

It is also a novel idea. However, since I belong to Andhra Pradesh and it so happens that this calamity has taken place in my constituency and in my neighbouring constituencies, I am very much touched by this idea. I hope with this, we will be getting very good collection of money by way of donation, from various parts of the State, country and also from the industrialists. Of course, it is not desirable to encourage that whoever gives the money, we cannot give the account. That will again lead to a lot of confusion, misunderstanding and lack of communication from mind to mind which may not be desirable and advisable. Therefore, let us have a very firm and clear-cut formula and rule for this amendment. I once again thank you on behalf of the people of Andhra Pradesh for having given a great relief through this amendment. Thank you.

[Translation]

MR. DEPUTY SPEAKER : Chidambaramji, would you like to say something.

[English]

SHRI P. CHIDAMBARAM : Sir, the suggestion given by Shri Nirmal Kanti Chatterjee is a good one. As regards, Shri Rawat's point, I have already announced in this House that a Committee is working round the clock to redraft the Income-tax Act I am confident that I will be able to present a draft for public debate in the month of January 1997. After widespread public debate, I will introduce the Bill some time later in 1997. I request the hon. Members to kindly pass this Bill.

MR. DEPUTY-SPEAKER : The Resolution has not been moved. Let us come to the Bill.

The question is :

"That the Bill further to amend the Income-tax Act, 1961, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER : The House will now take up clause by clause consideration of the Bill.

The question is :

Clauses 2 and 3 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 and 3 were added to the Bill.*

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

*Clause 1, the Enacting Formula and the Long Title were added to the Bill.*

SHRI P. CHIDAMBARAM : I beg to move :

"That the Bill be passed".

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed".

*The motion was adopted.*

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : It is a record that within such a short time, we have passed this Bill.

MR. DEPUTY-SPEAKER : Let it go to the credit of the House.

14.48½ hrs.

STATUTORY RESOLUTION : APPROVAL OF  
PROCLAMATION BY PRESIDENT IN RELATION  
TO THE STATE OF UTTAR PRADESH

[English]

MR. DEPUTY SPEAKER : Then Shri Indrajit Gupta to move the Resolution.

14.49 hrs.

(Col. Rao Ram Singh *in the Chair*)

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA) : Sir, I beg to move :

"That this House approves the Proclamation issued by the President on the 17th October, 1996 under Article 356 of the Constitution in relation to the State of Uttar Pradesh."

[Translation]

Sir, the matter will be discussed in detail here and I will reply in the end.

[English]

As the hon. Members are aware, following a spell of President's Rule, general elections to the Legislative Assembly of Uttar Pradesh were held in Three rounds on 30th September, 3rd of October and 7th of October 1996. No Party or combination of Parties was able to secure absolute majority to form the Government in the State. The Party position in the State Legislative Assembly as it emerged after the elections was like this. The BJP-Samata Party alliance had 176 seats followed by the United Front with 134 seats and the BSP-Congress combine with 100 seats. Fourteen seats were held by others. On the 17th October, 1996, the Election Commission notified the results of the elections under Section 73 of the Representation of the People Act, 1951.

The Governor of Uttar Pradesh explored the possibility of the formation of a Ministry in the State and reported the result thereof to the President *vide* his reports dated 15th October, 1996 and 16th October, 1996. The copies of these reports of the Governor will, of course, be laid on the Table of the House.

In his report dated 15th October, 1996, the Governor pointed out that so far the BJP, BSP and the Indian National Congress had elected leaders of their own Legislature Parties but none had staked a claim to form the Government either on his own strength or in alliance with any other party/parties. The Governor also stated that he had received communications from the leaders of the United Front and the C.P.I. to the effect that they would not support any Government that included the B.J.P. They did not, however, give any indication as to whether they would be supporting the BSP-Congress alliance or would themselves be seeking support from the BSP-Congress alliance to form the Government. In view of the position taken by different political parties, the Governor concluded that no party or group was in a position to form a stable Government or to garner support without unscrupulous means.

On 16th October, 1996, the President of the State Unit of the BJP met the Governor and handed over a letter to him stating that the BJP was the single largest party in the newly elected Legislative Assembly and the Governor should invite the leader of the BJP Legislature Party, Shri Kalyan Singh, to form the Government. It was also indicated that the BJP had the support of two Samta party members as well as of four Independents. The representatives of the Congress and the Samajwadi Party also met the Governor on 16th October, 1996. The Governor also contacted Ms. Mayawati on the said date. The leaders of the United Front, Congress and BSP representing altogether 234 MLAs were all united in their opposition to giving any support to the BJP. In the light of the discussions held on 16th October, 1996, the Governor was further convinced that there was no possibility of any party or combination of parties providing a State Government in the State. It was, therefore, after more than a week of political parleys in the State following the declaration of results that the Governor felt that there was no alternative but to place the State of Uttar Pradesh again under the President's rule under article 356 of the Constitution. The Governor also recommended that for the present the newly elected Legislative Assembly be kept under suspended animation.

The Union Government considered the Reports of the Governor of Uttar Pradesh and the situation in the State and decided to recommend to the President to issue two Proclamations, one under clause 2 of Article 356 revoking the Proclamation under Article 356 issued

on 18th October, 1995 and another Proclamation placing the State of Uttar Pradesh again under the President's rule, keeping the Assembly in a state of suspended animation. Both these Proclamations were issued by the President on 17th October, 1996. As the hon. Members are aware, a similar situation as in Uttar Pradesh at present had arisen in the State of Kerala in March, 1965 where immediately after elections to the Assembly, the Governor recommended that the Proclamation under article 356 of the Constitution be issued, taking over the administration of the State by the President. In that case, that is, in the case of Kerala, in a House of 134 Members, the composition of the newly elected Legislative Assembly was: Communist (Marxist) 40; Kerala Congress 25, including one independent supported by the Kerala Congress and one Swatantra MLA who aligned himself with the Kerala Congress; SSP 13; Muslim League 11, including five Independents who joined the Muslim League subsequently; and others eight. One Member was to be nominated to represent the Anglo-Indian interests. No combination producing a workable majority was forthcoming. A Proclamation under article 356 (2) was issued on the 24th of March, 1965, revoking the earlier Proclamation made by the President under article 356 on 10th of September, 1964 in relation to the State of Kerala. A fresh Proclamation under article 356 placing the State of Kerala under President's rule was also issued on the 24th of March, 1965. The aforesaid is insofar as the factual situation on the ground is concerned.

The constitutional aspect of the action taken by the Government, the role of the Governor and that of the Central Government have been commented upon extensively in the media and elsewhere. Some of the constitutional issues have been challenged in different courts as well.

Allow me, Sir, to briefly deal with some of these issues.

(1) Insofar as the constitutional aspect of revoking and imposing the Proclamation on the same day is concerned, apart from the precedent of Kerala mentioned earlier, the advice made available to us was that the Proclamation issued by the President in October, 1995 could not be continued beyond its expiry in October, 1996. This was because the election had already been completed in the first week of October, 1996 and the process of formation of a Government had soon after that been initiated. The situation and circumstances in which the Proclamation in October, 1995 was issued and the circumstances necessitating the issuance of a fresh Proclamation in October, 1996 were entirely different, the latter arising out of the electoral verdict which did not enable the formation of a Government straightaway.

(2) Another question has been raised about the legality of the issuing of the fresh Proclamation under article 356 of the Constitution. The unequivocal legal advice given to us was that the issuance of the Proclamation depended clearly on the assessment of the Governor that a situation had arisen as a result of the present composition of the new Assembly in which he was of the opinion that the Government of the State could not be carried on in accordance with the provisions of the Constitution, and the Governor reported to that effect to the President.

Under article 163(2), the discretion of the Governor in such matters where he is expected to exercise his discretion, is absolute. The basis of such a discretion or exercising his discretion depends on the Governor's subjective satisfaction and the discretion that the exercises cannot be questioned.

15.00 hrs.

The Governor has also made efforts to assess the possibility of the several parties in the field being able or unable to form a Government. If after carrying out this exercise the Governor is satisfied that there is no party which is in a position to form a viable Government, it would be open to the Governor to report to that effect to the President so that the President may issue a fresh Proclamation on the aforesaid basis.

I would also invite the attention of the House to article 164(1) of the Constitution which says that the Chief Minister as also other Ministers shall hold office during the pleasure of the Governor. The indirect check on the Governor's discretion in this matter is that if the Chief Minister and the Ministers appointed on his advice do not command the confidence of the majority of Members in the Legislative Assembly, the Government will not be able to function. The Governor must, therefore, appoint as Chief Minister a person who is likely to command the confidence of the majority of members of the Assembly. When a party or a pre-existing coalition of parties secures a clear majority at the elections, the Governor must obviously ask the leader of such a party or such a coalition to form a Ministry. When no single party or pre-existing coalition of parties secures a clear majority it becomes a matter of ascertaining the alignment of the Independents etc., or of a judgement as to who has the best prospect of securing additional support.

It is clear that in the obtaining scenario in Uttar Pradesh the majority was only possible either through an understanding amongst political parties or through encouraging defections. It was with the aforesaid in view and to prevent a constitutional vacuum that it was necessary to impose the President's rule in the State. The Governor was indeed in a difficult situation. As

there was no understanding amongst various political parties, even if a Government on some basis was indeed allowed to be formed, the Governor would then have been open to the charge of encouraging defections deliberately. Therefore, the proposition of the Governor being the sole arbiter of assessing the situation and recommending the best course of action remains valid.

The Central Government stands for democratic traditions and values. The recent elections to the Uttar Pradesh Legislative Assembly were held only with a view to providing a representative Government in that State within one year of the imposition of the President's rule. A fresh Proclamation under Article 356 of the Constitution placing the State of Uttar Pradesh under President's rule had to be issued on the 17th of October, 1996, as no party or alliance was in a position to form the Government and it was necessary to provide for the governance of the State. The State Legislative Assembly has not been dissolved. It has been kept in a state of suspended animation. It is hoped that a government with a majority may emerge through an understanding amongst various political parties and without recourse to undesirable means.

With these words, Sir, I commend that the Proclamation issued on 17th October, 1996 under article 356 of the Constitution in relation to the State of Uttar Pradesh be approved by this august House. A copy of the Proclamation, along with the consequential Order, is placed on the Table of the House. In keeping with the convention, a copy each of the Governor's Reports dated 15th October, 1996 and 16th October, 1996 containing his assessment of the situation in the State and recommending issuance of the Proclamation are also placed on the Table to the House.

MR. CHAIRMAN : Motion moved :

"That this House approves the Proclamation issued by the President on the 17th October, 1996 under article 356 of the Constitution in relation to the State of Uttar Pradesh".

[Translation]

DR. MURLI MANOHAR JOSHI (Allahabad) : Mr. Chairman, Sir, I rise to oppose this proclamation and urge upon the House to totally oppose this Presidential Proclamation, negate it and pave the way for formation of a duly elected Government having mandate from the people in Uttar Pradesh. One reason for my opposition to this proclamation is that through it, perhaps the biggest ever fraud has been played in the democratic history of India, a heinous rape has been committed on the Constitution and all doors for the rise of fascism in the country have been opened. The scale of this rape on the Constitution is unprecedented in the democratic

history of the country. The Home Minister has said many things. I want to draw the attention of the House to the political situation obtaining in Uttar Pradesh by placing certain facts. The first Presidential Proclamation in Uttar Pradesh came into force on 17.10.95 when this proclamation was issued for a period, of six months. It was the people's expectation and would have been in the fitness of things if the elections in Uttar Pradesh would have been held by 17.4.96. But elections were not held. Why were they not held? The situation in Uttar Pradesh was normal within the period of six months, the administration was being run as usual, people wanted elections and an elected Government but the then Government deliberately avoided holding elections in April 1996. We thought that elections to the U.P. State Assembly will be held simultaneously with the Lok Sabha general elections. But, regrettably, elections to the Assembly were not held with those of Lok Sabha. Why were they not held? If elections to Lok Sabha could be held in April, May, why the same could not be done in the case of the State Assembly? If elections to the latter could be postponed due to examinations, how the elections for Lok Sabha were held? At that time the argument given for postponement was that examinations were going on. The polling booths for the Lok Sabha elections in Uttar Pradesh were the same as those for the 425 Assembly seats, only separate ballot papers would have been required for the latter. But the intention of the then Government was malafide and it delinked election for Lok Sabha from those for the Uttar Pradesh Assembly because it knew full well that holding simultaneous elections for Lok Sabha and Vidhan Sabha in Uttar Pradesh would definitely result in the formation of the BJP Government there, as was proved later by the elections results. At that time the BJP emerged first in 236 Assembly segments out of 425 and therefore, generally speaking, if the elections to the Assembly would have been held at that time, which would have been strictly in accordance with the democratic norms, constitutional procedure and traditions, but these elections were thwarted because it was their firm belief that Uttar Pradesh will have BJP Government in that case. Therefore I would say that the Government, whether it is the present one or it was the previous one, had ill-intentions from the very beginning. Therefore the elections to the U.P. Assembly were attempted when the period of six months was about to expire. But prior to that the Governor of the State was making statements saying that he was not bound to invite the largest single party to form the Government in the event of a hung assembly. Efforts were being made as I saw for the first time in my life the Prime Minister going to deliver lectures as many as forty four times to address the election meetings for the U.P. Assembly elections. It is another matter that the results achieved

thereby were negligible or zero in comparison to the efforts made but I have never seen a Prime Minister, right from Pt. Jawaharlal ji to all his successors, going to address the U.P. Assembly election meetings 44 times. It was their endeavour to halt the BJP from making progress in Uttar Pradesh. Certain complaints were lodged with the Election Commission some of which reached me also. It was found in them that several thousand votes were surplus when tallied with the electoral roll. Where these ballot papers came from and why? About 10-15-20 seats have gone this way and quite as many seats were lost by the BJP by a narrow margin of 50 to 1000 votes. It was all due to deliberate efforts made, a conspiracy hatched and the administrative machinery misused and pressurised with the key role having been played by the Governor. For one thing, he started saying from very beginning that he was not bound to invite any large party in the Assembly in the event of a hung assembly. In a way he was signalling to the State officials to contrive for a hung assembly with the sole aim that the BJP should be prevented from forming the Government in Uttar Pradesh at all costs and in case it emerges as the largest single party, it will not be invited to form the Government, come what may. It was a sort of threat, and a method adopted by the Governor to influence elections in an unconstitutional and undemocratic way, by misusing the Government machinery in order to bring about on the political horizon an unholy alliance to thwart a competitive and rival thought by hook or crook or use of force or hatching conspiracy. If this is not fascism what else would it be? A certain party must be held in its tracks even when the public is voting for it and making it the biggest party, it must not be allowed to rule even if the Constitution may be throttled for it. What has the Governor appointed by you done. The Minister has mentioned Article 356 of the Constitution. I draw your attention to what Section 5 of that article says :

[English]

"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

- (b) the Election Commission certifies that the continuance in force of the Proclamation approved under clause.

(3) during the period specified in such resolution is necessary on account of difficulties in holding general elections to the Legislative Assembly of the State concerned.

[Translation]

He has mentioned about the Governor's report. What does the Constitution say? Any Proclamation regarding President's rule can not be placed before this House even for a moment after the lapse of one year of such rule. Neither this House nor the other one can pass any such proclamation. In what capacity he has brought it here? What is the section of the Constitution under which it is being put forth here? What is this unconstitutional act? How was it permitted to be put here? I am unable to understand this. It just cannot be done. It is impossible to allow it. Article 356 of the Constitution to which resort has been taken by the Government for acquisition of power depriving Uttar Pradesh of a democratic Government and imposing by the U.P. Government of a bureaucratic Government on 15 crore people of the State in a wrong manner, clearly directs the Government that the President's rule can be imposed only for one year old not even one minute more than that. If at all this is to be done then it may be told whether Uttar Pradesh is in a state of Emergency? Whether Emergency is in operation in the country? Whether the Election Commission has certified that elections should not be conducted there? In any case elections have been held there, so under which section or article of the Constitution this sort of thing is being introduced here? This is totally unconstitutional. How was it permitted to be read out here? It is beyond my comprehension how this motion has come before this House? It just cannot be put forth here. We are incompetent to pass it...*(Interruptions)* You please keep quiet. First read the Constitution. Listen to me. Hon. Home Minister, I always expected from you because you have been a respected leader of such a party...*(Interruptions)* I will tell what the High Court has said. I have the judgement with me, I will tell about it. Please do not worry...*(Interruptions)* The Home Minister is a leader of such a party which has not only been advocating from time to time prevention of misuse of this Article 356 of the Constitution, but has also been demanding its deletion from the Constitution. I would like to ask what has gone wrong with him now? Whether he will commit such an illegality just for greed of power or to remain Home Minister? Will he violate the Constitution? Will he kill the declared principle of his party? We never through that he will adopt fascism,

throttle democracy and Constitution just to continue as Home Minister. When the issue came up before him I expected him to say—"Sir, this can not be done. If at all it is necessary to be done, I will step down as Home Minister." Such response on part would have enhanced his prestige in the country and I would have hailed him as the messiah and saviour of democracy. I hold him in high esteem. He is a senior Member of this House. He has been Speaker pro-tem. He has been top most leader of a very old party of this country and is presently holding the portfolio of Home Minister. It was not expected of him that he will violate the Constitution, throttle democracy and support fascism. I am very much sorry to see him do all this. The Government submitted his report and he accepted it readily. Today the Central Government is being directed by the Governor of Uttar Pradesh to behave in a particular manner and the latter recommends to that effect. His recommendations is not worth two paise. It has got no value. His recommendation is anti-democracy. It is nothing but a conspiracy to deprive the State's 15 crore people of their right to be governed in a democratic way. The Home Minister should have told the Governor that the latter is making a recommendation which shows that he is unable to instal a popular Government there and, therefore, he is being recalled. The Home Minister should have recalled the Governor and asked him to tender his resignation for his fault. I want to read out what has been mentioned in section 164 of the Constitution :

[English]

"The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor."

[Translation]

The Home Minister has quoted this section but I ask him to tell where is the Chief Minister or a Government in the State? There is difference between Governor and Government. I also want to read out section 356 of the Constitution using which President's rule has been imposed in the State :

[English]

"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 be Proclamation"

[Translation]

Where was a Government, a Chief Minister, or a Council of Ministers for that matter and who was it that was not working within the Constitutional framework? Whether a faulty set up under the constitution had come into being in the State? Whether there was a constitutional break-down there? The fact is that elections had been satisfactorily over. Parties had got mandate. The Governor had said with great satisfaction and pride that elections in U.P. have been conducted very peacefully. Therefore elections were over peacefully and in normal conditions. I ask where was the constitutional break-down and which was the report that indicated such a scenario? Were riots taking place in Uttar Pradesh Was the administrative machinery in U.P. had become very corrupt and was not functioning properly. Whether there were complaints that U.P. is without an administrative machinery? The fact is that U.P. was functioning, it is another matter that the administrative machinery was in the hands of the Governor with full bureaucratic control. There was no democratic Government there. But at the same time there was no break-down of the constitutional machinery either. What were the facts with you and what were your ways? It has only been said that President's rule had to be imposed as no party could emerge with absolute majority. Whether the constitution says that in the event of no party getting absolute majority, no Government should be allowed to be formed? This is no where written in the Constitution. Where in the Constitution a Governor has been empowered to say...

AN HON. MEMBER : A Government without majority.

DR. MURLI MANOHAR JOSHI : You are in power without majority and before you, another party without majority was in power. It is a different matter that majority was contrived by them through illegal means ...*(Interruptions)*

SHRI ILIYAS AZMI (Shahabad) : Take support from some quarter...*(Interruptions)*

DR. MURLI MANOHAR JOSHI : Invite our party in Uttar Pradesh to form the Government and we will prove majority the very next day...*(Interruptions)* Call us to form Government today, we will prove majority tomorrow...*(Interruptions)* Which is the tradition or constitutional provision. Contrary to this, in this very House on as many as four occasions in India we have seen such Governments which did not have absolute majority. Such Governments were never asked to parade absolute majority or to prove it outside the House. The Home Minister on his part has time and again recommended implementation of the Sarkaria Commission report. What does the Sarkaria Commission say, what are its recommendations. Just go through

Para 4.1610 (A) at page 135 of the Sarkaria Commission report.

[English]

"In choosing a Chief Minister, the Governor should be guided by the following principles, namely, (1) the party or a combination of parties which commands the widest support in the Legislative Assembly should be called upon to form the Government."

Please let me speak...*(Interruptions)*

[English]

This is the first thing that the Sarkaria Commission says.

[Translation]

He may just go through it. He has been a Minister...*(Interruptions)* He is well aware of it. The Sarkaria Commission has taken extracts from what his Government recommended to the Sarkaria Commission in West Bengal...*(Interruptions)*

[English]

SHRI SOMNATH CHATTERJEE (Bolpur) : Which paragraph?

[Translation]

DR. MURLI MANOHAR JOSHI : Paragraph 4.1610 (a).

Though he has been an advocate of it, today he will oppose it. Does he deserve kudos for it. Just listen to this.

[English]

"The party or a combination of parties which commands the widest support in the Legislative Assembly should be called upon to form the Government. Secondly, the Governor's task is to see that the Government which will pursue policies which he approves."

[Translation]

The report is very specific about it. Anis Saheb, You please understand this very clearly and go through it.

[English]

The Governor's task is to see that a Government is formed. According to Article 164 (1), there should be a Governor, and there should be a Chief Minister.

[Translation]

Governor's task is to appoint a Chief Minister. Sarkaria Commission says that the Governor's task is

to see that Government having a mandate is formed. The Government should not be such as would follow the policies of the Governor. The Governor should not help form a Government which may rule under his thumb, but a Government which has the widest support in the House...*(Interruptions)* I am just telling you. I will read the full text, unlike you I do not quote out of context.

[English]

"If there is a single party having an absolute majority in the Assembly, the leader of the party should automatically be asked to become the Chief Minister."

[Translation]

There is no such party in U.P.,

[English]

"If there is no such party, the Governor should select the Chief Minister from among the following parties or groups of parties by sounding them in turn in the order of preference indicated below, an alliance of parties that was formed prior to the elections."

[Translation]

One such combination comprised BSP and Congress which had pre-election alliance. Another combination comprised of the United Front people who had pre election pact among themselves. This was an alliance in which none of the constituted groups had the largest single number. Separately one such group had nearly 100 Members while another one had nearly 134 Member. But BJP and its pre-election partners had a combined strength of 176 Members.

Bharatiya Janata Party is the Single largest party and has staked its claim to form the Government.

[English]

"The largest single party taking its claim to form the Government.."

[Translation]

We have indicated the support from independent members stating that we can get the support of even larger number of members...*(Interruptions)*

MR. CHAIRMAN : Please take your seat. He is not yielding and as long he does not yield you cannot interrupt him.

[English]

DR. MURLI MANOHAR JOSHI : (iii) A post-electoral coalition of parties, with all the partners in the coalition joining the Government."

[Translation]

SHRI MUKHTAR ANIS (Sitapur) : Whether the Minister of Railways is going to make a statement regarding bomb blast at 3 P.M...*(Interruptions)*

[English]

DR. MURLI MANOHAR JOSHI : (iv) A post-electoral alliance of parties, with some of the parties in the alliance forming a Government and the remaining parties, including "independents", supporting the Government from outside."

[Translation]

Let me speak, I am speaking with the permission of the Chair. You should speak when you are permitted by the Chair.

ONE HONOURABLE MEMBER : You just tell the crux of the issue.

DR. MURLI MANOHAR JOSHI : I am telling only the crux of the issue.

[English]

The Governor, while going through the process described above, should select a leader who, in his (Governor's) judgement is most likely to command a majority in the Assembly."

(c) A Chief Minister, unless he is the leader of a party which has absolute majority in the Assembly, should seek a vote of confidence in the

[Translation]

We shall prove within a week itself, rather on the first day of the convening of the Assembly. 30 days period is more than sufficient...*(Interruptions)* Please listen to me. Home Minister, Sir, it is a very important issue Somnath ji, Sontosh Mohan Dev ji I would like to draw your and other friends attention towards as to what the Sarkaria Commission has stated...*(Interruptions)*

[English]

SHRI SOMNATH CHATTERJEE : It seems you are not believing in what you are saying.

DR. MURLI MANOHAR JOSHI : I believe in it.

[Translation]

It should be decided on the floor of the House as to whether we enjoy the majority or someone else ...*(Interruptions)*

[English]

"The Governor should not risk determining the issue of majority support, on his own, outside the Assembly."

"The Governor should not risk determining the issue of majority support, on his own, outside the Assembly. The prudent course for him would be to cause the rival claims to be tested on the floor of the House."

[Translation]

He could have invited anyone to form the Government as per practice, who had the largest peoples' mandate. He can appoint anyone as Chief Minister for a period of six months. Your Government and the Governor, both are depriving the 15 crore people of the State of a popular Government and you want to halt the development of the State through the Governor. Today, the entire development work in Uttar Pradesh has been lying stand still. Uttar Pradesh has been under the President's Rule since 1995 and it had remained under the President's Rule earlier also. You have again extended the President's Rule. One sixth of India's Population live in Uttar Pradesh, where you do not want to initiate democratic system. You intend to keep Uttar Pradesh backward and India poor. You intend to halt the development work in Uttar Pradesh. Incidence of demanding ransom has risen during the last two months and the people are being murdered. What is happening today in Fatehpur and Allahabad. He has explained the State of Affairs in Ghaziabad. What has been happening in Barabanki, Lakhimpur and Hamirpur. How the people have been killed and being killed there. The Home Minister is directly responsible for deteriorating law and order situation in Uttar Pradesh.

MR. CHAIRMAN : Joshi ji, how much more time would you take? If you are going to complete shortly, then the Minister of Railways will give statement after your speech. If you want to take more time, then first let the Minister of Railways make the Statement because he has to go to the other House. Can we first let the Minister make the Statement?

DR. MURLI MANOHAR JOSHI : At what time you have to go to other House?

THE MINISTER OF RAILWAYS (SHRI RAM VILAS PASWAN) : I had to go to 3.30 p.m....(Interruptions) But the problems is that there the members ask clarification after the Statement.

DR. MURLI MANOHAR JOSHI : Here, there will be no clarification.

SHRI RAM VILAS PASWAN : It depends on the Chair.

[English]

SHRI SONTOSH MOHAN DEV (Silchar) : Let him finish his statement...(Interruptions)

MR. CHAIRMAN : Let him intervene and make his statement. Now, the Railway Minister will make a statement on the accident at Ambala.

15.34 hrs.

#### STATEMENT BY MINISTER

##### **Bomb blast in Jhelum Express at Ambala Cantt. Station on 02.12.96**

THE MINISTER OF RAILWAYS (SHRI RAM VILAS PASWAN) : Mr. Deputy Speaker, Sir, it is with deep anguish that I apprise the House of an unfortunate incident of blast in a sleeper coach of Jammu bound Jhelum Express (Train No. 1077UP) at Ambala Cantt. Railway Station at About 02.20 hrs. on 02.12.96.

Trains No. 1077 UP Jhelum Express left New Delhi Railway Station at 21.50 hrs. on 01.12.96 and arrived Ambala Cantt. Railway Station at about 01.55 hrs. on 02.12.96. The blast occurred in the sleeper coach No. CR-5370 (S-4) when the train was about to leave from platform No.6 of Ambala Cantt. Railway Station.

In this incident, as per the latest reports, 10 passengers have died and 29 persons have been injured, who have been admitted in various hospitals i.e. Civil Hospital, Military Hospital and Rly. Hospital and Ambala and to PGI/Chandigarh. 12 injured have been discharged after first aid.

Prima-facies, the blast was caused by an Explosive Device. Government Railway Police, Ambala Cantt. have registered a case FIR No. 559 dated 02.12.96 under Section 307-IPC and 4 & 5 Explosive Substances Act. The case is under investigation with Government Railways Police of Haryana State. I have also ordered an enquiry into the incident by the Commissioner for Railway Safety.

I, alongwith the Minister of State for Railways and Chairman Railway Board visited the site of blast in the morning of 02.12.96 General Manager/Northern Railway had earlier rushed to the site with heads of Departments and team of doctors for providing medical relief and the restoration operations. Ex-gratia payments at the rate of Rs.15,000/- each for the dead, Rs.5000/- each for serious/grievous injured and Rs.2000/- each for those with simple injuries has been ordered to be paid/paid to the next of kin of the deceased and to the injured persons.