

mentioned that in the process, the law and order had been neglected.

The Union Government considered the reports of the Governor and the situation prevailing in Nagaland. Clearly the party position in the State was fluid and the law and order had been neglected. The very grounds relied upon the Governor to dissolve the Assembly showed that it was not possible to carry on the administration of the State in accordance with the provisions of the Constitution for the normal life of the Assembly. Accordingly, it was decided to recommend to the President of India to issue a Proclamation under Article 356 of the Constitution in relation to the State of Nagaland. The President has been pleased to issue the said Proclamation on 2nd April, 1992.

13.22 hrs.

#### PAPERS LAID ON THE TABLE

**Proclamation Dated 2nd April, 1992 in Relation to State of Nagaland and an order Dated 2nd April, 1992 in Pursuance of the said Proclamation.**

[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): I beg to lay on the Table a copy each of the following documents (Hindi and English versions):

(i) Proclamation dated the 2nd April, 1992 issued by the President under article 356 of the Constitution in relation to the State of Nagaland published in Notification No. S. R. 401 (E) in Gazette of India dated the 2nd April, 1992 under article 356(3) of the Constitution. [Placed in Library see NO. LT-1749/92]

(ii) Order dated the 2nd April, 1992 made by the President in pursuance of the sub-clause (i) of

clause (c) of the above Proclamation published in Notification No. G.S.R.401 (E) in Gazette of India dated the 2nd April 1992. [Placed in Library see No. LT- 1750/92]

12.33 hrs.

**RE: IMPOSITION OF PRESIDENT'S RULE IN NAGALAND UNDER ARTICLE 356 OF THE CONSTITUTION -Contd.**

[English]

SHRI LAL K. ADVANI (Gandhi Nagar): Mr. Speaker, Sir, you have cited the rule relating to the laying of papers and mentioned that he has only referred to the statement and not quoted. I remember, that whenever Article 356 was imposed in any State, though neither the Constitution nor the rules provide that the Governor's report shall be laid on the Table of the House, over a period of time, it has become a convention, an invariable convention in this House to lay the Governor's report on the Table of the House. Even though there is no constitutional obligation, the Governor's report was placed on the Table of the House and in this case, my own feeling is that the Government has made selective abuse of the Governor's report by quoting, from it, certain portion and saying after all, the Governor could have come to the conclusion that in this situation there is no option except to impose the President's Rule. I do not think he has said anything of that kind, and, infact, if the Government had called the Governor and asked his opinion or consulted him, he may have opposed it, particularly because in a situation of instability etc., which has been referred to, the best option is to go to the people and have an election which has already been ordered. It seems that the Government of India is of the view that an election should not be held there. I do not know what the intentions of the Government are and therefore, my demand is that, without any delay, the report of the Governor must be placed on the Table of the House. What the Government has done is absolutely indefensible and this House would like to take a decision on that. After all the

[Sh. Lal K. Advani]

Constitution warrants that within two months, there has to be an approval. Otherwise, there is no need for an approval. The House is going to be adjourned very shortly and before the House is adjourned, I would like a full-fledged discussion to take place in this House and a resolution brought forward to the House for approval. So, we are strongly opposed to this decision of the Government. But first of all, the Governor's report has to be placed on the Table.

[*Translation*]

SHRI GEORGE FERNANDES (Muzzaffarpur): Mr. Speaker, Sir, I would like to make two submissions, there is a vast difference in what the hon. Minister has stated in his speech, what the member of the ruling party observed and the report of Governor which is presented here. Mr. Spaker, Sir, you must have heard the speech delivered by the hon. Minister and the report given by the Governor. They do not tally with each other. What did the Governor do, he sent two messages on 27th it was stated here that the Governor did not give any information. This was the first statement that was proved false. It was repeated again and again. The Governor used his constitutional right and immediately after that, he conveyed not one but two messages to you on 27th. You yourself have accepted this.

MR. SPEAKER: Don't go into details. Give some specific point.

SHRI GEORGE FERNANDES: It is very essential for the House to understand this.

MR. SPEAKER: In this manner there will be moved to question and replies.

SHRI GEORGE FERNANDES: He has stated that the Governor wrote that the majority of the ruling party has been proved. Secondly he has stated that one member of the ruling party has been elected to Rajya Sabha despite several hurdles. Apart from all this he made a complaint that he was under heavy pressure and he wanted to get

relieved from it, therefore he wanted to go to the people and to get a fresh mandate. Your reply for all these three points is imposition Article 356, On what basis this has been imposed?

MR. SPEAKER: It is not proper for both of you to comment on each other's statement.

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, there is no co-ordination between what he has stated and what the Governor has stated. As the leader of the opposition Shri Lal K. Advani has submitted, I would also like to submitted and there I have already given an adjournment motion to you....

MR. SPEAKER: I shall take decision on that matter.

SHRI GEORGE FERNANDES: If the House is to take 2 month's time to express its opinion on the matter then the Government has the right to issue subsequent proclamation under section 356 (2)

[*English*]

Any such proclamation may be revoked or varied by subsequent proclamation.

MR. SPEAKER: That is your demand. You have already made it

(*Interruptions*)

[*Translation*]

SHRI GEORGE FERNANDES: I insist on one thing that my adjournment motion should be admitted.

MR. SPEAKER: I shall give my ruling on it.

(*Interruptions*)

SHRI GEORGE FERNANDES: My adjournment motion should be accepted so that the House may condemn the Government. The Government should give clarification in regard to the way the constitution has been violated. (*Interruptions*)

MR. SPEAKER: That is all, now sit down.

*(Interruptions)*

[*English*]

MR. SPEAKER: I will give my ruling also.

SHRI BASU DEB ACHARIA (Bankura): We have gone through the statement. With me, I have a copy of the statement about the report of the Governor. I am rather surprised how the Central Government have come to the conclusion that it was not possible to carry on administration of the State in accordance with the provisions of the Constitution for the normal life of the Assembly and accordingly it was decided to recommend to the President to issue proclamation under article 356. Now where in the report of the Governor, the Governor has stated that the administration of the State could not be carried on according to the Constitution. How has the Government come to this conclusion? How has the Government recommended that article 356 should be invoked in the State of Nagaland?

It is a clear violation of the provisions of the Constitution. About this proclamation of article 356, when there is a provision in the Constitution for revocation, this should be revoked.

The Governor acted according to the Constitution. He acted according to the advice of the Council of Ministers which had majority in the Assembly.

MR. SPEAKER: How can you carry on like that?

*(Interruptions)*

SHRI BASU DEB ACHARIA: It is a very serious matter.

MR. SPEAKER: You can speak with the same force on the Demands for Grants relating to the Ministry of Human Resource Development.

SHRI BASU DEB ACHARIA: So, the revocation of the proclamation of article 356 should be done. *(Interruptions)*.

SHRI RUPCHAND PAL (Hooghly): There is nowhere in the report of the Governor about the recommendation for the dissolution and imposition of the Central rule under article 356.

MR. SPEAKER: That is an admitted fact. You do not have to mention it.

*(Interruptions)*

MR. SPEAKER: There is no ambiguity. It was not suggested by the Governor.

*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Sir, I may suggest what is interesting in the present situation is, there are two articles with regard to the dissolution as well as imposition of the President's rule. Under article 174, the governor can dissolve the Assembly. The president can impose the rule under article 356. I do not think we are having any dispute about article 356. But the issue that arises is, when the conditions prevalent that should be there, for imposition of President's rule under Article 356, would it be proper to exercise power under Article 174 (2) (b). This is an issue which is there because the Governor's report, very categorically brings out the conditions prevalent for the exercise of powers under Article 356. *(Interruptions)*.

SHRI RANGARAJAN KUMARAMANGALAM: What is the difference? *(Interruptions)*: One second. I will come to your point, Shri Advaniji. What is the difference?

SHRI LAL K. ADVANI: An admission has come that Government is unhappy that the Governor has exercised his authority under article 174(2).

SHRI RANGARAJAN KUMARA-MANGALAM: No. No. I am not happy for non-communication.

SHRI LAL K. ADVANI: Though the Minister of State for Home said that he had nothing to say about the Governor's action, he does not take exception to his action. He has acted constitutionally. But the hon. Minister has now said that he should not have acted under article 174 (2).

SHRI RANGARAJAN KUMARA-MANGALAM: Can I make a point?

MR. SPEAKER: Governor will continue to exercise his authority under the President's rule.

SHRI RANGARAJAN KUMARA-MANGALAM: I would like to correct myself. I have not used the word 'unhappy'. I have not used the word 'happy'. I have just merely placed the facts. If they want to draw presumptions, they are free to do so but we have not said that we are unhappy. We said this is the situation. With regard to the report of the Gardener normally when President's rule is proclaimed under Article 356 and the report has recommended the imposition of President's rule, we do place it on the Table of the House. In this particular instance, that is not the position. (*Interruptions*)

SHRI RANGARAJAN KUMARA-MANGALAM: That is not the position. As I made it very clear, that is not the position. short of recommending, he has done everything else in his report. It is up to the Hon. Speaker. we have no problems. (*Interruptions*)

SHRI RANGARAJAN KUMARA-MANGALAM: It is very unfortunate thing. You listen. We have no problem. (*Interruptions*)

SHRI SAIFUDDIN CHOUDHRY (Katwa): We are not at all satisfied with his action.

SHRI LAL K. ADVANI: We asked for placing a report on the Table of the House in

order to enable the House to evaluate the Government's action but the Government refused to do that.

SHRI RANGARAJAN KUMARA-MANGALAM: I have not refused. (*Interruptions*). You hear me out.

SHRI SAIFUDDIN CHOUDHRY: You are not able to give any satisfactory answer.

SHRI RANGARAJAN KUMARA-MANGALAM: You hear me out, I am talking about the report. (*Interruptions*) I do not understand what to do. What is he talking (*Interruptions*)

SHRI GEORGE FERNANDES (Muzaffarpur): You place the report here. (*Interruptions*)

SHRI RANGARAJAN KUMARA-MANGALAM: Would you request them to sit down? (*Interruptions*) I made it clear. Government has no problem in placing the report on the Table of the House. WE await Speaker's direction. It is a matter of precedent of this issue.

SHRI SAIFUDDIN CHOUDHRY: That does not solve the issue. The point is we are not satisfied. (*Interruptions*)

MR. SPEAKER: I am not able to hear any one of you. Can you speak one by one?

SHRI SAIFUDDIN CHOUDHRY: We are not satisfied with the explanation given.

SHRI P.C.CHACKO(Trichur): He has not given the explanation.

SHRI SAIFUDDIN CHOUDHRY: We have this adjournment motion with us. I have put that. It is good that he has agreed. (*Interruptions*). All sorts of contradictions are there in his statement. He says that the Governor recommended action under Article 174.

MR. SPEAKER: You could have spoken before he replied.

SHRI SAIFUDDIN CHOUDHRY: He says that was the same ground to apply Article 356. That is how he has expressed unhappiness on the action of the Governor. That is clear. The point is by this action, they are going to aggravate the insurgency situation in Nagaland. We cannot tolerate this situation by sitting in this House. We are totally protesting against it. I think we should walk-out on this. We cannot tolerate this situation. (*Interruptions*)

SHRI BASU DEB ACHARIA (Bankura): Are you placing the governor's Report on the Table of the House? (*Interruptions*)

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): The Governor has not recommended imposition of President's Rule there. They want only rubber-stamp Governors. We walk-out. (*Interruptions*)

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): Mr. Speaker, sir, I think my colleague has made the position of the situation very clear (*Interruptions*)

SHRI A. CHARLES: They have declared a walk out. But they are sitting here. (*Interruptions*)

SHRI BASU DEB ACHARIA: This is a rape on the Constitution. (*Interruptions*)

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): If I may be permitted to say a few words, I am not adding anything to what has already been said. (*Interruptions*) Just kindly give me two minutes. I am certainly trying to ask what would be the situation if the Constitution totally forbids? If that is correct, imposition of President's Rule anywhere, if the Governor does not recommend it, is one position. But if the Constitution does provide for the promulgation of the President's Rule, it provides it in two ways: One is by the recommendation of the Governor and the other one is in other circumstances. (*Interruptions*)

SHRI BASU DEB ACHARIA: Political circumstances? (*Interruptions*)

SHRI ARJUN SINGH: Kindly hear me. Kindly listen to me. If you do not want to hear me, what can I do? (*Interruptions*)

SHRI SOBHANADREESWARA RAO VADDE: Do not try to invoke the 'otherwise' clause. You are invoking the 'otherwise' clause. (*Interruptions*).

SHRI ARJUN SINGH: Kindly listen to me. (*Interruptions*) The short point here is that the hon. Governor dissolved the Assembly. That is a matter which is within his competence. Nobody questions that. We are not unhappy about it either. But he did it because he has the right to do it.

SHRI BASU DEB ACHARIA: You admit that he did the right thing.

SHRI ARJUN SINGH: I am not saying about what he did. I said he has the right and he did it. The matter ends there. Now, the question is that the Central Government has imposed President's Rule. The Short point is that the circumstances that were brought to the notice of the Central Government by the Governor himself, according to the Judgement of the Government of India, constitute the basis on which for other reasons Article 356 can be applied. That is the right which the Government of India has exercised. I think there is nothing wrong. (*Interruptions*)

SHRI BASU DEB ACHARIA: We protest against this. This is a rape of the Constitution. This is most unconstitutional. (*Interruptions*)

[*Translation*]

SHRI LAL K. ADVANI: In our opinion it is a wrong decision, and is against the sense of the House. Section 356 has been misused for the last 45 years. It is a new example of it. Perhaps it will be the only instance when the Central Government unwillingly used Article 356. We oppose it and stage a walk out against it.

[English]

SHRI A. CHARLES: Sir, the BJP and the marxists are in aplliance. Very strange! (*Interruptions*)

13.39 hrs.

*At this stage. Shri Lal K. Advani and some other hon. Members left the House.*

MR. SPEAKER: Now, Papers to be Laid on the Table of the House.

13.40 hrs.

PAPERS Laid ON THE TABLE

**Memorandum of Understanding for 1991-92 between Bharat Earth Movers Ltd. and the Department of Defence Production and supplies, Ministry of Defence**

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P.R. KUMARAMANGALAM) Sir, on behalf of Shri P.Chidambaram I beg to lay on the Table-

(1) A copy of the Memorandum of Understanding for the year 1991-92 between the Bharat Earth Movers Limited and the Department of Defence Production and Supplies, Ministry of Defence (Hindi and English versions) [Placed in Library. See No. LT. 1735/92]

(2) A copy of the Memorandum of Understanding for the year 1991-92 between the Hindustan Aeronautics Limited and the Department of Defence Production and Sup-

plies, Ministry of Defence (Hindi and English versions). [Placed in Library. See No. LT. 1736/92]

**Annual Report and Review on the working of the Tea Trading Corporation of India Ltd, Calcatta, for 1988-89**

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI SALMAN KHURSHEED): Sir, on behalf of Shri P. Chidambaram . I beg to lay on the Table-

(1) A copy each of the following papers (Hindi and English versions) under subsection (1) of section 619A of the Companies Act, 1956:-

(1) Review by the Government on the working of the Tea Trading Corporation of India Limited, Calcatta, for the year 1988-89.

(ii) Annual Report of the Tea Trading Corporation of India Limited, Calcatta, for the year 1988-89 along with Audited Accounts and comments of the Comptroller and Auditor General thereon.

(2) A Statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above. [Placed in Library. See No. LT-1737/92]

(3) (i) A copy of the Annual Report ( Hindi and English versions) of the Coffee Board for the year 1990-91.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Coffee Board for the year 1990-91.

(4) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above. [Placed in Library. See No. LT-1738/92]