

(c) the further steps taken by the Union Government in this regard?

[*Translation*]

The Government opposed the action taken by the State Governor and categorically condemned it and sought a clarification whether this could be done without Presidential assent. In this way the Government sought legal advice in the matter. But now the situation has come to such a pass that even though the House is in session, the Government did not take it into confidence and after the House was adjourned for the day, it issued a telegram to the Governor and the Chief Secretary of the State. The text of the telegram is as follows:-

THE MINISTER OF STATE OF THE MINISTRY OF TEXTILES (SHRI ASHOK GEHLOT): (a) Yes, Sir.

(b) and (c) Jute sticks and jute waste is already being used by some mills for the manufacture of paper.

12.00 hrs.

RE. IMPOSITION OF PRESIDENT'S
RULE IN NAGALAND UNDER ARTICLE
356 OF THE CONSTITUTION

[*English*]

[*English*]

MR. SPEAKER: One after the other. I ask Mr. George Fernandes.

[*Translation*]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Speaker, Sir, I had given you an Adjournment Motion Notice this morning. After giving the notice when I reached the House I found this supplementary list that had been distributed by your office. It states:-

[*English*]

Shri S.B. Chavan to make a statement regarding President's rule in Nagaland.

"The President has today the 2nd April, 1992 issued proclamation under Article 356 of the Constitution in relation to the State of Nagaland assuming for himself as President of India (a) the functions of the Government of Nagaland and all powers vested or exercisable by the Governor; (b) declaring all powers of the State Legislature to be exercisable by or under the authority of Parliament and; (c) making other consequential provisions.

The Proclamation and the Order are being published in the Gazette of India Extraordinary Part II Section 3 sub-section (1) dated the 2nd April, 1992 vide this Ministry's Notification reproduced below"

[*Translation*]

[*Translation*]

Mr. Speaker, sir, I do not know when the decision to impose president's rule in Nagaland had been taken on 27th March, the Hon. Home Minister made a submission in the House that the Governor has taken a decision to dissolve the State Assembly and allow the care taken Government to run the administration and make preparations for the polls. In his own words:

An Hon. Member: What was the time of issue?

SHRI GEORGE FERNANDES: Time has not been mentioned but after going through the following paragraph, it seems how hastily it was done:-

[*English*]

[*English*]

We cannot forget about this decision.

"This proclamation together with the Order may also be republished

in the State Gazette of today 2nd April. Copies of the Proclamation being posted separately”

[*Translation*]

This telegram was issued yesterday. Mr. Speaker, Sir, I would like to know as to how this decision had been taken. Article 356 deals with the Emergency Powers. We are too much perturbed by this article because of our bitter experience in 1975. If you study this article you will grant permission to my adjournment Motion because it is necessary, Article 356 state:-

[*English*]

“356 (1) 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...”

[*Translation*]

There are three things in it to which I have referred. I would like to know whether the report from the Governor had been received or was there any such report under article 356 of the Constitution that-

[*English*]

“...the Government of the State cannot be carried on in accordance with the provisions of the Constitution....”

[*Translation*]

Had the report been received I would have agreed that you have full power to do so or otherwise.

[*English*]

“If the President is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the

provisions of the Constitution....”

[*Translation*]

Mr. Speaker, Sir, firstly, I would like to seek clarification from the Government in this respect, because the Hon. Home Minister had a submission in this regard on the 27th March.

[*English*]

SHRI A.CHARLES (Trivandrum): Sir, a few days back when I raised the matter, you have given a ruling that the conduct of the Governor of Nagaland cannot be discussed. But if there is a discussion, we should be allowed to participate. This will naturally include the conduct of the Governor. We want a discussion. Let us have a discussion [Interruptions]

[*Translation*]

SHRIGEORGE FERNANDES: On 27th March, the Hon. Home Minister said here that the Governor took these steps under Article 174. If the Government had any doubts about the powers of the Governor under this article, it should have stated the same in the House as to what had happened there. What were the circumstances that forced the Government to take this decision?

Mr. speaker, Sir, the Rajya Sabha elections were due for 24 th March. There were two candidates, one of them was ex-Chief Minister, Shri Vamujobe longing to the Naga peoples Council and the other of the Congress Party. The Minister of State of External Affairs, leaving aside his all other assignments, had been camping there for 4 days from 23rd to 26th instant....(Interruptions)

[*English*]

SHRI P.C.THOMAS:(Muvattupuzha): Sir, I am on a point of order. During the Zero Hour, he is making a long speech and that also is regarding the conduct of the Governor. We oppose this. We should have all the documents.

SHRI RAMESH CHENNITHALA (Kottayam): They want to politicise the issue. Others also should be allowed to speak.

MR. SPEAKER: I am going to allow you. Shri Ramesh Chennithala, I will allow you to speak. I am going to allow you to speak.

SHRI A. CHARLES: This should be done under a substantive motion.

MR. SPEAKER: Let me decide under what it should be done. You do not have to tell me that thing. Shri Ramesh Chennithala, if you want to speak I will allow you to speak. But under what provision, let me decide. (Interruptions)

MR. SPEAKER: Really, you can very well reply and you should reply instead of just raising the point. Please take your seat.

SHRI P.C. THOMAS: He is making a long speech.

[Translation]

SHRIGEOGE FERNANDES: He stays there for four days. Despite all his manoeuvres Shri Vamujō gets himself elected to Rajya Sabha with the help of the votes of his party people. There are 24 members in the ruling party in the House and it is in majority there. Still Shri Vamujō got elected from there. He took the oath of Office and secrecy today at 11.00 A.M. Then Mr. Speaker, Sir, starts the whole process to dislodge the Government by all means. The Chief Minister convenes his Cabinet meeting and moves a Resolution, which the Governor accepts in exercise of the powers vested in him and dissolves the State Assembly. Then a new process of fresh elections sets in. Mr. Speaker, Sir, I would like to question the basis on which these things took place. All this took place yesterday, you can gauge the intentions of the Government in the matter. The decision was taken yesterday and it was given a retrospective effect from 27 March. Then not a single word in this regard has been reported in any of the national newspapers. President's Rule has been thrust upon Nagaland. Even in significant speeches

made by Ministers are published in the newspapers but such an important decision taken by the Cabinet, assented to by the President and sent to Governor, with due gazette notification, has not been reported in any of the newspapers. The people were kept in dark. Even the Hon. M.P.s were not informed about the happening till today morning... (Interruptions)

[English]

MR. SPEAKER: I must be fair to them. I have got the letter from the Home Ministry early in the morning before the House started.

(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur): When was this done?

(Interruptions)

[Translation]

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): How did they come you know? (Interruptions) No newspaper has published it... (Interruptions).....

[English]

MR. SPEAKER: They asked for the permission to inform the House. Not this way. You can argue your case. Do not quarrel please.

(Interruptions)

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I would not refer to constitutional propriety but I would like to point out a few things very strongly. When a debate is taking place on this by the Government and Hon. Members of the Treasury Benches, I would like to refer to the verdict of the Supreme Court pronounced by a bench of five judges. The matter had been taken up on 4 May 1979 to review the decision of the then

[Sh. George Fernandes]

Governor of Rajasthan, Shri Raghukul Tilak. In this connection, I would like to read out the verdict of the apex court.

[English]

It is no doubt that the Governor is appointed by the President which means in effect and substance, the Government of India, and that is only a mode of appointment. It does not make the Governor an employee or servant of the Government of India. Every person appointed by the President is not necessarily an employee of the Government of India. So also it is not material that the Governor holds office during the pleasure of the President. It is a constitutional provision for determination of the term of office of the Governor and it does not make the Government of India an employer of the Governor. His office is not subordinate or subservient to the Government of India. He is not amenable to the directions of the Government of India nor is he accountable to them for the manner in which he carried his functions and duties. He is an independent, constitutional office which is not subject to the control of the Government of India. He is constitutionally a head of the state in whom is vested the executive powers of the state and without whose assent, there can be no legislation in exercise of the legislative powers of the State.

[Translation]

Mr. Speaker, Sir, this is the verdict given by a five member bench of the Supreme Court and even after that the Union Minister of Home Affairs says these things in this august House. We cannot even imagine saying such things. We have taken this verdict very seriously and we are seeking legal advice in this regard.....(Interruptions)

[English]

MR. SPEAKER: I am sure, George Fernandesji, you have the greater interest at your heart. You are putting your case very cogently and forcefully. Supposing, something of this nature is done without informing

the Government, what are the consequences of it? supposing the House is dissolved and the Government of India is in dark about it.

[Translation]

(Interruptions)

SHRI GEORGE FERNANDES: Mr speaker, Sir, the decision was taken by the State Government. There is a duly elected Assembly.(Interruptions)

[English]

SHRI SOMNATH CHATTERJEE: We can find out from the Governor.(Interruptions) It is a very important question.(Interruptions)

MR. SPEAKER: I will allow you.

SHRI SOMNATH CHATTERJEE: dangerous doctrine. are they headmasters?(Interruptions)

MR. SPEAKER: If the House is dissolved and the Government of India is unaware of it, what is the consequence of it?

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, if anyone feels that the country's constitution needs to be amended, it's an altogether different issue.(Interruptions) But as per the existing constitutional powers of the states as well as the Gubernatorial office...(Interruptions) as per the autonomy guaranteed to them under the constitution, this House or the Union Government has no right to interfere in this business. The central Government is empowered to intervene in the internal affairs of the state only under the provisions of Article 356 which is considered to be an emergency provision.

[English]

Article 356 and that entire chapter deals with the emergency provisions of the Constitution. If there is a break-down, and if the President is convinced that a situation has arisen in which the Government of the State cannot be carried on in accordance with this

Constitution, these provisions can be applied. But this constitution allows the State Government to decide when it would like to dissolve the Assembly and go for elections. After all, what is the Chief Minister? The Chief Minister in the state Government did not try to perpetuate them. They did not engage in any kind of a game. He proved his majority. For four days, you tried day in and day out, sitting there, to see that the Government is reduced to a minority by defeating the candidates of the ruling party in the Rajya Sabha elections.

The Government proved its majority and it got its man elected. It was running the state. You had no report in your possession which said that things were happening in Nagaland which had destroyed this Constitution or that the affairs of the State were not being carried on in accordance with this Constitutions. What had gone wrong? The only argument that has been made by the Home Minister was that there were matters pending before the Supreme Court. There are many matters, many election petitions, all kinds of Writs and what have you against the Government, pending in the supreme Court, High Courts and in other Courts. Does that mean that till such petitions are disposed off, you cannot dissolve the House?

[*Translation*]

Mr. Speaker, Sir, supposing that many cases are pending against many Hon. Members in various Courts, does that mean that till these cases are disposed off in House can not be dissolved? If for some or the other reason, the Prime Minister takes a decision to dissolve the House and seek the mandate of the people, can anyone stop him from doing so? Does anyone has the right to question his decision? Can the Supreme Court or for that matter anyone else stop the Prime Minister from carrying out his decision? If under the provisions of the Constitution, the Prime Minister enjoys the power to recommend the dissolution of the House and go in for fresh elections, the Chief Minister of the State too enjoys the same powers. The

State Government too enjoy the same powers.

Mr. Speaker: Agreed.

SHRI GEORGE FERNANDES: In this case also, the State Chief Minister has exercised these powers, to which he is entitled, but it is not acceptable to the centre. Mr. Speaker, Sir, the Indian Institute of advanced studies has brought out a book by shri J.R. Civaz of the Kurukshetra University, titled Politics of President's Rule in India. It is an in-depth study of the politics behind the imposition of president's Rule in the country. I would like to mention here the sum and substance of this book. I would like to specifically mention here, the conclusion that the author has arrived at, after this thorough study.

[*English*]

Whenever the Government of the Congress Party or a Government supported by it from outside or a Government in which it was a major partner failed or was about to fall, the Assemblies, instead of being suspended, were immediately dissolved. And he further says that whenever a recommendation for dissolution under Article 174 (2) (b) - and this is what has happened in Nagaland - and under Article 336 was made by a non-Congress outgoing Chief Minister or a non-Congress Chief Minister, having a doubtful majority, it was rejected in all cases, when the Congress Party was keen on forming Government.

[*Translation*]

So, this is the politics of President's rule. Such politics should not violate the Conditional Principles estimated in the Constitution. Therefore Mr. Speaker, sir, I request you do accept any notice for. The adjournment Motion.

[*English*]

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Speaker, Sir, I am obliged to you. The other day, we were told that the Vishwanath Pratap Singh Government was

[Sh. Somnath Chatterjee]

busy in toppling the State Governments, after it came to power. But we find that the leopard can never change its spots; whether it is Chidambaram or Chavan or Rajiv Gandhi or Rao. The same attitude is being followed namely, they want to bring in every State under their control. This is nothing but their insatiable greed to hold on to power or to acquire power by any means.

Sir, obviously, it seems that there has been no report from the Governor. Therefore, it is an action of an angry Executive at the Centre. When the Governor, under the Constitutional provisions is not under the Centre - only the President is the Appointing authority - therefore, this imposition of President's rule, is it teaching a lesson to the Governor? I would like to know about this from the treasury benches. We have chartered a federal constitution where the powers of the Centre and the States are laid in different parts of the Constitution. There is a specific provision for dissolution of an Assembly by the Governor. Except under emergency provision of article 356 the President of India cannot dissolve a Legislative Assembly. Once the Governor is bound to accept the Cabinet's decision, approval and recommendation of the Chief Minister, he has exercised his power.

Now what is being said? We are not informed. It may be politeness, it may be courtesy, but it is not a constitutional requirement. Let us know from this Government whether they interpret the Constitution in a manner that before a Governor takes a decision under his constitutional authority, he has to take the consent of the Central Government. Therefore when the Governor calls Leader of a Legislative Assembly Party to form a Government, does he have to take the sanction and approval of the President of India and the Government in Delhi? If he dismisses a Minister there, does he have to take approval of the Government at Delhi? We would like to know whether that is the contention of the Central Government in this country. I would like to know whether the Congress Party says that.

It is amazing and an affront, it is an attack on the Constitution. Our Constitution has not made the Central Government a superior authority *visa-a-vis* States. Certain powers have been given to the Centre for which one has to look into the Constitution. These emergency provisions, our Constitution makers thought, should be left with the Centre and that has caused havoc in this country. Sarkaria Commission has said how article 356 has been misused for political purposes by the Congress Governments, one after another.

What is this arrogation of power in the Central Government? To see that if a Governor acts without their prior consent or approval, they must exercise their so-called authority when there is no such authority?

This is very very serious development in our constitutional history, constitutional set up. Merely paying lip service to Constitution won't do. By this attitude the very fragile basis of the Centre-State relation is further being attacked, challenged. Already the States are reeling under the Centre. Different types of authorities they are exercising. Controlling of money power; money strings they are controlling; other authorities they are controlling through the exercise of planning process etc. There is a discrimination between state and State. Now today it is an amazing attitude by the Central Government. If I may say so with great Sorrow, it has fallen from the chair that what the Central Government can do when they were not informed about it.

MR. SPEAKER: As far as the authority of the Governor to dissolve the House at the instance of the Cabinet in the State Government is concerned, nobody is disputing.

SHRI SOMNATH CHATTERJEE: I am obliged, Sir.

MR. SPEAKER: Should it not be informed? ●

SHRI SOMNATH CHATTERJEE: The question whether it has to be informed earlier or later is there. They have been informed later; who does not know?

MR. SPEAKER: When the Parliament is in Session we are asking so many questions. You are asking me to direct the Home Minister to give the information and the Home Minister is not in a position to get the information and give it to you. Is that a happy position?

SHRI SOMNATH CHATTERJEE: Therefore it seems the Government of India feels aggrieved, feels cut-off that a Governor of a State.....

MR. SPEAKER: I am not saying anything on the authority of the Cabinet, authority of the Governor. I am saying on information.

[*Translation*]

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, when the Mulayam Singh Government was deposed in U.P. The Centre was not provided with any information.

[*English*]

SHRI SOMNATH CHATTERJEE: The question of information can only be a courtesy. There is no constitutional requirement, if you go by the Constitution.

MR. SPEAKER: What is the implication of not following this courtesy?

SHRI SOMNATH CHATTERJEE: Take action against the Governor. This is very serious. Therefore for ordinary courtesy not shown to the Central Government, the Government is teaching a lesson to the Governor. And teaching a lesson to the Governor is to impose the President's rule there?

MR. SPEAKER: You can very well say that the Central Government has committed a mistake under article 356 and all those things. But what is the implication? I am just on this point only. What is the implication if the Government has no information to give it to you.

SHRI SOMNATH CHATTERJEE: There cannot be any constitutional implication. We

would like to know. (*Interruptions*) This will be a dangerous theory.

MR. SPEAKER: I am not asking you to adopt it. You can leave it also.

SHRI SOMNATH CHATTERJEE: Since it has impressed you...

MR. SPEAKER: It has impressed me because many times the Home Minister was asked to give the information. The Home Minister was on his legs and said, "I have no information."

SHRI SOMNATH CHATTERJEE: Sir, if they had called the Governor to Delhi and had given him a piece of their mind, I would not say all these things although that should not have been done. (*Interruptions*)

MR. SPEAKER: Whether article 356 was used properly or improperly, you can have your own discretion, and you can say anything.

(*Interruptions*)

SHRI GEORGE FERNANDES: The Governor had informed. (*Interruptions*)

SHRI LAL K. ADVANI (Gandhi Nagar): I do not think that it is incumbent or obligatory or any constitutional responsibility of the Governor. (*Interruptions*) Even as a matter of courtesy, I would say, it is up to him.

I remember what happened in the case of Meghalaya. All of us here had expressed certain views and the Government expressed its helplessness and said, "we cannot compel the Governor. The Governor has not informed us.

MR. SPEAKER: Will you stick to this view, I am asking

SHRI LAL K. ADVANI: No. (*Interruptions*) There is no constitutional obligation. (*Interruptions*) If the Home Minister had sought for any information, I am sure, the Governor would have given it.

SHRI SOMNATH CHATTERJEE: Let us not construe the Constitution just to suit a particular occasion or to justify a particular action. That will be a very sad day if Constitution is played about. If you give a particular meaning on a particular occasion only to suit your convenience, that will be a dangerous situation dangerous doctrine.

MR. SPEAKER: Okay.

(Interruptions)

SHRI SOMNATH CHATTERJEE: The constitution has to have a meaning. *(Interruptions)* Apparently, clearly they have acted without the Governor's report. Today only because the Governor has the hardihood of taking a decision without obtaining their permission or clearance of blessing, this Government arrogates to itself the power of a superior authority that they can dictate to them, teach them lessons like this with a whip in hand. Where are we? then, this Parliament will just wait here for the purpose of giving *Post facto* approval to all the indiscretions of this Government because of their majority however they may have secured this majority. *(Interruptions)* We all know this a very dangerous doctrine. On the other hand, I would except the Chair—the Speaker of this Lok Sabha which the highest body in this country. This House is charged with the maintenance of parliamentary democracy in this country, sustaining parliamentary democracy in this country.

We would except you to admonish this Government. It is nothing but a rape of the Constitution. this strikes at the Centre-State relations very seriously. Therefore, this Government owes an explanation. *(Interruptions)*

MR. SPEAKER: I can't admonish anybody here. I can just pose the questions.

(Interruptions)

SHRI SOMNATH CHATTERJEE: Now it seems that in this country only two bodies are working overtime—IB and PIB. That is why no intimation was given to the people. No intimation was given to this country.

Therefore, they utilise these agencies for the purpose of suppression of the news to the people of this country. That is why we have to wait for this supplementary agenda to our list of business. I strongly object to this. The Home Minister should have been here. He should have made a statement at the beginning. Therefore, this is a matter where the Government must immediately take steps.

I know it cannot be undone now. Assembly is no longer there. Let them have the courage to hold the election at least. The Home Minister should be brought here and be reprimanded at the Bar of this House.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I would like to say only one thing. Whatever Shri Somnathji has said in response to your question.....*(Interruptions)*

MR. SPEAKER: Please leave it.

(Interruptions)

SHRIGEORGE FERNANDES: It is very much essential to keep it in the record ...*(Interruptions)* The Governor immediately informed the centre and the centre doesn't deny this. somnathji says that there is no way out.

[English]

Under 356 (2) "Any such Proclamation may be revoked or varied by a subsequent Proclamation.

[Translation]

We urge the Government to revoke this proclamation under the provision of Article 356 (2)

SHRI MANORANJAN BHAKTA (Andaman & Nicobar Islands): Mr. speaker Sir, first of all, I would like to congratulate the Central Government for imposition of President's Rule in Nagaland though late. It was surprising that the Governor of Nagaland had dissolved the Assembly under the act

174 and that too, not supported by a Cabinet resolution. Sir, if the Governor is acting with the advice of the Chief Minister, without the support of the Cabinet resolution of that State Government, then it is impropriety and in that case, the Governor cannot act arbitrarily and *suomotu*. Secondly, another important point is that when he had communicated to the Central Government subsequently, he had cited that it was because of law and order situation. Then he said that the MLAs were changing parties and that was why, it was necessary for him to dissolve the Assembly. If that is the position, then in that case, keeping this caretaker Government is also not right. And as we have seen, which he has also pointed out subsequently, the Chief Minister recommended seven Members of that Council of Ministers of the caretaker Government to be removed from the cabinet. so, it is apparent that the entire action of the Governor was fabricated and that was done with some intention and with the pressure of some outside agency. When I say outside, I mean outside Nagaland and not outside India. Some people are speaking eloquently today. Let them say as to what should be done if some action is done by the Governors of other States in such a situation. What will be their action when the Governor acts on the advice of the Chief Minister but not supported by the Cabinet Resolution?

SHRI RAM KAPSE: Your presumption is wrong.

SHRI MANORANJAN BHAKTA: That is why, Sir, I totally support that action. It is only for a healthy democratic polity, it is absolutely necessary to take action. Not only that, the Central Government also should take action on the Governor for his activity.

SHRI PETER G. MARBANIANG: (shillong): Thank you, sir. when we were small children, we were told not to point any accusing finger against anyone as the other four fingers will point at you. I remind Mr. George Fernandes that during the heyday of the National Front Government, almost every week, he would be in Nagaland with Mr. Subodh Kant Sahay trying to create defecation in the Nagaland Assembly (*Interruptions*),

SHRI GEORGE FERNANDES: I never went to Nagaland as a Member of the Government, Sir.

SHRI P.C. THOMAS: You can manage it without going there also.

(*Interruptions*)

SHRI GEORGE FERNANDES : sir, people cannot be allowed to make such statements in this House. He should withdraw his statement. Can't you find someone else to speak defending your action?

(*Interruptions*)

MR. SPEAKER: We are not discussing Mr. George Fernandes. We are discussing something else.

(*Interruptions*)

MR. SPEAKER: Leave aside that thing.

(*Interruptions*)

SHRI PETER G. MARBANIANG: there was an elected Congress Government headed by Mr. S.E. Jamir. Not subsiding only by that, they had to change the Governor, Dr. Gopal Singh and had to put Dr. M. M. Thomas and 15 days after the arrival of the Governor, the Congress Government led by Mr. S.E. Jamir was toppled on 17th May, 1990. Let us not forget the responsibility of the system that we have in India. These are matters that we should speak without partisan attitude. We should approach the problem objectively. Sir, the Governor acted on the verbal advice of the Chief Minister, Mr. Vamuzo. I say this because on 26th March, Mr. Vamuzo came to know that three of his own Ministers have resigned along with 8 MLAs. Therefore, a verbal advice was given to the Governor to dissolve the Assembly and on the 27th March, the Governor dissolved the Assembly.

I will also tell you about a very important news item which came in the *Observer*, a weekly magazine coming from Kohima, which says;

"On 27th March, 1992, a cheque (*Interruptions*) *"

MR. SPEAKER: this is not going on record. It can amount to an insinuation. I am allowing it please.

(*Interruptions*)*

SHRI PETER MARBANIANG: I am only quoting Sir.....(*Interruptions*)*

MR. SPEAKER: You do not have to quote. You cannot quote the newspapers. It cannot be done like that. This portion of the statement is not forming part of the record.

SHRI PETER MARBANIANG: Therefore, we remember that the Governor is morally bound to inform the Central Government before he takes such a drastic action of dissolving the House. He did not do that. It means that the Governor has failed to play the dual rôle of the constitutional head of Nagaland State and representative of the President of India.**

MR. SPEAKER: No please. You cannot go on like that.

SHRI PETER MARBANIANG : Sir, I now congratulate the Government having imposed Article 356 and also done away with the caretaker government of Mr. Vamuzo. It must have pricked them too much that they had to lose Mr. Vamuzo as the caretaker Chief Minister.

SHRI JASWANT SINGH (Chittorgarh): Mr. Speaker, Sir, on behalf of the BJP, I would like to make it very clear that we find that the step taken by the Government last evening as a step that we condemn in the strongest terms. We feel that it is fraught with the gravest consequences for the entire federal arrangement of the Constitution. We also feel that the Government has not acted earnestly and in the interest of protecting the

Constitution. I consulted my very senior colleagues both Shri Atal Bihari Vajpayee and Lalji Advani as to whether there exists any other precedent. Shri Vajpayee's life in this Parliament is as long as the Parliament itself. There exists no precedent.....

MR. SPEAKER: There are, of course, precedents.

SHRI JASWANT SINGH: There exists no precedent of this kind where the Governor has already dissolved the Assembly and subsequently without the report from the Governor.....

MR. SPEAKER: There are many precedents, not one.

SHRI JASWANT SINGH: If there are, we would like to know. The point is that it is an exceptional situation that has arisen. There are three aspects which have been called to question. You Sir, from the Chair, has also posed a question. One, of course, has been about the Cabinet's advice, which is very easily disposed of. Firstly, it is factually incorrect. Secondly, let me not remind about that infamous act or that infamous action taken in June 1975, which also was without the Cabinet's advice and which, the President of the Republic affirmed and subsequently confirmed. It was that fraudulent emergency that was imposed in the country without Cabinet advice.

There are really two aspects. They are firstly, that the Governor did not inform and secondly, that whether at the time of tendering advice, did the Ministry that tendered advice have a majority or did not have a majority.

Firstly, did he really inform the Union Government? A number of Members, here, including my good friend, Mr. George Fernandes, have said that the governor has advised. Even if he had failed to advise

* Not recorded

**Expunged as ordered by the Chair.

them, it as Somnathji has said - is not a Constitutional impropriety, it is morally, perhaps a lack of graciousness or grace of action between the Head of the Republic and the Head of a State.

Sir, I put it to you that the Governor on the advice of the Cabinet in Nagaland, did three things. He dissolved the Assembly. He ordered for elections. We are now told that because he did these things, a situation has arisen and that situation, through self-admission has not arisen on account of the Governor's Report but a situation has arisen, in which the Government in Nagaland cannot be carried out in accordance with the Constitution. This is where, we are really at sea. How is it, sir, that in ordering the elections - when there is no Assembly there this thing has been done? How is it that the Government cannot be conducted in accordance with the Constitution, without the Report of the Governor? I am not saying that the President, under Article 356(2) is not entitled to forming an opinion or acting. Because it can be on the basis of the Report of the Governor or otherwise.

Now, please reflect, Sir, for a moment both on Articles 174(1) and on 163(2).

Article 174(1), Sir, is very clear that the Governor shall from time to time summon the Houses or each House of the Legislature, etc.

Article 174(2), the Governor may from time to time (a) Prorogue the House, (b) dissolve the Legislative Assembly. The Governor is well within his rights on the advice of the Cabinet to dissolve the Legislative Assembly. He does not have to refer to North Block, he does not have to come to the Rashtrapati, he can do it to on his own.

Now, I am referring to article 163(2). It is in Page 76.

"If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision

of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion"

MR. SPEAKER: I do not think we are challenging whether the Governor has the authority to do it or whether the Cabinet has the authority to do it. What is being discussed here is the imposition of the President's Rule under article 356. That is all.

SHRI JASWANT SINGH: The implication here is this. My good friend Shri George Fernandes has said that if the Union Home Minister says, we shall not forget it, the action of the Governor, we shall take it seriously.

MR. SPEAKER: No. If I remember it correctly that day some information was asked and he said that he did not have the information. He is unaware of those things. That is all.

SHRI GEORGE FERNANDES: No. There was a more extensive discussion in the Rajya Sabha and that is where he had made a statement that (*Interruptions*)*

MR. SPEAKER do not know. That we do not refer it here.

SHRIGEORGE FERNANDES: He also went on to say that: (*Interruptions*)

MR. SPEAKER: No I will not allow that, the reference... (*Interruptions*)

SHRI GEORGE FERNANDES: That is why I did not make a reference.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, in this case, the developments that led to this situation cannot be ignored. Many precedents of Governor's dissolving the State Assembly and the subsequent imposition of President's rule has been cited here. It could be that

[Sh. Atal Bihari Vajpayee]

there were no differences between the centre and the Governor in those cases, it could be that the Governor might have acted upon the centre's counsel, it could be that the centre might have done so at the behest of the Governor. But so far as Nagaland is concerned, there is a virtual confrontation between the centre and the Governor of Nagaland and the Minister of Home Affairs did not mince any word to express his opinion. In the circumstances, the imposition of the President's rule is an act which ought to be seriously deliberated upon in the House..(Interruptions)

MR. SPEAKER: Do not want the Government to give an explanation as to whether the Governor has acted in this manner out of anger or due to any other reason?

[English]

SHRIJASWANT SINGH: Very substantially, what I had to say, my seniors Shri Atal Bihari Vajpayee and Shri Lal K. Advani have said out of their experience. In the circumstances in which this total action had been taken by the Government yesterday, last evening, the manner in which the Parliament and the Press had been kept in the dark about it, the timings of it, unfortunately, leads us to the conclusion that it has been motivated by very narrow politics; and there is a shadow of unconstitutionality which looms over these actions that have been taken by the Union Minister.

SHRI LAL K. ADVANI(Gandhi Nagar): ShirJaswant Singh and shri Atal Bihari Vajpayee have dealt with various aspects of the Constitution. All that I would like to stress is that this was one occasion where the role of the Governor and his equation with the Central Government should have been honoured as the Constitution makers conceived it.

In fact , he has referred to Article 174. The draft Constitution in respect of article 174 wanted the Governor to act in his discre-

tion. I will read from the Sakaria Commission's Report with regard to this Article. It reads as follows:

"The Governor is empowered to summon, prorogue and dissolve the Assembly. The draft Constitution provided inter alia that both in the matter of summoning the Legislative Assembly or Council and dissolving the Assembly by the Governor would be required to act in his discretion. But this provision was subsequently deleted on the ground that a Governor would not exercise any function in his discretion and would follow the advice of his Ministry in all these matters.

It is a well recognised Principle that so long as the Council enjoys the confidence of the assembly, its advice in these matters- unless patently unconstitutional -must be deemed as binding on the Governor."

And in this case, the Council was commanding a even if it is regarded as dubious majority and so its advice was binding. Then it further reads as follows:

"It is only where such advice, if acted upon would lead to an infringement of a constitutional provision or where the Council has ceased to enjoy the confidence of the Assembly, that the question arises whether the Governor may act in the exercise of his discretion".

Now the question is whether he should act according to the Centre's advice; even there it is his own discretion, which is to be advised.

Even assuming that the Nagaland Government has not lost majority in the Council, it was not there, even then...

MR. SPEAKER: If you don't mind, I am a little bit confused myself. so, I am putting it

like this. My saying anything should not have any implication; it is for my understanding.

Now, what has actually happened is not that the Governor's action is objected to. Now, after the President's Rule is imposed, the provisional Government would not be there; the Governor would be there.

SHRI LAL K. ADVANI: Why?

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: That's why it has been done. This step was taken to displace the Government.

[*English*]

MR. SPEAKER: If the House is dissolved, nobody has a right to rule.

SHRI LAL K. ADVANI: If the House is dissolved by the action of the Government, which is a constitutional action, how is there a break down of the constitutional machinery? I think this 356 cannot be invoked except in the case of break down of constitutional machinery. Unless the Government of India takes a stand that what the Governor has done amounts to break down of the constitutional machinery, Article 356 cannot be invoked, and in the past situations always in these matters, the Governor used to consult the Centre even though both used to deny; the Governor used to deny and the Centre used to deny. But whatever happened used to happen as a result of a nexus between the Centre and the State Governor. This time it has not happened and that has upset the Central Government and it is therefore that they are seeking to intervene in the matter and to do something that the Governor has done by imposing the President's Rule. What the Governor has sought to do is that the advice of the Government is accepted, there is a fresh election and that the same Government continues in office, which the Central Government for purely partisan reasons is not going to permit. Therefore, they have invoked Article 356 which is a gross abuse of this particular Article.

It would from one more chapter, one more aspect if the Sarkaria Commission report were to be there. This was purely partisan. I would say that it is an outrageous invocation of Article 356. Never of this kind has happened before, because it is directed less against the Government, more against the Governor.

I would be of the view that in case the Government honestly felt that the Governor has transgressed his power I would think that it would have been better to invoke the provision of the Constitution which says that the Governor holds the office at the pleasure of the President if the Government honestly felt so. The fact is that the Governor has done only what should have been done in the situation.

MR. SPEAKER: Briefly, one minute, Shri Charles. Then Shri Vishwanath Pratap Singh will speak and then the Government will reply.

SHRI A. CHARLES: We on this side of the House are a little handicapped in the sense that all that has been stated here was factually not given to us. At the end of the Question Hour we were given a supplementary List of Business stating that Shri S.B. Chavan would make a statement regarding President's Rule in Nagaland.

MR. SPEAKER: So, let the Government speak.

SHRI A. CHARLES: I may be given a few minutes. Kindly bear with me.

MR. SPEAKER: If you do not have the full information you do not have to speak. Let the Government speak.

(*Interruptions*)

SHRI A. CHARLES: Most of the Members from that side, who were speaking have come prepared with all the documents, and constitution and therefore it appears that whatever was happening in Nagaland for the last one week was being communicated minute by minute to them and they are in full possession of all the facts.

MR. SPEAKER: I did not understand this aspect.

SHRI RAM NAIK(Bombay North): Are you helping the Government?

SHRI A. CHARLES: You kindly hear me.

What has happened in Nagaland during the last two weeks does not give credit to anybody, neither to the great office of the Governor, nor to Parliament, or to the values and moral and constitutional morality that has been preached by the Members on the other side.

When the National Front Government was in power here, we had a Governor in Kerala. There was a telephone conversation from here, Rashtrapati Bhavan that he has to resign. And he prepared the resignation letter. The day after that the Governor was to address the Assembly. (Interruptions) I am not mentioning the name of anybody.

MR. SPEAKER: Why do you have to mention all this?

SHRI A. CHARLES: I want to give the background. after all, most of the time is wasted here. Why not spend a few minutes more usefully?

The Governor had to address the Assembly on the eve of the Budget Session. There was some confusion. It appeared in the papers. Then another message came asking her not to resign till the Government's address was read. That was the background and then 13 Governors were dismissed in one stroke by the National Front Government. Ten months are over after this Government has taken over. We have given due respect to the great office of the Governor. We have never interfered with any State Government. Quite unfortunately, 13 MLAs of Nagaland were disqualified and their cases have been pending in the Supreme Court. My Hon. friend, Shri George Fernandes, says: "Many cases are pending in the Courts. who is going to take cognisance

of that?" It is a very sad thing. when 13 elected MLAs were disqualified and their cases were pending in the Supreme Court, the assembly was dissolved. What is the haste in dissolving the Assembly? why is this ugly haste? Sir, this is the crux of the whole thing.

The Assembly is not there. The Assembly is not functioning. Under that circumstances when it is clearly known that three Cabinet Ministers including eight MLAs, who had withdrawn their support to the Chief Minister, the Governor's action on his advice is quite unfortunate and I am very unhappy about it. I do respect Shri Jaswant Singh. He has finally told the truth when he said that there is a** This is his statement.

(Interruptions)

MR. SPEAKER: I do not think so.

SHRI A. CHARLES: He has gone on record. You please verify the records...*(Interruptions)*.

MR. SPEAKER: If it is there, i will deal with it properly. But please leave that.

SHRI A. CHARLES: Under that circumstances, should the** the Chair not has a constitutional obligation to discharge his own function? They have talked about the Constitutional rights of the Governor. But what about the constitutional rights of **

(Interruptions)

MR. SPEAKER: Well all those objectionable things I have to go through and remove them from the records.

SHRI A. CHARLES: Finally I would like to say that the action of a responsible person in office should be like Caesar's wife beyond suspicion. We know, Caesar's wife was beyond suspicion. What has happened in Nagaland was totally suspicion and misconceived. I would plead with the Members like my friend, Shri George Fernandes, to search their hearts and then say in this august

**Expunged as ordered by the Chair.

House in good faith that the action of the Governor was not motivated and that it was with a genuine interest of upholding the norms of parliamentary democracy. In that case, we will support them. Let them say this from their heart.

Sir, it is quite unfortunate that the Governor has acted in total disregard of the faith on him.

[*Translative*]

SHRI VISHWANATH PRATAP SINGH(Fatehpur) : Mr. Speaker, Sir, this is a subject which merely demands flipping the pages of the constitution. Just now an Hon. Member said that the President has met the powers granted to him under constitution. What is more important here is the politics of the President's rule rather than searching for definitions and terminologies in the law books. Over the years, the politics of president's rule has dealt a death blows to the aspirations and mandate of the people of various states and this question weighs heavily in the minds of everyone. Such acts have caused deep resentments in the minds of the people and have caused irreparable harm to the cause of national unity. Such negative feelings grow gradually. I feel that it is very important for us to analyse the impact of such actions on the minds of the people of the state and on the State's future politics. How much of respect and affection will the people of these states have towards the constitution and the laws, to which the Hon. Member made a reference?

There was a duly elected Government in the State. The circumstances that developed in the State prompted the Government to seek the dissolution of the Legislative Assembly and the holding of fresh elections. It called for fresh elections, for a mandate from the masses. May be there were several problems which the Centre and the State Government viewed differently. So, the Chief Minister decided to go to the people. However, the centre has brought about a situation, which has created doubts in the minds of everyone. It won't be proper if the problems which were sought to be solved through

a fresh people's mandate are sought to be resolved through President's rule. I am not putting forward argument as to who commanded the majority or who deserved to form the government. All these have been going on for long, for which the country is paying a heavy price today. When Akali Dal formed as Government, it was brought down through political manoeuvre and manipulations. Similar was the case in Kashmir. It is the interest of the country which is put at stake, when we seek to replace the proper political process with the politics of manipulation. We should understand this. That is why Shri George Fernandes and others called for a change in this attitude, for the sake of maintaining this country's unity and integrity. We have to create and maintain this confidence. It is the centre's responsibility to safeguard this trust, this confidence. I appeal to the Government to keep this in mind and take a decision and not to get carried away by ego.

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): Sir, unfortunately, the discussions seems to have gone on some wrong presumption that this Government is annoyed with the Governor for not seeking the prior permission of the President for dissolving the Assembly. It is not true. That is not the basis on which the action of invoking Article 356 has become necessary. Nobody questions the authority of the Governor under article 174 (1). It is very clear. But you have also to see two aspects. One is the actual material facts existing in that State and how Article 356 is now invoked. There is also difference between Article 174 (1) and Article 356. Article 356 has got its own position and place which I need not have to dwell upon at the moment. There were sixty Members Assembly when the elections took place in Nagaland in March, 1989. The elections were conducted. The Congress came out with 36 Members and NPC came out with 24 Members. After a few months, scenario changed in Indian political situation and develop-

[M.M. Jacob]

ments started fast enough. Thirty six Members, out of which fifteen Members were disqualified on two occasions by the Speaker reduced it as a minority and then 24 Members became the majority and formed the Government. I am only narrating the fact. So, 24 Members became a majority to form a Government That Government committed. Ever since this Government took over, we never interfered with any of the activities, actions of that Government. We rendered utmost cooperation to the State Government, irrespective of the fact which party is in power and which party is not in power, and that was not our look out. When the Governor sent a message to us after dissolving the State Legislature under Article 174(1).....

SHRILAL K. ADVANI(Gandhi Nagar): It is not Article 174(1), it is Article 174(2)(B).

SHRIM.M.JACOB: Yes, it is Article 174 (2) (B). First is for prorogation and second is for dissolution of the Assembly. Thank you Advaniji for clarification. Yes, we got the information later on. Simultaneously, we are getting information that four of the Ministers have left the Chief Minister. Simultaneously another information comes that five Ministers are sacked by the Chief Minister and the Governor report arrives. In the Governor's report, the first opening thing he says is: "I am compelled to dissolve the State Legislature because there is no stability among the members." That is one reason. The other reason he gives is that the law and order situation is in jeopardy. It is a state where insurgency is the maximum. Most of the North-Eastern states are reeling under difficulties of the insurgency, right from the insurgent group was born and brought up in Nagaland, that is NSCN Training is awarded by the NSCN based in Nagaland and located in Bangladesh. Knowing fully well the scenario, the Governor says that he is not happy with the law and order situation. And again he says: "The purposeful administration cannot be carried out by the Ministers and MLAs who are pressing for.....(Interruptions).

SHRILAL K. ADVANI: I am on a point of

order, Sir. The hon. Minister has quoted from the report. I would say that under the rules, it should be laid on the Table of the House....(Interruptions).

SHRI M.M.JACOB: I have not quoted from the report, Sir, I am just telling that gist....(Interruptions).

MR SPEAKER: Reference and quotation is different.

SHRI ATAL BIHARI VAJPAYEE: why don't you lay the report on the Table?....(Interruptions).

SHRI BASUDEB ACHARIA: I am on a point of order, Sir. May I know from the Minister from which paper he is quoting. Is he quoting from the report of the Governor? If he is quoting from the report of the Governor, then it should be laid on the Table of the House.

SHRIM.M.JACOB: I am not quoting from the Governor's report, I am just giving the gist of the report.....(Interruptions).

SHRI GEORGE FERNANDES: sir, if the hon. Minister yields for a moment,

[Translation]

Just now you have stated here that elections were held in 1989, in the assembly of 60 members 36 members were elected from the Congress and 24 from the Naga People's Council. 15 members were suspended by the Speaker. Mr. Speaker, sir, this is not the fact since the same party formed the Government, there was no need to suspend their own members, hence there is no substance it. Secondly, the situation in Assembly is somewhat different what it was before the suspension of the members. Previously there were 24 members of ruling party and 19 members were of Congress. Among the suspended members 5 belong to Congress and 10 belong to the ruling party and two....(Interruptions)

[English]

SHRI MANORANJAN BHAKTA: He is

misleading the House, Sir.....(*Interruptions*)

SHRI GEORGE FERNANDES: May I, therefore, ask the Home Minister to be a little more clear because you had a sixty-members Assembly, in which 36 Congress men had been elected. You had your Speaker. There was a 24-member Opposition led by Mr. Vamuzo. Then you got into a situation about which I do not wish to discuss here. But today the fact of the matter is that there were nineteen members of the Congress in the Assembly, five members of the Congress were under suspension, ten members of the NPC, that is, of the ruling party, were under suspension. There were two unattached members and there were 24 members of the ruling party there. The facts that the Minister is presenting here are quite contrary to what really prevailed.

SHRI M.M.JACOB: It is not correct, Sir. Mr. George Fernandes knows very well what I stated in the beginning that in the sixty-member Assembly, 36 Congress members and 24 NPC members is a reality; it is not a fiction. But from where they defected and from where they did not defect, he knows it. He himself knows that fifty-nine members in present Assembly were, at one time or the other, Ministers. During the last three years, three Governments were formed in Nagaland. He knows it very well. He knows how many members defected from NPC to Congress and how many from Congress to NPC. I do not have to educate Mr. George Fernandes on this because he is very much aware of all the defections in the North-East. So, he knows the facts.

Sir, I do not want to take away your time. At least I myself consider my statement as an honest statement. The constitutional break-down which is the requirement under Article 336, was very much visible there. That is why article 356 comes in. It is because the constitutional break-down is there. That is what I have said. The Governor informed us that there is no stability in the Government. Instability is there. (*Interruptions*)

SHRI BASU DEB ACHARIA (Bankura): You are unhappy. (*Interruptions*)

SHRI M.M.JACOB: Not at all. I am not unhappy about the Governor. In fact the Governor is from my state. I know him. There is no unhappiness about it. That is not the unhappiness of the....

SHRI P.C. THOMAS (Muvattupuzha): He should really feel** of it. (*Interruptions*)

MR. SPEAKER: Why is it necessary for you to get up and say it? That is not going on record.

SHRI M.M.JACOB: The Governor feels(*Interruptions*)

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): You had awarded a Governor who had dismissed a Government, which was enjoying the majority, and installed a puppet Government in Andhra Pradesh in 1984. Do not forget that.

SHRI M.M. JACOB: I am not an Andhra Pradesh now. (*Interruptions*)

SHRI SOBHANADREESWARA RAO VADDE: That Governor was your great leader. Do not forget that (*Interruptions*)

SHRI M.M.JACOB: I am not on Andhra Pradesh now. (*Interruptions*) The first point I mentioned is regarding instability being there. It has been accepted and reported by the Governor. The second point is that the Governor feels that there is no purposeful administration being carried out by the Ministers and the MLA are pressurising for getting plum posts. The third point is that the law and order has been neglected by the Government.

SHRI BASU DEB ACHARIA: We do not know from which he is quoting?

SHRI GEORGE FERNANDES: Sir, it is most important that the report of the Governor is brought before the House.

**Expunged as ordered by the Chair.

SHRI BASU DEB ACHARIA : Let him lay it on the Table of the House (*Interruptions*)

MR. SPEAKER: Shri Acharia, you very well understand that when the quotation is given it is within the quotes. He is referring to it. You cannot complain.

(*Interruptions*)

SHRI BASU DEB ACHARIA: Is the report with him? (*Interruptions*)

MR. SPEAKER: Yes. He has the Governor's report with him.

SHRI GEORGE FERNANDES: Let him lay it on the Table (*Interruptions*)

MR. SPEAKER: You can ask for it. That is a different matter.

(*Interruptions*)

SHRI GEORGE FERNANDES: The Governor's report should be made available to this House. You make it available. Do not selectively quote from the Governor's report. (*Interruptions*) He is misleading the House. He is using the Governor's report selectively.

SHRI BASU DEB ACHARIA: Let it be laid on the Table of the House. (*Interruptions*)

MR. SPEAKER: Not like this. Shri Acharia, you are again standing when I am standing.

(*Interruptions*)

MR. SPEAKER: The Minister is replying to the points which you have made. At the end, if you want to seek one or two clarifications, I will allow one or two Members. But do not interrupt him like this.

(*Interruptions*)

SHRI SRIKANTA JENA (Cuttack): Sir, I am on a point of order. The hon. Minister is quoting something from the Governor's re-

port. If it is from the Governor's report, let it be placed on the Table of the House. (*Interruptions*)

SHRI INDRAJIT GUPTA (Midnapore): Sir, I want to know whether he is quoting from the Governor's report or not.

MR. SPEAKER: He is referring to the report. He is not quoting from the report.

SHRI INDRAJIT GUPTA: Is he not quoting?

MR. SPEAKER: He is referring to the report.

SHRI P.M.SAYEED (Lakshadweep): Sir, I am in a point of order. I want to have your ruling. The hon. Minister is not quoting from the Governor's report. Is he not entitled to use a word from the report? (*Interruptions*)

MR. SPEAKER: I have already decided that. If you want, I will read the relevant Rule.

Rule 368 of the Rule of Procedure and Conduct of Business in Lok Sabha says, and I quote:

"If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table:

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest;

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table".

It means he is referring.

SHRI BASU DEB ACHARIA: Sir, he is quoting..... (*Interruptions*)

MR. SPEAKER: How can I explain to you the meaning of quoting and making a reference? *(Interruptions)*

SHRI AMAL DATTA (Diamond Harbour): Sir, the rules have not been properly interpreted. The first obligation that you referred is that he shall lay the papers when he is quoting a statement.

MR. SPEAKER: Quotation and making a reference are different.

SHRI AMAL DATTA: The other side is ... *(Interruptions)*

MR. SPEAKER: I have given ruling and it is final. It is not necessary that it should be repeated.

(Interruptions)

SHRI AMAL DATTA: But the other side is that on demand he has to lay it on the Table of the House. Because we are demanding, he has to lay the papers.

(Interruptions)

MR. SPEAKER: You can demand. But you so not say that it is in the rule. You can demand if you want.

(Interruptions)

SHRI M.M.JACOB: I can show it to Mr. Acharya from where I quoted. It is actually my own scribbled note in my book. What shall I do? *(Interruptions)*. I can share it with them *(Interruptions)*

SHRI AMAL DATTA (Diamond Harbour): He can copy down from a State Government's paper in his own handwriting and then come, and he does not have ... *(Interruptions)*. What are you talking?

MR. SPEAKER: This is the whole of logic behind this rule. I will explain to you in my Chamber.

(Interruptions)

SHRI INDRAJIT GUPTA (Midnapore): Sir, ultimately the copy of the Proclamation as well as the Governor's Report, if any, will have to be made public.

MR. SPEAKER: You can ask for that.

SHRI INDRAJIT GUPTA: If he does it now or not, I do not know. whether he is quoting from it or not, I do not know.

MR. SPEAKER: That is a different thing. If you ask for it if he agrees, I have no objection.

SHRI INDRAJIT GUPTA: If it is Governor's Report, it has to be made public, it cannot be kept a secret.

SHRI M.M.JACOB: It is not the intention of the Government to hide anything *(Interruptions)*

[Translation]

SHRI MULISH KUMAR (Barly): Mr. Speaker, Sir, a Minister will copy... *(Interruptions)*

MR. SPEAKER: You are derailing the matter by discussing futile matters. *(Interruptions)*

MR. SPEAKER: You are derailing a good discussion.

[English]

SHRI M.M. JACOB: Sir, it is not the intention of the Government to hide any report of the Government at this moment. But please give me a patient hearing. After all, I am listening to you very generously without making any noise. I don't interrupt also at any time.

Sir, the only point is, normally these kinds of reports are not presented before the House. *(Interruptions)*. Normally these types of reports are not presented unless we are invoking, I think, straightaway, Article 356. And then Governor's Report is presented in

[Sh. M.M. Jacob]

some cases. But I don't want to make it precedent, but I can show to you the entire report and if you want to share it with the Opposition leaders, I have no objection. I am only avoiding the embarrassment of the Government breaking a convention; immediately all reports of the Government to be brought in will be a different thing for me. Otherwise I am prepared to share it with you in the Chamber and you can invite the Opposition leaders to....(Interruptions).

SHRI GEORGE FERNANDES (Muzaffarpur): I do not know, the Minister is talking as though he has just come from the 'wonderland.

SHRI M.M.JACOB: It is not the Governor's Report. (Interruptions)

SHRI BASUDEB ACHARIA: Sir, is it not under the Rules that the Governor's Report should be laid on the Table of the House?

MR. SPEAKER: You show me the rule, I will take action.

SHRI BASUDEB ACHARIA: It is under the rule, Sir.

MR. SPEAKER: You show me the rule.
(Interruptions)

SHRI NITISH KUMAR (Barh): Sir, is he referring to any private letter? (Interruptions).

SHRI M.M. JACOB: In view of all this, which I stated earlier, the reference gathered from the message of the Governor as well as from the scenario existing in the State and the high rate of insurgency in the North East increasing day by day..(interruptions)

ME. SPEAKER: What is going on?

SHRI M.M.JACOB: That is also a part of it.

In the light of all that, invoking of Article

356 is quite in order and that is an authority of the Government. You would have accused me of failing in my duty saying, 'when the Governor's Report and the information from the State is such, you have not acted immediately, you are allowing the country to go to dogs.' I mean, you would have been accusing me, Sir for not taking this action. That is why the Government considered about it and we had to invoke Article 356. I am ready the statement and also to lay the Proclamation on the Table of the House after making the Statement with your permission.

MR. SPEAKER: You can read your Statement.

13.20 hrs.

STATEMENT BY MINISTER

President's Rule In Nagaland

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (Shri M.M.Jacob): Sir, The Governor of Nagaland in two messages both dated the 27th March, 1992, addressed to the President has informed that he had dissolved the Nagaland Legislative Assembly on the advice of the Chief Minister under Article 174 of the Constitution and the Chief Minister had been allowed to continue in caretaker capacity until fresh elections.

The Governor also mentioned that the majority of the Chief Minister was proved on the floor of the House during the Budget Session of Nagaland Legislative assembly and the Ruling Party had got its candidate elected to the Rajya Sabha.

The Governor further reported that the Chief Minister had favoured fresh mandate from the people because of various pressures to which he had been subjected to and felt that purposeful administration could not be carried on with Ministers and MLAs pressuring for plum posts. The Governor also