with the President's rule in Nagaland, that corruption led to the President's rule. What happens to the President's own domain where even the Prime Minister has not been absolved of some involvement in the matter of that letter from the ex-External Affairs Minister to the Swiss Foreign Minister? It is said that minutes have been kept saying that the Prime Minister's instruction was binding. Why do the Members of the ruling party then bring all these extraneous things? They have to support it, they support it. That is all there is to it.

What happened in Nagaland really is that the Governor, so far as my memory goes, took a unique action. To me it seemed to be a very bold

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action but an action which was warranted by the circumstances. When the Chief Minister who was never defeated in the Assembly, recommended dissolution of the Assembly, the Governor acted upon it to dissolve the Assembly, making way for fresh elections in order to get the people's mandate and allowing the existing Ministry to continue as a care-taker government. To me it seemed to be a very correct constitutional procedure, a procedure which was never followed in this country by any other Governor. The then Governor of Nagaland, Mr. M. M. Thomas has set an example, I should say. A question has arisen, how he could be satisfied that the Chief Minister at that particular point of time had majority in the Assembly, enjoyed the majority support. There was no evidence to the contrary at that particular moment, when the recommendation was made and it was not the obligation of the Governor to go hunting for a situation which was not before him. So, action was taken. Government of India was outraged. It was done without Government of India's consultation. How does the Government of India come in? A Governor is appointed by the President and he is bound by the advice and instructions of the President not of the Home Ministry. That is not the Constitutional position. The Constitutional position during all these years has been totally to their advantage and the Governor has been made to act as a doormat of the Home Minister or the Minister of State of Home or the Home Secretary or whoever might be there, who matters in such things. This is not a situation which should be there and the Governor acted rightly. But what is the reaction of the Government of India? Government of India said that it was completely unwarranted on the part of the Governor against whom there is an intelligence report that he has sympathy with the Naga underground. Who said it the Intelligence branch people or

the Governor of the State, was not clarified. It was also not clarified whether the office of the Governor was subservient to that of the Intelligence Branch. But such a report was given out and ultimately the Governor was eased out, again like a doormat, the way doormat is changed. Now this is the position. It is not a question of argument, logic; that does not decide things. Things are decided by brute majority. This will also be decided by brute majority. But please remember one thing: by your brute majority and by your devious ways, during all these years, more than 45 years, you have created in the country a situation where it seems to be cauldron. You have not a single area where you can lay your hand for a healing touch. If you want to further aggravate that situation in Punjab, in Kashmir by persecuting the farmers by other means, I could have told that it is your business but the country is not your business, the country is everybody's. Taking that into account, it would have been the wisest thing to dispense with this Resolution moved by the Home Minister on the proclamation of President's rule there, at least for them to acknowledge the great mistake, the great Constitutional impropriety they have created. It is so far as the position of the Government goes. I do support the motion moved by the hon. Members, Mr. Malaviya and Mr. Mathur. My appeal to all would be to oppose the Home Minister's Resolution tooth and nail. Thank you.

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir): Madam Vice-Chairman on the Resolution which has been moved with regard to approval of the proclamation issued by the President on 2nd April, 1992 under article 356 of the Constitution in relation to the State of Nagaland proclaiming President's rule there, the honourable speakers have referred to the situation which has led to these developments. The matter is of great importance in as much as our coun-

try consists of so many cultures and so many languages and so many regions and more so Nagaland is an area which has been a spot where we had to fight insurgency for long. Care should be taken that nothing is done in any State or in any part of the country which may give rise to suspicion and feeling of disaffection among the people in any region of India. The best guarantee against destabilisation by any neighbouring country or any person inimically disposed to India or any power inimically disposed to India is that the people of that area should be satisfied and should not have the feeling that their democratic rights are being trampled upon or ignored or violated.

In the present case, the Governor dissolved the Assembly on the advice of the Chief Minister and the law is settled that where the Chief Minister commands a majority, his opinion is to bind the Governor. Now how the Governor acted is understandable. Therefore, there has been a cry throughout India by people who have the good of the country at heart that Governors should be persons who act above party politics and in the interest of the country so much so that the Governors may be made responsible to the State Legislature. They should not be mere agents of the Central Government. The Central Government is also a Government of our country and it has a right to set the things right wherever it is so needed. But in the present case it was rather a shady act in dismissing the Governor, simply because he had acted in a particular manner. I think in future we should learn a lesson from what has happened in the past and from what has happened in Nagaland at this time the Central Government has very heavy responsibility, very serious responsibility to do nothing that would alienate the people in any of our States or that may create a gulf which we cannot bridge afterwards because we are already

faced with such difficulties in Punjab, in Jammu and Kashmir and in Assam. Care should be taken that no such steps are taken which create further difficulties for us for petty considerations or for party purposes. I don't blame any party. I don't want to blame anybody but those can be considerations.

As some of our friends have said. Such action which goes to the detriment of national unity and national solidarity and integrity of the country, which creates disaffection among large sections of our people should never be done. The Sarkaria Commission has discussed this matter regarding the role of the Governor. Mr. C. P. Thakur mentioned that and other hon. Members have also gone through that. I think it is high time we pay some attention to that also and we bring about a situation in which the Governor's role is fully and clearly defined so that in future the Central Government is not held responsible for the actions which he takes bona fide or otherwise and so that the people of any State feel that the Governor is not a mere agent of the Central Government but is also an authority which will safeguard the interests of the people of the State and their democratic rights. These are my submissions.

I would also like to submit that now that Presidential rule has been imposed, we have to look forward. What we do now is to do something to bring about democracy. Therefore, even if we disapprove this Proclamation, we are still to find ways and means for the holding of elections and the restoration of the democratic system in Nagaland so that the people are not agitated. I am very much perturbed to know that in a State like Nagaland in which the Government of India had to fight insurgency—and there was already insurgency of a very serious nature—we have dealt with the matter in this manner. Therefore, democracy should be restored there. Even if this Proclama-

[Prof. Sourin Bhattacharya]

tion is now willy-nilly to be carried to the logical conclusion of being approved, I would request the Government of India that, at the earliest, we should hold elections in Nagaland in a free and fair manner so that the confidence of people which is shaken is restored, so that the people of Nagaland feel that they are part and parcel of a great India in which their rights will be safeguarded and that they are not mere serfs, people who are governed by somebody else, or that they have nothing to decide about their fate and their fate is decided somewhere else. They must have a feeling of sharing the power in the State and they must feel that they are as good citizens of our country as citizens from any other part of India.

With these submissions, I thank you, Madam.

SHRI M. M. JACOB: Madam, when I moved the motion for the approval of the Proclamation of the President under Article 356, I expected that there would be some serious objections from my colleagues to the approval of this Proclamation. But I find, Madam, that all the 15 Members of this august House who participated, agreed with most of the points mentioned by me when I moved the motion. I am also glad to note that nobody objected to the manner in which the Governor dissolved the State Legislature.

I do not want to take more time by elaborating the background of Nagaland politics or the history of defections in the State. The Governor himself has admitted about the defections, changing loyalties and so on and so forth. It is very clear in the report and the report is laid on the Table of the House. But some hon. Members' learned jurists, who are also votaries of Sarkaria Commission's recommendations, attempted to tell the House that the Government had done something wrong in

the Presidential Proclamation under Article 356. Madam, if one reads the Sarkaria Commission recommendations carefully, one would find that Chapter IV (Para 1125) says:

"The Council of Ministers may advise the Governor to dissolve the legislative assembly on the ground that it wishes to seek a fresh mandate from the electorate. If the ministry enjoys a clear majority in the assembly, the Governor must accept the advice. However, when the advice for dissolving the assembly is made by a ministry which has lost or appears to have lost majority support, the Governor should adopt the course of action suggested in para 4119, etc."

That is, testing the strength of the House on the floor of the House etc. Now, Sir, here in this, one point was missed by most of my colleagues when they were speaking in the House about which I am amazed also at the moment if you look into the Governor's report. I only invite your attention to the report of the Governor to justify or to corroborate what the Sarkaria Commission recommendations had said. The report on 28-3-92, that is the third report of the Governor, the last sentence the Governor used was that there was no stability in the mind of the Members. That is what the Chief Minister mentioned to me. Therefore, he had recommended dissolution of the Assembly. Then the Governor says: "I have been told by the press and radio reports about the withdrawal of support by a group of Ministers to the Vamuzo Government. Till now, no communication, either verbally or in writing, has been received by me." The Governor himself says that there is a press report, there is a rumour, there is somebody saying all this but nobody gave it in writing. That is what he says. Now, read Sarkaria Commission's recommendations again. "In particular circumstances, when he

has reason to believe that there is no majority, he can't dissolve the House *ex parte*; the other course is, the Governor should recommend to the President, send a report to the President and recommend that conditions are ripe for invoking President's rule." Now, Sir, I don't have any necessity of justifying the dissolution by the Governor because that itself is also very clear. Three matters mentioned by the Governor are very clear. I don't have to go anywhere else. Number one, the Governor says in his first report, "peaceful administration cannot be carried on with Ministers and MLAs pressurising for more and more plum posts." Secondly, there has always been such a tendency with those Ministers with less important portfolios." This tendency was more so with Ministers with less important portfolios. And thirdly, in the process, law and order has been neglected." This is his report. So, the law and order is neglected; the Ministers are running after plum posts and the Ministers having less important portfolios are creating problems.

In the second report, he is saying, "due to the frequent defections of Members of Legislative Assembly etc. there is no stability in the mind of Members." (*Interruptions*)

SHRI N. E. BALARAM (Kerala): Ministers creating problem is a common phenomenon now. It is not only in Nagaland, everywhere, it is there.

SHRI MENTAY PADMANABHAM: If you take that criteria for imposing President's rule, there will be no State Government in this country.

SHRI M. M. JACOB: I am very happy that you say that. Here the question is not that. Here the question is precisely when thirty MLAs, including seven Ministers, have withdrawn support to Vamuzo Government and that matter was made known to the Chief Minister himself,

you see the scenario of recommending a dissolution of the House and allowing that Ministry to be a caretaker Ministry—that Ministry which is not even capable of taking care of themselves. That is why, he had to dismiss seven Ministers immediately. The Chief Minister had to dismiss four Ministers in the first instance and three Ministers in the second instance from the caretaker Ministry and you argue that this Government has stability and that they can continue as a caretaker Government. The caretaker Ministry failed even to take care of themselves. The Chief Minister's caretaker Ministry failed to take care of themselves even.

SHRI MENTAY PADMANABHAM: Now, you have taken care of them.

SHRI M. M. JACOB: Now, you agree to that. Madam, in such a situation it is a natural thing. You have no other course open. Regarding the other aspects of the Sarkaria Commission's recommendations, since there is dearth of time, I am not going into them. But another point is raised by a learned advocate of the Supreme Court and by Members from the other side also; why did you impose Article 356 when there was 174 (2) (b) already imposed by the Governor? The Governor relied on Article 174(2) (b) and dissolved the legislature. Then why do you want Article 356? Are you competent? Yes, the Constitution provides so. The President is competent to invoke Article 356. At the moment it is necessary. Is it the first instance in India? I will cite a few examples. Before that, I must complete the first argument which I made that is about a caretaker Ministry, continuing as a caretaker without the capacity to continue as a caretaker.

Here is a letter written by one of the Minister—on ex-Minister I must say—, Mr. C. Chongshen. He is the

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Deputy Leader of the NPC (Pro-
 gressive). I quote:

"It is a fact that there was no discussion either in the N.P.C. Parliamentary Board or in the Council of Ministers meeting on or before 27th March, 1992 regarding dissolution of Nagaland Assembly. Even Cabinet meeting at no point of time was convened to discuss about it.

On 27-3-92, Dr. M. M. Thomas, ex-Governor, was at Dimapur on his way to Calcutta. He was called back by Shri Vamuzo to Kohima. On his return to Kohima Shri Vamuzo handed over the letter recommending the dissolution of the Assembly. This was his unilateral decision and Calibre was not consulted as there was no Cabinet meeting on that day. The Governor hardly took any time in taking the decision, on receipt of Shri Vamuzo's letter, to dissolve the Assembly."

Madam, in this connection I have another document with me about whether there was a Cabinet meeting at all. The Chief Minister states this in his letter. It was quoting by the other side that the Chief Minister had recommended on the basis of the Cabinet's Resolution. The Cabinet Secretariat says, "As far as Cabinet Secretariat is concerned, this Cell has got no knowledge of the fact that any Cabinet meeting was held for dissolution of the Assembly and no circulation of notice was made by this Cell in this regard. This office is not in the knowledge of holding any Cabinet meeting after 19th of March, 1992."

Madam, normally when the Cabinet meets, a notice is circulated, minutes are recorded and Ministers are informed. On this particular day all the Ministers except one were in Kohima. They were all in Kohima.

One Minister left by the same aircraft in which the Governor had to leave for Calcutta. One Minister, Mr. Hollaho, was at the airport along with the Governor. He was a Minister of the Vamuzo Government. He never knew what was happening. He left for Calcutta by air. Because the Governor got a secret message as the Governor said in this report, he returned to Kohima from Dimapur. It took almost two and a half hours in a car drive. He reached Kohima. He immediately signed the dissolution of the Assembly without waiting even to verify his own information, as he said in his report, about the radio report or the newspaper report published in a Calcutta newspaper, *Anurita Bazar Patrika*. All the newspapers came out with this, there is a defection in the ruling party. Madam, when I say, "ruling party", the Members sitting on the other side will feel here is a party having a majority in the legislature. There is a 60-Member House having disqualified a good number of Members. Fifteen Members were disqualified. The ruling party consisted of 24 Members. Out of 24, 13 formed a different block and they walked out. The ruling party consisted of 11. Seven of them were Ministers. It means a group of 11 people was not allowed to handle Nagaland as they wanted. It is the sum and substance. I should have agreed if there was a Cabinet meeting, if there was a resolution, if the law and order was perfectly in order, if the administration was normal. It would have been all right. They themselves say that there was no Cabinet meeting. The Ministers themselves denied the fact. So, in this scenario, what is the other alternative? Now, many of my friends were mentioning about this, including Mr. Vizol for whom I have great respect. He was once the Chief Minister of Nagaland of the NPC party and not of Congress. He is a very respectable man. Even he knows this. He was speaking about the insurgency in the State, the problems arising out of insu-

gency. Members were listening to him. Madam, when my friends sitting on this side, Dr. Ratnakar Pandey and others, vociferously mentioned about the foreigners who were detected and found in Nagaland, Mr. Ambedkar asked me a question: Why didn't the Central Government know about it? When foreigners were in Nagaland why the Government machinery failed to know about it? Well, very good questions. But the Central Government knew about it. We had written communications to the State Government that "there are two foreign nationals who have sneaked into Nagaland and you have to keep a watch on them". Mr. Ambedkar asked me another question. (*Interruptions*)...

Madam, I was in Nagaland day before yesterday. I spent two days there. I went to the villages, met a large number of political leaders of various parties—MLAs, ex-MLAs and ex-Ministers. I have discussed the matter with them. All are happy. Even the reports in the newspapers published from Nagaland after the imposition of President's proclamation state, "we are happy about the proclamation of President's rule because Nagaland really requires a spell like this."

Madam, now what I was telling was that Mr. Ambedkar had asked me a question. Do you know where this Naga Vigil Organisation's headquarters is? I have a press release in my hand—a press release from Naga Vigil Organisation about which Mr. Ambedkar was asking me. The headquarters is Woodrow Publications, Junction Mill, Velent Street (South). Asto, London. It is in London. I will quote from this press release. It is stated that—

"The troubled nation of Nagaland between North-East India and Burma has remained closed to foreigners for more than 40 years. Now for the first time re-

presentatives of a UK-based human rights group has established an observation post there."

This is a recent press release of 3rd December, 1991. They were able to statement has been issued by David land after 40 years. The following statement has been issued by David Watt, Naga Vigil Co-ordinator, from the Nagaland base. When I say about the Co-ordinator, David Watt, of the Naga Vigil Organisation, don't think he is a very respectable man. These two foreign nationals were till very recently in the prison in U.K., in the Birmingham prison. They were convicted for criminal cases. They were the people who came, who were running around. It is not that the Nagaland police arrested these people. The people were travelling around Nagaland, especially in the district mentioned by my friend Shri Ahluwalia, for two months. That is the district from where the Chief Minister, Mr. Vamuzo, comes. That is the district which is bordering with Burma. For two months these foreign nationals were there and for 13 days these foreign nationals were in Kohima, the capital city of the State. Then the Nagaland police could not arrest them. I myself talked to the Chief Minister; I personally spoke to him. I told him, "you have to get them arrested. It is a shame on us to allow these operations which are going to help the insurgents. They are in the midst of insurgents. They are guiding them. They are collecting information. They are sending the information to UK. I have evidence about it. This is a very reliable information. You have to arrest them." Do you know what he told me? He said, "they are with the insurgents. If our police go to arrest them, they will shoot us. Our police will have to shoot them and in the process the foreign nationals may die. Then it will become an international issue. So, it is very difficult." Then I just relied on the Assam Rifles. The Cen-

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tral agency relied on the Assam Rifles. The Assam Rifles went and arrested the foreign nationals. In the process one local man was killed who was an insurgent. Soon after there was a funeral procession in which a large number of people participated. The leadership of the procession was taken over by the Naga Mother Organisation whose President is the wife of the Chief Minister. I am not surprised that the speaker is the brother-in-law of the Chief Minister and the Naga Mother Organisation is headed by the wife of the Chief Minister. In a small State it is all like that. I am not opposed to that. But security of the country is more important. There must be some responsibility for us. Our nation's security is more important. Madam the Assembly by the Governor, in his report that not only administration is in jeopardy, not only law and order is neglected but insurgency is at its height. Coordination in the insurgent groups in various States is done by these organisations. I must answer the last question, that is, whether it is an exceptional exercise of Article 356. Madam, Article 356 was invoked, after the dissolution of the Assembly by the Governor, in seven other instances in our country. In Kerala, in 1970 after the Governor dissolved the Assembly Article 356 was invoked and the Presidential proclamation was promulgated. It was done in Punjab in 1971, in West Bengal in 1971, in Bihar in 1982, again in Kerala in 1979, in Sikkim in 1979. In all these seven States Article 356 was invoked after the Governor dissolved the State Assembly. There are also instances when President's rule was invoked without the report of the Governor. It was done in Kerala in 1956, in Tripura in 1972, in Manipur in 1972. When Mr. Morarji Desai was in power nine States at a stretch... (Interruptions). We only did it in 1980, after three years. I

was only trying to say that President's rule was invoked without the report of the Governor also. This is the scenario which has to be understood by the hon. Members of the House. (Interruptions). The people of Nagaland are happy about the Presidential proclamation. The public opinion is for it. We have to correct certain imbalances there. I am not dwelling at length on the corruption of the Chief Secretary and others corruption is rampant there and steps are being taken. It is... (Interruptions).

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Please let him finish. I am not allowing. Don't interrupt. Mr. Ram Awadheshji, please sit down. It is not going on record. Interruptions will not go on record.

SHRI M. M. JACOB: Relying on the report of the Governor, that report itself is sufficient to apply Article 356... (Interruptions).

THE VICE CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Shall we please have order in the House.

SHRI M. M. JACOB: I am supporting the report of the Governor. We are accepting the report of the Governor. We are accepting the dissolution of the Assembly by the dissolution of the Assembly by the Governor's report. We are not questioning the Governor's report of the dissolving of the Assembly. We are only pointing out that the caretaker Government is incapable of continuing as a caretaker. When it has lost its majority, it cannot continue as the caretaker in the light of the circumstances which I explained. Corruption is there. With all these, I only request the Members to unanimously vote for this.

श्री स. प्रकाश मल्लिकार्जुनः उपसभाध्यक्ष महोदया, जैकब साहब ने जो अपने विचार व्यक्त किए हैं, मुझे उस सिलसिले में केवल दो बात कहनी है। जैकब

साहब ने यह तर्क दिया है कि वहाँ के गवर्नर को जो रेडियो की रिपोर्ट थी और जो समाचार पत्रों में खबरें छपी थी उसको भी भानना चाहिए था। उनको जो आखिरी रिपोर्ट है—

"I have been told by the Press and the radio reports about the withdrawal of support by a group of Ministers to the Government."

महोदय, अगर गवर्नर अब्दुल क़ारी रिपोर्ट से और रेडियो की रिपोर्ट से यह फैसला लेने लगेंगे तो इस देश में लोकतंत्र का क्या होगा? मैं इसको कल्पना कर सकता हूँ। दूसरे, कैबिनेट मीटिंग के बारे में कैबिनेट सेक्रेटरी के नोट को पढ़ा गृह मंत्री जी ने, कैबिनेट सेक्रेटरी ने यह कहा है कि हमको इसके बारे में जानकारी नहीं है कि मंत्रि-परिषद् की बैठक हुई या नहीं हुई। कैबिनेट सेक्रेटरी ने अपने नोट में भी यह नहीं कहा है कि कैबिनेट की मीटिंग नहीं हुई है। मैं याद दिलाता चाहता हूँ 25/26 जून, 1975 की जब आपकी तत्कालीन नेता श्रीमती इंदिरा गांधी ने आपातकाल लगाया था और उस वक़्त भी यह विषय विचाराधीन था, आठ कमिशन तक के आगे गया। लेकिन, श्रीमती इंदिरा गांधी ने जो संसुति की थी राष्ट्रपति जी को, ... (व्यवधान) ... श्रीमती इंदिरा गांधी ने जो फैसला लिया था उसे तत्कालीन राष्ट्रपति ने निमाना था और यह तय हो चुका था कि श्रीमती इंदिरा गांधी ने मंत्रि-परिषद् की बैठक नहीं बुलाई थी, वगैरह मंत्रि-परिषद् की बैठक को बुलाए यह फैसला लिया था। इस बात को श्रीमती इंदिरा गांधी ने माना भी था कि उन्होंने मंत्रि-परिषद् की बैठक बुलाई नहीं। लेकिन, महाँ पर जो मुख्यमंत्री हैं, वह साफ़ तौर से कह रहे हैं कि मंत्रि-परिषद् की बैठक हुई और मंत्रि-परिषद् की बैठक में यह फैसला लिया गया। इसलिए जो कुछ आपने तर्क दिया है, मैं उससे संतुष्ट नहीं हूँ और मेरा जो मोशन है इसको मैं प्रेस करता हूँ।

SHRI M. M. JACOB: Is he withdrawing his motion?

SHRI SATYA PRAKASH MALAVIYA: No, I have not withdrawn it. I am pressing it.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): I shall first put the Statutory Resolution to vote. The question is:

"That this House approves the Proclamation issued by the President on the 2nd April 1992 under article 356 of the Constitution, in relation to the State of Nagaland."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): We still have some special mentions to be taken up. I would like to take the sense of the House whether to take up special mentions today or not.

SHRI DIPEN GHOSH (West Bengal): The motion has also to be put to vote.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): Once the Statutory Resolution is adopted, there is no need to put his motion to vote... (Interruptions)

SHRI DIPEN GHOSH: What is the procedure? The Opposition motion is taken first.

THE VICE-CHAIRMAN (SHRI-MATI JAYANTHI NATARAJAN): No, the Government motion is taken first. There is no need to put his motion to vote because the Government's Statutory Resolution has been accepted. Now, I want to know whether you want to take up special mention today. No?

Then I adjourn the House.

The House stands adjourned till 11.00 A.M. tomorrow.

The House then adjourned at forty-four minutes past five of the clock till eleven of the clock on Wednesday, the 29th April, 1992.