

RESOLUTION SEEKING APPROVAL OF CONTINUANCE OF PRESIDENT'S PROCLAMATION UNDER ARTICLE 356 IN RELATION TO JAMMU AND KASHMIR.

THE MINISTER OF FINANCE (SHRI YASHWANT SINHA): Madam, I beg to move:

"That this House approves the continuance in force of the Proclamation dated the 18th July 1990 in relation to Jammu and Kashmir issued under article 356 of the Constitution by the President for a further period of six months with effect from the 3rd March, 1991."

As the House is aware, in view of the then prevailing situation in Jammu and Kashmir, a Proclamation under article 356 of the Constitution in relation to the State of Jammu and Kashmir was issued by the President on the 18th July, 1990 on the recommendation of the Governor. Earlier, on 19th January, 1990 the Governor, Jammu and Kashmir, assumed to himself the powers of the State Executive and Legislature placing also the Legislative Assembly of the State under suspension under the provisions of section 92 of the Constitution of Jammu and Kashmir. A month later, on 19th February 1990, the State Assembly was also dissolved by the Governor in exercise of his powers under the State Constitution.

Clause (4) of article 356 of the Constitution, as applicable to State of Jammu and Kashmir, provides that a Proclamation approved by Parliament shall, unless revoked, cease to operate on the expiration of a period of six months from the date of passing of the second of the Resolutions approving the Proclamation. The Resolution approving the President's Proclamation was passed by the Lok Sabha on 21-8-1990 and by the Rajya Sabha on 3-9-1990. Therefore, the Proclamation issued on 18-7-1990 will cease to operate on 2-3-1991.

The present law and order and security environment in Jammu and Kashmir has not reached that level of normalcy which may be described as conducive to holding elections to the State Legislative Assembly. Available reports do not indicate that the political forces in the State are ready to contest elections. There is no evidence to show that political forces have strengthened themselves or are addressing themselves to election matters. On the other hand, the law and order situation continues to be disturbed. The unabated infiltration of trained militants from across the border, the assistance that the neighbouring country is providing to the militants in various forms, the militants' increased attacks on the security forces of our country, the large-scale exodus of the minorities from the Kashmir valley as a result of such attacks, and the unsettled situation in the State Administration do not make out a case for holding elections at present.

The Governor of Jammu and Kashmir, in his recent report addressed to the President, has also stated that the current security and political circumstances are such as would not permit carrying on the Government of the State in accordance with the provisions of the Constitution when the present Proclamation expires. The Governor has further reported that the security forces have maintained a sustained pressure on the subversive elements and the militants in containing their activities on the ground. A change in the mood of the people in the Kashmir valley is also perceptible. The Governor has further mentioned that despite these positive developments, the security situation continues to be grim and challenging because of the presence of Pak-trained militants in the valley as well as across the Line of Control, the huge quantities of arms, ammunition and explosives available to them and the continued active assistance by the Pakistani agencies and forces to the militants in Jammu and Kashmir.

[Shri Yashwant Sinha]

The Governor has also reported that the situation is not conducive to holding of elections to the State Assembly in the near future. There is political vacuum in the Kashmir valley, with hardly any political activity among the people.

The Governor has accordingly recommended that the President's Rule in the State may be extended for a further period of six months from the date of its expiry.

Keeping in view the situation prevailing in the State and taking all the relevant factors into consideration, there seems to be no alternative but to continue the President's Proclamation dated 18-7-1990. It is, therefore, proposed that the President's Rule in Jammu & Kashmir may be continued for a further period of six months with effect from 3-3-1991.

In view of the position explained, I solicit the approval of this august House to the Resolution. Thank you, Madam.

The question was proposed.

THE DEPUTY CHAIRMAN: Shri Shankar Dayal Singh—not here; Shri M. C. Bhandare.

SHRI MURLIDHAR CHANDRA-BHANDARE (Maharashtra): Madam ... (Interruptions)

THE DEPUTY CHAIRMAN: Let him speak.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: Madam, I rise to participate ... (Interruptions).

SHRI MAKHAN LAL FOTEDAR (Uttar Pradesh): Madam, let us pass it without discussion.

THE DEPUTY CHAIRMAN: If the House agrees....

SOME HON. MEMBERS: Yes, yes.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: I can only end by saying that I share the concern and I hope that this will be one question which will be tackled on a war footing and there will be a consensus policy and programme and action evolved by the Prime Minister and the Government on this issue. With this, I commend this Proclamation.

THE DEPUTY CHAIRMAN: शर्मा जी आप भी ऐसी क ते हैं इस बात के because your name is there.

SHRI KRISHAN LAL SHARMA (Himachal Pradesh): Yes.

THE DEPUTY CHAIRMAN: Okay. I shall now put the Resolution moved by Shri Yashwant Sinha to vote.

The question is:

"That this House approves the continuance in force of the Proclamation issued by the President on the 18th July, 1990, under article 356 of the Constitution in relation to the State of Jammu and Kashmir, for a further period of six months with effect from the 3rd March, 1991."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the other Statutory Resolution—Shri Subramanian Swamy.

RESOLUTION SEEKING APPROVAL OF PRESIDENT'S PROCLAMATION UNDER ARTICLE 356 IN RELATION TO TAMIL NADU.

THE MINISTER OF COMMERCE WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW (SHRI SUBRAMANIAN SWAMY): Madam Deputy Chairman, I rise to move:

"That this House approves the Proclamation issued by the President on the 30th January, 1991,