

MR. SPEAKER : The Home Minister will make a statement on the law and order situation in Bihar, sorry, Uttar Pradesh.

.....(Interruptions)

SHRI ANANT KUMAR HEGDE (Kanara) : He must be having doubts about Bihar also.

STATEMENT BY MINISTER

16.40¼ hrs.

INCIDENTS/ISSUES RELATING TO UTTAR PRADESH

[English]

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA) : During the Zero Hour on 12.3.97, that is yesterday, hon. Members of the House, while expressing concern over the general law and order situation in Uttar Pradesh, mentioned certain specific incidents and issues relating to the State.

1641 hrs.

[SHRI P.C. CHACKO *in the Chair*]

I am making a statement with regard to this. The first incident mentioned in the House related to some relatives of Shri Prabhu Dayal Katheria, MP, who are alleged to have been kidnapped. The State Government has informed that a written report was given by Shri Katheria to the SSP, Agra, in connection with this matter on February 26, 1997 stating that Truck No. UP-80-E-9967 belonging to Shri Katheria, along with three persons namely, Shri Ram Swarup, Driver; Shri Ashok, Conductor And Shri Ram Khiladi, Helper, was not traceable since the night of February 17/18, 1997. The report was given by him on February 26. Shri Ram Khiladi and Shri Ashok are said to be distantly related to Shri Katheria. According to police records, the driver, Shri Ram Swarup, is wanted in a murder case of Police Station Bah, the case being No. 52/95 under section 302 IPC and he has been evading arrest. The police have since 25.10.96 announced a cash reward of Rs. 1,000 for his arrest. It is reported that Shri Katheria had engaged him about 3/4 months ago. According to preliminary investigations of the police, the aforesaid three persons and one Shri Rajender had left the residence of the hon. Member late in the evening on February 17, 1997 to bring sand from the banks of the river Chambal and around 1 a.m. on the night of February 17/18 1997 Shri Rajender got off the truck near Jaitpur at his residence. The whereabouts of the truck and its occupants are not known since then. A special team of officers headed by SP Rural Area has been formed for investigating the case. Nine persons including those mentioned by the hon. Member as suspects have been questioned so far Raids have been carried out in various places in Rajasthan and Madhya Pradesh, besides Uttar Pradesh. Enquiries were also made

in Maharashtra and Delhi. The local police is working on various theories in order to work out the case. Senior officers from the DGP Headquarters, Lucknow, visited the scene and are monitoring the progress. This, Sir, is the first issue which had been raised.

The incident of murder of Dr. Ved Bhusan, a renowned heart specialist of Muzaffarnagar district, who was shot dead on 11.3.97 was also raised in the House. It has been ascertained from the State Government that the doctor was shot dead by two unidentified miscreants while he was attending to outdoor patients at his clinic located at Bhagat Singh Road in Muzaffarnagar city. According to information available, SP, Muzaffarnagar, and other senior administrative officers reached the spot to take stock of the situation and man-hunt has been launched by the District Administration.

Dr. Ved Bhusan, I have been informed, had also been kidnapped earlier from Muzaffarnagar in November, 1995 and was kept in captivity by the kidnappers for about 10 days. He was released from captivity as a result of a police encounter on 16.11.95 from Deobund town in district Saharanpur. In this encounter, two kidnappers were killed and three others were arrested.

The arrested persons are in Jail since then. The State Government has offered to provide security to Dr. Ved Bhusan, but he declined the same. It has also been reported by the State Government that Dr. Ved Bhusan was running his clinic in rented premises where he had a dispute with his landlord.

The third incident prominently mentioned by hon. Member relates to the killing of five people in Hamirpur on 26 January, 1997. According to the reports available with us, an FIR in the matter was registered on 26.1.97 in Hamirpur against the accused persons, who include one Shri Ashok Singh Chandel, former MLA. On the day after the incident, that is on 27.1.97, four accused were arrested and sent to jail. Action to attach the property of other was immediately taken whereafter four more accused were arrested. Shri Ashok Singh Chandel, former MLA, and his driver are still absconding. A charge sheet in the case has since been filed on 26th February, 1997.

As would be evident from the brief details available on these individual incidents, action by the State police has been taken, wherever possible, and I can assure the House that we will ensure that the quickest possible action is taken in the case relating to the kidnapping in Agra and the murder of Dr. Ved Bhusan in Muzaffarnagar. As I had mentioned in the other House during the course of my reply to the debate on the law and order situation in Uttar Pradesh, we have further geared up the law and order machinery in the State. The State Government has already initiated steps on the Action Plan which we discussed with them and we hope that the situation will take a turn for the better sooner rather than later.

16.47 hrs.

[MR. SPEAKER in the Chair]

A mention was also made by some Members of the campaign launched by the Vishwa Hindu Parishad (VHP) for the 'liberation' of the shrine at Mathura. Krishna Janma Bhoomi-Shahi Idgah Mosque (KJB-SIM) complex at Mathura is covered under the Places of Worship (Special Provisions) Act, 1991, which provides for maintenance of the religious character of a place of worship as it existed on 15th August, 1947. However, 'liberation' of the KJB-SIM Complex at Mathura has been on the agenda of the VHP for the last few years. From the 10th of March, 1997, the VHP has started a "Sant Yatra" in a few districts adjoining Mathura. The "Sant Yatra" will conclude at Mathura on the 16th of March. In addition to the demand for 'liberation' of the shrine, a demand has also been made for the removal of barricading and withdrawal of the police force. The Government of Uttar Pradesh has been sensitised by us. They have assured us that they are committed to ensuring the security of the shrines and have made all necessary arrangements including deployment of adequate police force for this purpose.

16.49 hrs.

STATUTORY RESOLUTION RE: APPROVAL OF
CONTINUANCE IN FORCE OF PROCLAMATION BY
PRESIDENT IN RESPECT OF THE STATE OF
UTTAR PRADESH

[English]

MR. SPEAKER : We now move on to the Statutory Resolution to be moved by the Minister. As I said in the morning, Justice Lodha has raised a Constitutional point on the issue of extension of the President's Rule. I said that before taking a final decision I will hear the Members. Justice Lodha may speak.

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA) : Shall I move the Resolution?

MR. SPEAKER : No, he is objecting to the moving of the Resolution itself.

SHRI SOMNATH CHATTERJEE (Bolpur) : Very respectfully I would submit that he has to take objection on certain proposal. Unless it is moved, it is just a paper proposal. It does not become the property of the House. It is entirely up to you. It is not very important but the question is of procedure.

SHRI JASWANT SINGH (Chittorgarh) : Mr. Speaker, Sir, in this context, as mentioned by my leader, Shri Atal Bihari Vajpayee and subsequently executed by Shri Atalji and some other Members, we have actually also submitted for your consideration that for this particular matter, given the constitutional complexity of the situation, given also the fact that the Supreme Court is seized of the matter of President's

Rule in UP and that we are dealing with an exceptional situation, the Attorney General be invited to the House. I would request that this complex situation not be taken up for discussion today at five o'clock in the evening. If at all some business is to be taken up, we could, perhaps, consider the Budget of UP. Then this matter receives due and proper consideration. Otherwise, we will be treating rather perfunctorily what is a serious issue.

MR. SPEAKER : I will read out the notice given by Shri Lodha.

JUSTICE GUMAN MAL LODHA (Pali) : I would complete my submission, Sir.

MR. SPEAKER : Shri Somnath Chatterji has raised a question. Though this notice may not be exactly in appropriate form, Shri Lodha has said:

"The Constitution of India Article 356 or any other Article, nowhere provides for such extension and this Resolution is unconstitutional. The Government should come forward with a Constitutional Amendment if it desired to end the deadlock and Constitutional crisis likely to be created on the 17th of April, 1997, by the expiry of the President's Rule."

SHRI SOMNATH CHATTERJEE : This is an advisory notice. The Member has given advice to the Government. The Government may consider it or may not consider it. What is the point there?

JUSTICE GUMAN MAL LODHA : I have not complete my submission. How can he object to it?

MR. SPEAKER : Let the hon. member make his submission.

JUSTICE GUMAN MAL LODHA : Under Article 356 of the Constitution if has been provided that proclamation by the President can be issued, and thereafter it can be extended for another six months. Under Article 356, Clause (4), if, after that, any further extension is required, the requirement of the law is that there must be a proclamation of emergency and after that proclamation of emergency, there must be consultation with the Election Commission that elections cannot be held, and then only further extension can be made. Clause (5) reads like this:

"Notwithstanding anything contained in clause (4), a resolution with respect to the continuance in force of a proclamation approved under clause (3) for any period beyond the expiration of one year from the date of issue of such Proclamation shall not be passed by either House of Parliament unless.

(a) a Proclamation of Emergency is in operation, in the whole of India or, as the case may be, in the whole or any part of the State, at the time of the passing of such resolution, and