

MR. CHAIRMAN : Compensation has been paid or not?

SHRI RAM VILAS PASWAN : Those who were present there have since been paid the compensation. Others will be paid the compensation as and when they approach. Therefore, I have made both the provision ... (Interruptions) Their next of kin has been paid the compensation.

Apart from this each deceased is also covered with an insurance covered of Rs. 2 lacs and an amount ranging from Rs. 16000/- to Rs. 2 lacs to the injured depending upon the nature of injuries sustained by them.

MR. CHAIRMAN : First let the Minister complete the Statement.

SHRI RAM VILAS PASWAN : In addition, Shri Bansi Lal, Chief Minister, Haryana, has also announced an ex-gratia payment of Rs. 50,000 for each of the deceased Rs. 10,000 for the seriously injured and Rs. 5,000 each for those with simple injuries. The Trains left Ambala Cantt. at 04.40 a.m. after ditching 3 bogies.

The Railway have taken the following measures to strengthen the security arrangements :

- (1) Field staff have been advised to maintain maximum alert while on duty.
- (2) Intensive security checks have been ordered to be carried out at railway station buildings and platforms etc. specially in the sensitive areas like toilets, waiting halls, and booking counters etc.
- (3) Rakes and lower frames are thoroughly checked in washeries and coaching yards, jointly by Railway Security force, Police and passenger coach personnel and from there to the platform these are taken amidst tight security. Coaches are again checked at platforms.
- (4) Sniffer dogs are being deployed to trace out the explosives.
- (5) Announcements are being made at every important station through public address system to advise the passengers to be alert and not to touch any unidentified object which may be a bomb. If any such unclaimed object is found then an information in this regard should be given to railway security forces/Rail employees.
- (6) A close contact and coordination is being maintained with the State police and all concerned officials to collect information in this regard.

I even met the Chief Minister of Haryana Shri Bansi Lal and requested him to make a thorough probe in this matter.

All rails employees and I myself convey our deepest condolences to the bereaved families and sympathies to the persons injured in the incident.

I earnestly hope that the House is with me in conveying our heart felt condolence to the bereaved families.

15.37 hrs.

STATUTORY RESOLUTION RE: APPROVAL OF PROCLAMATION BY PRESIDENT IN RELATION TO THE STATE OF UTTAR PRADESH-CONTD.

[Translation]

DR. MURLI MANOHAR JOSHI : Mr, Chairman, Sir, I am quoting from the report of the Sarkaria Commission;

[English]

"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]

None other than our party has staked claim to form the Government. Had there been any, we could have understood the contention of the Governor. We had staked claim that we were in a position to form the Government and hence, we should be given an opportunity to form the Government. In the event of our failure to form the Government or in the event of our Government's fall during the test of strengthen some other party could have been given an opportunity. But see the paradoxical situation, the Assembly has been elected, but the House has not been constituted and the elected members of the Legislative Assembly have not been administered the oath of office. What does it mean? What is the intention behind it? I fail to understand as to which precedents of the constitution are being followed. What have been done in the meantime-I will come to that a little later. Right now, I would like to caution the House about the fate of the Constitution under the provision of which the Central Government is being empowered to assume powers? Bommai case is quite often referred to here. Similar references are made to Article 356 of the constitution and the directions of the Supreme Court thereon. In this context, I am quoting from an article written by Soli J. Sohrabji and printed in a book form:

[English]

"Decision of the Supreme Court in S.R. Bommai versus Union of India- A critic by Soli J. Soharbji"

He says :

"The ratio of S.R. Bommai Case, an interpretation of Article 356(1) : According to Justice Sawant and Kuldip Singh, situations contemplating Article 356 may be such where the governance of the State is not possible to be carried on in accordance with the provisions of the Constitution. The word 'cannot' emphatically connotes a situation of impasse. Accordingly, the situation which can be remedied do not create an impasse or do not disable or interfere with the governance of the State, according to the Constitution, would not merit the issuance of presidential proclamation in the Article."

[Translation]

So, what was the impasse? Was a situation created which could not be remedied? Was the formation of a Government not possible? Was it not possible to administer the oath of the Chief Minister to somebody and give him an opportunity to prove his majority? Was it not possible for the Central Government to give an opportunity to the political parties according to the guidelines framed in accordance with the recommendations of the Sarkaria Commission? A simple procedure has been laid down in this regard. It has been clearly said in the Bommai case that use of Article 356 has to be avoided except in the situation where the Governance of the State is not possible to be carried on in accordance with the provisions of the Constitution. But no such attempt was at all made by the Government. The Governor is believed to have been briefed not to allow the formation of Government of our party under any circumstances. The same stereo-typed statement was being made by the Governor time and again. It was similar to the tape that we usually hear on the telephone saying that all lines for Calcutta are busy. In the same tune, the Governor repeats his statement that no party commands majority. How can the Governor say that no party enjoys majority? It is being said that voting pattern for Rajya Sabha seats have thrown some hints. If that is so, our votes in the Rajya Sabha elections have risen to 200 from 176... (Interruptions) If we fail to prove our majority, our Government is destined to fall. My question is as to why the people of Uttar Pradesh are being deprived of an elected Government. These people from Bihar or from outside Bihar want to create hindrances in the way of formation of Government in U.P. The Government has still will against U.P. They want to keep this State backward and that is why they want all the

Developmental activities to come to a grinding halt. Not only that, they want to cripple even the law and order situation. Districts Mainpuri has been witnessing a murder daily. Head priest of the Gurudwara in Mau in Barabanki was murdered in the presence of the police. This place is so pious that even Guru Govind Singh had visited there. Murders are being committed in Lakhimpur. Mainpuri, the constituency to which our Defence Minister belongs is witnessing two murders daily on an average. Recently, the children of Dr. Tripathi were kidnapped. Dacoities and Kidnappings have become a daily routine. Incidents of ransom are being reported from Allahabad. Failure to pay ransom results in killings. Crimes of all types have registered an increase in U.P. during the last one month for the simple reason that criminals are confident that the Central Government would not allow formation of a Government in the State. In a way, the Central Government wants to give protection to the criminals there. This is a well planned conspiracy hatched against the people of U.P. and for this the Central Government wants to take undue advantage of the Constitution, the Constitution is being made a scape goat for this purpose. The Government is least worried even to honour the explicit directions of the constitution. I am sorry to say that even a senior leader of the stature of our Home Minister who commands a great respect in the country as well as in the House has allowed this unconstitutional act and he himself has moved this resolution in the House.

It is being said that under the present circumstances Lucknow Bench of the Allahabad High Court pronounced two separate judgments. While I was going through these judgments, I came across a quotation by the Judge on the first page itself which I want to read out in the House. This is very important and revealing. First, I am reading what Justice Raza has written :

[English]

"In fact I share the sentiments expressed that the proper thing we ought to expect is that such articles will never be called into operation and that they would remain a dead letter."

He is quoting from the constituent Assembly Debates of Dr. Ambedkar. He further says:

"If at all they are brought into operation, I hope the president, who is endowed with these powers, will take proper precaution before actually suspending the administration of the provinces. I hope the first thing he will do would be to issue a mere warning to the province that has erred; that things were not happening in the way in which they were intended to happen in the Constitution."

Dr. B.R. Ambedkar in reply to the debate on the draft Article 277 and 277 A in the Constituent Assembly which were later on incorporated in the Constitution of India as Article 356.

"Nobody much less Dr. B.R. Ambedkar could have imagined or visualized that the President of India would have invoked Article 356 on or about hundred occasions. Only for that reasons, Hon'ble B.P. Jeevan Reddy on behalf of Hon'ble S.C. Agarwal J. and Himself in *S.R. Bommai Versus Union of India and other 1994(3) SC-1* in Para 295 of the Report observed..."

How significant this observation is! Please listen to it...*(Interruptions)*

[Translation]

That is why President's Rule was imposed in U.P. Mr. Somnath, Mr. Sontosh Mohan Dev, I want your attention please. Please protect democracy first, protection of friend comes later. Mr. Home Minister, please listen what the hon. Judge say.

[English]

"The provision which was supposed to remain a dead letter, instead of remaining a dead letter, has proved to be a death letter for scores of State Governments and Legislative Assemblies."

[Translation]

This quotation is from the Judge. B.P. Jeevan Reddy from his judgment which he delivered in Bommai case. How true and prophetic it has turned out to be! What a visionary was this eminent Judge who said the words!

[English]

SHRI SOMNATH CHATTERJEE (Bolpur) : It was Justice B.P. Jeevan Reddy judgment which you criticised.

DR. MURLI MANOHAR JOSHI : He was criticised for certain things. But I am asking you on this.

[Translation]

Do you agree with this or not. That is enough. I do not know whether your Government has done it for anyone else or not, but for the Government of Uttar Pradesh, for the U.P. Legislative Assembly, for the democracy and for the Constitution, certainly this misuse of Article 356 of the Constitution is, in fact, the death letter. By doing so, the Central Government has murdered democracy and the spirit of the Constitution. It has trampled the parliamentary traditions. In way, the Government has supported fascism. If it is not fascism,

what is it? The Government is blocking by force and by deceit the other parties from coming into power. There can be no objection if hindrances are created democratically. At least, this deceit was not expected of them. If this is what they want to do, what signals would it send among the masses? Do the Government think that murdering democracy in this manner will send a good signal to the people for a long time? I would like to caution the Government that if such tendencies are allowed to grow, the people of this country are fully capable of teaching a lesson to those who are committing the act of killing the spirit of Constitution. The day does not seem to be far off when this Government would have to beg pardon for its bad deeds...*(Interruptions)* In Gujarat also, we were subjected to this kind of treatment. I do not want to raise that issue but if they want to listen, I must say that whatever was done in Gujarat was nothing but a sinful act. This is a flagrant misuse of the same Article 356 and we can not get a similar parallel in the world history. A Government which enjoyed majority and stood the majority test in the Assembly was dismissed.

[English]

MR. CHAIRMAN : Let us stick to the subject.

(Interruptions)

MR. CHAIRMAN : Let there be some order in the House, please.

[Translation]

DR. MURLI MANOHAR JOSHI : Therefore, my submission to the Government is that this Resolution should be withdrawn. The president's rule promulgated in the State through a Presidential proclamation should be withdrawn suo motu, B.J.P. should be given an opportunity to form the Government, and thereby democratic process should be initiated. In the beginning of the democratic process, if a situation arises whereby no Government is formed or is able to run under any circumstances, in that event the Central Government can act in accordance with the spirit of the Constitution. But if Constitutional provisions are applied without giving any opportunity for the formation of the Government, I feel that the intention of the government is bad. This question is not confined to technical reasons alone, it involves bad intention of the Government. This is not constitutional impropriety, it is a constitutional fraud. Therefore, I would like to tell the Government not to commit this fraud here. In Bommai case too, it has been laid down :

[English]

"The criterion for determining the strength of the Ministry: Floor Test. One important question which arose in the *Bommai case*

was the proper method for testing the strength of the Ministry and to determine whether it has lost or retained the Confidence of the House, the majority view is that the Floor of the House is the sole constitutionally ordained forum. The assessment of the strength of the Ministry is capable of being demonstrated and ascertained publicly in the House. Hence, when such demonstration is possible, it is not open to by-pass it and instead depend upon the subjective satisfaction of the Government of the Governor or the President."

[Translation]

It is explicitly written and the Government accepts the judgement of the Supreme Court. The Government swears by the Supreme Court day in and day out. For them, Bommai case is a bible. The order of the Supreme Court is a law. Why then they do not uphold the law? Why are they by passing it? Let the meeting of the Assembly be convened tomorrow, give us an opportunity tomorrow and we shall prove our majority the day after. We shall demonstrate that we are in a position to form Government in Uttar Pradesh. But this Government does not want to give us an opportunity. That is why I said that this Government want to deter us through force and deceit...(Interruptions) They want this issue to linger on. If the session of the Assembly is convened and if we fail to prove our majority, our Government is destined to all. But on what basis can the Government say that we shall not be able to prove our majority. The test of strength will take place in the House. If you speak in favour of Sarkaria Commission, Bommai case and the precedents, give us an opportunity. We shall demonstrate our majority. Failure to do so will result in the fall of our Government...(Interruptions) But I am constrained to tell the hon. Minister of Home Affairs repeatedly about the conduct of the Governor. References have been made here as to how Governors are appointed and what they do after their appointment. Is this the only duty of the Governor? I would like to quote from the speech of Pandit Jawaharlal Nehru in the Constituent Assembly debate, page 121 para 4.6.03

[English]

Speaking in the Constituent Assembly on the choice of a Governor, Jawaharlal Nahru observed:

"I thin, it would be infinitely better if he ('he' means 'Governor') was not so intimately connected with the local politics of the province...And would it not be better to have a more detached figure, obviously a figure that...must be acceptable to the Government

of the province and yet he must not be known to be a part of the party machines of that Province...But on the whole, it probably would be desirable to have people from outside- eminent people, sometimes, people who have not taken too great a part in politics. Politicians would probably like a more active domain for their activities- But there may be an eminent educationist or persons eminent in other walks of life who would naturally, while cooperating fully with the Government, in carrying out the policy of the Government, at any rate, help in every way so that the policy might be carried out. He would, nevertheless, represent before the public someone slightly above the party and thereby, in fact help that Government more than if he was considered as part of the party machine."

[Translation]

Mr. Sontosh Mohan Dev, am I right that Shri Ramesh Bhandari was a Congress functionary? He is a politician. Pt. Jawahar Lal Nehru, who was a great Congress leader and Prime Minister of this country, said in the Constituent Assembly that no party functionary should be appointed as Governor. Then why you have appointed him a Governor? Why you have supported the move? He has been showing loyalty towards a particular family and saying it categorically that he would not allow BJP to form a Government. When a party stakes its claim to form a Government and ask the Government. When a party stake its claim to form a Government and ask the Governor to give them an opportunity to form Government, the Governor himself rings up to other parties and ask them as to whom they would like to support. It is not the duty of Governor...(Interruptions) Yes, two telephone Exchanges in Allahabad have been burnt down in a week...(Interruptions)

THE MINISTER OF COMMUNICATIONS (SHRI BENI PRASAD VARMA) : They have been restored.

DR. MURLI MANOHAR JOSHI : Thank you very much, If they have been restored. I hope you are not misleading the House. Telephone improvement is a separate matter but I would like to say about the intentions and duties of the Governors.

[English]

MR. CHAIRMAN : Dr. Joshi, you have taken fifty minutes and the time allotted for the BJP is only one hour and five minutes.

DR. MURLI MANOHAR JOSHI : I will take only two or three minutes more.

[Translation]

What I would like to say is that you have appointed such a person as Governor of Uttar Pradesh, who was a functionary of a political party and ought elections to realise his political aspirations and through him you are creating problems in Uttar Pradesh. If the intention of the Government is clear, will it call back such a Governor? If your intention is malafied and if you are yourself hatching conspiracy in connivance with the Governor, then I have nothing to say. But if you want to protect the democracy, if you want to protect the constitution, if you want to make development of 1/6th population of our country and if you want to set up a democratic rule to maintain law and order, then it is necessary that the proclamation of President's rule be withdrawn immediately, largest party be called to form a Government and present Governor be called back or atleast be removed from Uttar Pradesh.

I once again request the hon. Home Minister that he is a senior most member of this House, so he should not commit a crime of murdering the democracy and should not allow the rise of fascism in the country.

THE HOME MINISTER (SHRI INDRAJIT GUPTA) : If I quiet, will it save your party.

DR. MURLI MANOHAR JOSHI : Atleast democracy could be saved.

[English]

MR. CHAIRMAN : Hon. Members, the time allotted by the Business Advisory Committee for the discussion of this Statutory Resolution is four hours. The debate was commenced at 1450 hours. There was an intervention by the hon. Minister of Railway only of five minutes. Unless the hon. Speaker decides to extend the sitting of the House today, it will have to be continued tomorrow.

BEGUM NOOR BANO (Rampur) : Sir, I rise to speak on the proposed Resolution moved by the Hon. Home Minister with regard to 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.

It is unfortunate that despite the Assembly elections having been freshly held, there is no popular Government in the State of Uttar Pradesh which is answerable to the people. Resort has once again has to be taken to Article 356 of the constitution as a consequence of the political impasse which prevails in the State. The proclamation made on 17th October, 1996 is before us for our approval. It is for us, the Members of the Lok Sabha, to approve it or reject it. Such a proclamation, if not approved by us, would lapse by efflux of time after two months.

MR. CHAIRMAN : Madam, during debates it is not the convention of the House to read the speech verbatim. as it is your maiden speech, if other hon. Members allow, then you can continue to read.

SOME HON. MEMBERS : As this is her maiden speech, she may be allowed to read.

SHRI SONTOSH MOHAN DEV (Silchar) : Sir, I fully agree with the other hon. members that she should be allowed to speak as it is her maiden speech.

BEGUM NOOR BANO : Before we take a decision on this Resolution, we must analyse the causes of this breakdown or failure of Constitutional machinery. It must be seen as to what caused it and as to what are the alternatives available to us. In this light we must examine the role of the BJP and those opposed to it.

16.00 hrs.

It must also be remembered that the Government at the Centre has been forged by diverse groups having a common cause of promotion of secularism and rooting out communalism.

Sir, it is in this context that I must remind the hon. Members of the House that my party gave an unconditional support to the present Government for the simple reason that the Congress Party stood committed to secularism and was opposed to all political parties which were tainted by communal ideologies. The Congress Party gave its unstinted support to the present Government because it felt that if it did not, then communalism would get strengthened in India. The BJP and its allies could not form a Government at the Centre because it could not find enough support for its ideology.

The BJP went to the polls in Uttar Pradesh with tall claims of attaining an absolute majority and of forming a Government on its own. The results were otherwise. The BJP has clearly been rejected. The United Front as well as the BSP-Congress alliance campaigned against communalism and against the BJP. The United Front and the BSP-Congress alliance taken together have a strength of 232 MLAs in a House of 425 members. In other words, they could easily constitute a majority. In fact, one has to discern a true mandate given by the people of Uttar Pradesh; they have rejected communalism and have voted in favour of secularism but at the same time, they have wished that the secular forces should form a Government in coalition.

The Assembly election in Uttar Pradesh were therefore, a choice between the BJP and its allied forces on the one hand and secular forces on the other. The rejection of the BJP clearly implies a mandates in favour of the secular forces. The secular forces were subdivided into two groups, the BSP-Congress alliance

and the SP-UF alliance. While the people voted in favour of secularism, they did not however entrust governance to any of these groups. It is thus wrong on the part of the UF and in particular the SP to suggest that the people have voted in their favour. In this context, I would like to point out that the only party to have actually improved its position was the Congress Party.

The present deadlock has resulted because the UF and its major constituent in UP, that is, the SP have not followed a uniform policy. While it has taken the support of the Congress Party at the Centre, it has failed to reciprocate the same in the State of Uttar Pradesh. It is on the one hand saying that it is committed secularism and at the same time, it is not willing to accept a *dalit* lady as the Chief Minister. By doing so, the UF is only espousing the cause of the BJP. The UF is therefore, in the context of Uttar Pradesh, following a policy which is entirely different to what they profess to follow at the national level. The Congress Party is committed to secularism and will not permit individuals or selfish objectives to override such commitments. The UF on the other hand, insofar as UP is concerned, for reasons which are known to them, has pushed aside ideals of secularism in furtherance of certain individual interests. By doing so, they do not realise that they are in fact, rejecting the mandate of the people and playing into the hands of communal forces.

In this context, when the BJP being the largest party is yet unable to muster support to constitute a majority, the Governor was left with no alternative but to recommend the proclamation under Article 356. Perhaps, the Governor has the hope that within the two months period a coalition of sort could be forged and a majority could be proved. Unfortunately, this has not happened as yet. An election is an expensive process, the expenses of which are borne by the people. The people have given their mandate, it is for use to realise and respect their wishes. The United Front must realise this. They must not permit individual interests or the desires of certain persons to prevail over their professed ideology of secularism. They must take a leaf from the book of the Congress Party and do what the Congress has done at the Centre. They must realise that it is ultimately the people that we are concerned about and not some political bigwigs. Democracy has always meant and shall always mean 'Government of the people, by the people and for the people.'

It is therefore imperative that this impasse is ended and the elected representatives are permitted to go about their business of governing the State. For this to be achieved, perhaps, some more time is required. The UF has to do some soul-searching. It is therefore necessary for me to support the stand taken by the Government although it does not strengthen the democratic fabric of the State.

Sir, I would like to thank you and all the hon. Members for letting me read out my speech because this is my maiden speech.

SHRI P. KODANDA RAMAIAH (Chitradurga) : Sir, I doubt whether I must compliment Dr. Murli manohar Joshi for having given an excellent speech supporting his party's claim to form a Government but it ends there only. His speech relates to the case of BJP to form a government. Certain observations which he has made appear to be out of context and sometimes not relevant. It is admitted that the BJP is the single largest party and the stand to the BJP is that the Governor ought to have called the BJP to form a government in view of the fact that it is the biggest party. I really wonder whether it is automatic. Can a single largest party which does not command a majority in a House be called over either by the President or the Governor to form a government? It is up to the Governor or the President to come out with some solution, if there is any, or to make an assessment of the strengths and weaknesses of different claimants and form his own opinion and then decided whether to call any party to form a Government or not to call any party to form a Government.

A situation has arisen in UP where the BJP has not been able to add an extra MLA over and above the 176 MLAs they have been claiming for all these months. Nearly two months have elapsed since the elections were held and they have not been able to furnish any names of MLAs other than those who are already there, that is, 176.

Shri Joshi has also said that according to the Sarkaria Commission Report and the Supreme Court judgement in *Bommai's case*, the majority of the Government has to be proved on the floor of the House. I entirely agree with him when he says that the majority of an existing Government has to be proved on the floor of the House. If we follow what the BJP has asked the Governor to follow, can we invite all the MLAs to the House and then ask them to prove their majority?

You can take the example of the BJP which formed the Government in this House itself. The strength of the party can be established only when a government is formed. In other words, the first steps for the Governor or the President is to invite a person to form a government and on the advice of that person who will be called the Prime Minister or the Chief Minister, he appoints other Members of the Council of Ministers and that Council has to go before the House to prove its majority. It is not as if you call all the MLAs and ask them to prove the majority in the House. It does not happen that way. There are some constitutional requirements or prerequisites that the Governor or the President has to keep in view before he extends an invitation to any particular party to form the government or before convening the House itself.

Then Article 163(2) says that the discretion of the Government is absolute but I wonder whether the discretion is so absolute as to be arbitrary. A discretion or a subjective satisfaction is not entirely subjective; it has to be on certain objective consideration. The Governor in this case, though he has got the absolute authority to invite a party, though his satisfaction is subjective in so far as the constitutional functioning is concerned, has to adopt certain objective criteria to justify his subjective decision. In this case, he has given an opportunity to all the parties to prove their majority but then no party till today has been able to indicate its majority.

There is a danger of defections also if a party which does not command the majority is invited to form the Government. To avoid this calamity, the Governor has taken the decision to wait and watch and to find out whether political alignments are going to take place whereby he can invite the largest party after being satisfied that it has got the support and can form the Government. There have been alliances there. There have rather been talks of alliances. Sometimes it is said that the BSP and BJP are likely to form an alliance or likely to have a understanding and that the BJP is likely to support the BSP from outside or the BSP may join to support the BJP from outside. But neither of these things has taken a concrete shape. That is why there is a stalemate in the situation in Uttar Pradesh.

As regards the period of proclamation and the proclamations issued, I would like to submit to the House that there are two Proclamations. A proclamation cannot be sustainable beyond one year. But there were two Proclamations, the first Proclamation is to revoke the existing President's rule and the second Proclamation is to reimpose it. There is no constitutional infirmity as far as these two proclamations are concerned. It is very clear that these are clear and distinct and they justify one another. There is no constitutional impropriety in the proclamation of these things.

We have been opposing article 356, not from now but from ages onwards we have been opposing it. The CPI, to which the hon. Home Minister belongs, has been consistently opposing it. I am sure that the BJP also opposed it. The Congress opposed it. History is replete with several instances.

SHRI SOMNATH CHATTERJEE : The BJP never opposed article 356.

SHRI P. KODANDA RAMAIAH : They are opposing it now at least depending on the advantage of the case.

DR. MURLI MANOHAR JOSHI : It should never be misused. We have given our own recommendation. But you want to keep it an still misuse it.

SHRI P. KODANDA RAMAIAH : May I point out to the friends on the other side whether they were not a

part of the Janata Dal Government which dissolved the Congress Houses in the State when they formed the Government at the Centre? Did they oppose it at that time? Did that party support dissolution of the Congress Government when the Janata Dal came to power? I am not supporting either the Congress or the Janata Dal. But I have been telling the facts that in the historical perspective, every party, at some time or the other, has used this provision to move against the Government without allowing that Government to test its strength on the floor of the House. It has happened in 1977 and 1980. Let us not pretend that we are angels. After all, we are human beings and we have to run the Government. We have to see the situation existing in a particular context and then take a decision in the matter. We, in the United Front Government, have been watching the situation in Uttar Pradesh. We are convinced that the situation is not ripe to revoke the proclamation to allow any party to form the Government. We have to watch the situation for some more time. It is now for the House to approve the proclamation. I strongly recommend that this House approves the proclamation...*(Interruptions)* I am looking at the point I have made out.

MR. CHAIRMAN : Please do not interrupt him.

SHRI P. KODANDA RAMAIAH : It has become a practice here to interrupt each other.

Now, I come to the Sarkaria Commission's recommendations about the Governor. It has said something. But whether it is a practical matter that we have to see. I do not think that any Government's strength before the formation of the Government can be tested on the floor of the House. To that extent, the recommendation of the Sarkaria Commission does to stand the test of either constitutional propriety or of the law of the land. I am, therefore, of the opinion that what happened in Uttar Pradesh is a correct thing that should have been done under the circumstances.

I urge upon this House to support the resolution moved by the hon. Minister of Home Affairs.

SHRI SOMNATH CHATTERJEE : Mr. Chairman I am supporting this Motion with considerable unhappiness because our polity has got so fractured that a democratic United Front Government at the Centre has to take recourse to this. I was listening very carefully to what Shri Joshi was saying. Today Shri Joshi's *murli* is out of tune. He is not playing a coherent tune.

DR. MURLI MANOHAR JOSHI : Your receptivity has become incoherent.

SHRI SOMNATH CHATTERJEE : Sir, the significant thing that one would have expected is the definite assertion to form the Government and to run it. He singularly-Naturally because of the facts of the case could not and did not make the demand.

Sir, we have seen the result of the 'so called' convention here. I say 'so called' because it has not been time tested. We have seen the result of the 'so called' convention of calling a majority group in the Legislature to form the Government. We had that very recent exercise here. What has been the result? We have got one ex-Prime Minister and several other ex-Ministers in this House. I do not know ultimately which Ministry did Shri Joshi or Shir Sikandar Bakht accept. I hope, they always remain as ex-Prime Minister and ex-Minister in this country.

Sir, when we asked - we are still asking - for the repeal of the article 356, the BJP never came forward to support us. It is very easy to say, do not misuse it. The question here is, has there been a misuse of its in the facts of this case? If you have to go case by case, then you have to decide on this case. You are not opposing the abolition or repeal of the article 356. We had even gone to the extent of asking for the abolition of the post of Governor on which they did not support us. Therefore, their grievance is against Shri Romesh Bhandari. I can assure you, we have no love lost for him. You say that Shri Romesh Bhandari, the particular Governor has acted in a manner which is contrary to the well-established conventions including the judgment of the Supreme Court and the report of the Sarkaria Commission.

16.10 hrs.

(Shri Nitish Kumar *in the Chair*)

Mr. Chairman, Sir, I am sorry to say that he has obviously to read certain portions which suits his tenuous case. I have also looked into the reports of the Governor. I cannot treat him as an untouchable. He is the Governor of a particular State in this country which is now in question. There are certain incontrovertible facts there - the facts of numbers. The BJP has not got the majority. They are very euphoric before and during the elections - because of the results of the Lok Sabha - about winning 236 seats. Therefore, you thought that the whole State of Uttar Pradesh was in your pocket. You are very much disappointed because only 32.51 per cent of people in UP have voted for you. Naturally, you have to find out as to what has to be done. Today, one thing is clear, that is, you are in a splendid isolation.

I have not seen any denial of the statement of Shri Vajpayee which was made some days back, on the 14th of November - which has come out in the Press - where he made it clear that the idea of a BJP-BSP alliance for the formation of a population Government in the State was over.

How will you be able to get those people? You are still short by 40 members. A leader like Shri Vajpayee has said on the 14th of November - it has come out in

the National Herald and I am subject to correction, I have not seen any denial so far - that BSP is not in the reckoning. I am sure, you were not expecting Samajwadi, Janata Dal, CPI or CPI(M) to join you. The only Party left is the Congress Party. We have heard the speech of the Congress Members also. So, how will you be able to reach this magic number? In the circumstances, if you still assert to form a Government with majority support, obviously you will have to indulge in horse trading. You have not indicated as to how you will be able to get this number. I was patiently waiting for it.

You call yourself as a principled party depending on discipline. We have seen what has happened in Gujarat or in other places. I with somebody had given an extra 'dhoti' to that poor old gentlemen, the Minister. There was no claim. Even on the floor of the House, when you were discussing such an important issue, nothing has come forward. The question that naturally arises, Mr. Chairman, Sir, is whether we have to develop here the conventions or the rules or it may be necessary that all political parties should put their heads together and find out a method of functioning here. Let there be no formalities.

Joshi ji has referred to the Sarkaria Commission Report. Unfortunately, he is reading portions which are not relevant here. He has got a copy of the Report, I believe. In one of the cases, the Sarkaria Commission has recommended the occasions where a Constitutional break down would be said to exist. May I read 6-4-02:

"A constitutional break down may be the outcome of a political crisis or a deadlock. This may occur where after a general election on party or coalition of parties or groups is able to secure an absolute majority in the Legislative Assembly and despite exploration of all possible alternatives by the Government - he does not talk of floor test for the sake of floor test - a situation emerges in which there is complete demonstrated inability to form the Government commanding confidence of the Legislative Assembly."

I have understood the role of Shri Romesh Bhandari. He was asking to tell him the way in which the majority can be proved. Mr. Chairman, Sir, on the 15th October, 1996, he gave a report mentioning very clearly that no claim was lodged till that day by the BJP to form the Government. You may please go through this report. I cannot go on the assumption that on the 15th October you have not said it. On the 16th of October he gave another report, a reference to which was made by the hon. Home Minister in his speech, that Shri Kalraj Mishra, president of the State unit of BJP along with two others sought an early appointment at 10.00 A.M. and

handed over a letter & a Photostat copy of the letter is attached. In this letter it is said that the BJP along with Samata Party is the single largest party in the newly elected Legislative Assembly - who denies that? - and on the basis of this it is the Constitutional responsibility of the Governor to invite Shri Kalyan Singh to form the Government. Therefore, what they say is to follow the conventions. They are not taking a claim to have a majority in the House. They have never claimed it. Up to 15th October they did not even ask for an opportunity to form the Government and on 16th they met the Governor and asked him to follow the convention as they have got 176 seats with them.

The Governor goes to the extent of telephoning Kumari Mayawati to find out the position. You may criticise him for telephoning somebody in this case, but he requested Kumari Mayawati to see him. She said that she was busy, or something else, and she said that there was no question of BSP supporting or having any understanding with the BJP. Such was the position on the 16th.

Mr. Chairman, Sir, I am saying this with great concern, it seems in future we will have to be faced with the election results like this. Even after the Lok Sabha elections, the people of Uttar Pradesh did not vote for a single party so that a Government can be formed. The people are making their choices not in favour of any single party. What will happen to this country? Mere abuses would not help us. Therefore, with greatest reluctance, our Party said, "we do not find any other way out". Certainly we do not want another election. The Sarkaria Commission has strongly recommended that people should not be frequently subjected that this cost should not be inflicted on the people of this country. The country can hardly afford the huge expenditure involved. Uttar Pradesh is the largest and the most populous State in India with 425 members of Legislative Assembly. The situation may lead to incurring of expenditure for another election within a month or two of the earlier election. Therefore, so long as it is possible, attempts should be made by all political parties to solve this problem. Why should we leave it to the Governor?

The Governor is a Constitutional head. His duty is to see that a Government is formed. But the political parties should tell him that they are ready to form a Government and they have the majority to do so. The BJP says, "Well, you give us an opportunity and we will prove our majority on the floor." Of course, I am in favour of the principle of floor-test. Mr. Ramalah is also correct in saying that. It has to be determined by the floor-test because the Sarkaria Commission has very clearly stated it. Defection is the phenomenon that takes places in this country to our greatest sorrow.

The Sarkaria Commission stated that when a Government in office is stated to have become a minority, claimed to have become a minority or alleged to have become a minority, the question as to what should be done arises. And there he stated that invariably it will be determined by a floor-test and one cannot decide it on the basis of anything else. That has always been our demand as well. Sir, I am sure you will agree that nobody has fought so bitterly against the imposition of the provisions of Article 356 because we had been the victims of those provisions. Our Governments in West Bengal and Kerala have been dismissed under this Articles. I still call it the infamous provision of the constitution. Even then the question of dissolution should not come here. Therefore, it has to be decided what has to be done here.

Shri Joshi, has referred to the Sarkaria Commission. As I said, they are in total isolation. No party is offering its support to them. They cannot get the support to them. They cannot get the support of even Independents. Even if all the Independents support them they would still be in a hopeless minority. What is the result of the recent elections to the Rajya Sabha? They proved to the hilt that with all their efforts to send some more hon. Member to the Rajya Saba they have not succeeded. There has to be some combination and permutation of parties and we only hope that the secular parties will combine. We are committed to secular administration there. It will be a very sad day for this country if a State like Uttar Pradesh again goes back to a communal administration. We have seen that a national shame happened under the BJP rule.

We are fast approaching the anniversary of the shameful incident of the 6th December...*(Interruptions)* One does of BJP rule in Uttar Pradesh has resulted in the Demolition of the Babri Majid and another will result probably in the demolition of the Masjids at Mathura and Varanasi. This is a great danger. We have to appeal to all the secular parties in this country, in Uttar Pradesh Assembly that they must realise the dangers that have been posed by BJP's attempt to come to power by hook or by crook...*(Interruptions)*

DR. MURLI MANOHAR JOSHI : Never, I protest. This is absolutely wrong. You are trying to dislodge the BJP by hook or by crook. We have come through fair remain and we will always try to remain through fair means. We abhor unfair means to come to power by hook or by crook. This has been the policy of this Government....*(Interruptions)*

SHRI SOMNATH CHATTERJEE : You can be dislodged only if you are lodged. You are not yet lodged. Where is the question of dislodging your government? You will never be lodged there...*(Interruptions)* Even after seven weeks of election, you are not been able to come anywhere near the formation of the government ...*(Interruptions)*

DR. MURLI MANOHAR JOSHI : From there nobody has come near to staking the claim. We have staked the claim...*(Interruptions)*

[Translation]

MR. CHAIRMAN : You please continue with your speech.

[English]

DR. MURLI MANOHAR JOSHI : Let him speak. Let him defend the defenceless. You are permitted to defend the defenceless.

SHRI SOMNATH CHATTERJEE : That history will decide. I said that I am unhappy. I am unhappy that our polity is getting fractured. I am unhappy that that BJP has become the first party there. People will learn more and more. That is why from 235 you have come to 176 seats, within six months or four months in Uttar Pradesh. Please also do that. You had lost Gujarat...*(Interruptions)* Why do you not look in the mirror yourself? ...*(Interruptions)* Mr. Chairman, Sir, please control them ...*(Interruptions)* Because of their agony...*(Interruptions)* I am used to it...*(Interruptions)*

[Translation]

MR. CHAIRMAN : You please continue your speech. Only your speech will go on record.

[English]

SHRI SOMNATH CHATTERJEE : Shri Joshi has used strong words. I would have probably used stronger words...*(Interruptions)* In Hindi, he has used *Balatkar hua, fraud hua*.

The question is that some parties had gone to the court. This matter is also before the court. Two learned Judges have differed. I saw in the Press that a Bench of three learned Judges has been set up by the Chief Justice of Allahabad High Court. The Court will then decide, no doubt. What can Parliament do? That is what I am asking myself...*(Interruptions)* There is a basic difference between Lok Sabha elections, and the Vidhan Sabha. We cannot but have a Government in Delhi and as I said this 13 days *sultanate* did not help the country. Except ENRON, nobody has benefited from that.

You signed that guarantee for them. But nobody benefited out of that. I would say to be always optimistic is good. I have great respect for Shri Jaswant Singh. One day I was listening to his will-articulated speech on the economic development under the BJP rule. I thought that there is no harm in day dreaming. He was saying what will be the economic policy of our country for the next five years. How will he control IMF? How will he control World Bank? How will he submit to them? How

will he in the process fight Shri Joshi for intellectual property rights? I was wondering how he proposes to do that. Now, there is a break down unfortunately of the constitutional machinery. No Government can be formed. Till now this is an unfortunate reality. I do not know what will happen tomorrow. I hope some secular Parties may come and form the Government. He said that there has been no break down of the constitutional machinery. You believe in only one break down *via.*, break down of Masjids. No other break down is known to you.

Sir, Shri Joshi has to take refuge in Shri Soli Sorabjee's article. He is a very eminent lawyer. I have great respect for him. If you go through Shri Bommai's judgement, the learned judges have said different things in different places. His agony is that the judges have not spoken in one voice. What was the majority judgement? Even to understand that, he required fifty pages to say what is supposed to be the majority judgement. Even in the majority judgement, the judges have not agreed.

Justice Ramaswamy in one of the learned judges. It is difficult to say whether he is in majority or in minority. In some matter, he has agreed and in some matters he has disagreed. I have my personal reservations also to what he had said. In the case which was decided by the Supreme Court on Page 210, Paragraph 263 it was said :

"Floor test may be one consideration which the Governor may keep in view but whether or not to resort to it would depend on the prevailing situation. The possibility of horse trading is also to be kept in view having regard to the prevailing political situation."

Therefore, if some Governor, whatever may be his past, dissuades political parties from indulging - at least BJP from indulging - in horse trading, I cannot blame him. Therefore the BJP cannot say that they would be able to form the Government if they are put into power. If that is done they will see how to increase their numbers which is nothing but an open threat of indulging in horse trading there and the Governor would have been a party to that horse trading.

DR. MURLI MANOHAR JOSHI : You please do not mention about horse trading on the part of BJP. We have never indulged in it.

SHRI SOMNATH CHATTERJEE : They would have been party to the horse trading. Otherwise it was impossible. The BSP had refused to associate with the BJP. They were asked to bring a party whose support they are expecting. They were unable to do that.

Sir, therefore, as I said, it is a very sad day in the history of our constitutional and parliamentary democracy that the Government have to take recourse

to such a step. I am still making my demand for the repeal. What will happen thereafter? The polity of this country has to come and take a decision. Therefore, Mr. Chairman Sir, there does not seem to have been any alternative. I am sure with great reluctance Shri Indrajit Gupta had to agree to this to save this country.

The other point that was made was, 'how can you keep this proclamation for more than one year?' I believe it was said. The Article of the Constitution is very clear. They say, 'you cannot continue the proclamation beyond one year.' But take the situation here. The proclamation which had been earlier imposed after the Government ceased to be there or had to go when that continued till 17th of October, then there is no Government or no Government can be formed. Even if they form a Government they cannot prove their majority. Therefore, you do not mind interregnum of one or two or three or four days.

I remember, Vajpayeeji, with great gusto supported his Government and criticised us for not supporting his Government. I had stood up and said, 'what is my obligation to support your Government?' He said, 'the other parties are to oust BJP from power.' He gallantly, at least, realised that there was no hope of getting any majority. Therefore, he said that he was going to resign. For that formality, say yes!

DR. MURLI MANOHAR JOSHI : I have never said, formality. I have said that it is the due process of the Constitution.

SHRI SOMNATH CHATTERJEE : Here there is no scope for invoking Article 356. That is not applicable here. It has to be a separate proclamation after the new election which has given a result which does not enable any party to form the Government.

DR. MURLI MANOHAR JOSHI : Mr. Chatterjee, would you agree that the letter and the spirit of the Constitution is that the Presidential Proclamation giving the President's Rule in a State should not continue beyond one year? Formally it was five years. It was the mandate.

SHRI SOMNATH CHATTERJEE : You have forgotten, we have fought against the Second Amendment. Nobody else has done as what we have done on the floor of this House.

DR. MURLI MANOHAR JOSHI : Again you are supporting the misuse of it.

SHRI SOMNATH CHATTERJEE : I am saying that this country has to be saved from BJP also.

DR. MURLI MANOHAR JOSHI : And the Constitution has to be raped...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Yes, I say that the country has to be saved. But for the purpose of that, an

unfortunate recourse has been taken by this Government to Article 356. I hope, in future they will have no occasion to do that. But this country cannot be taken for a ride and the people cannot be taken for a ride. There has to be an administration.

DR. MURLI MANOHAR JOSHI : Yes, that is correct. You cannot take use for a ride that you can go on violating the Constitution.

SHRI SOMNATH CHATTERJEE : I am sorry that he is feeling so disturbed that he has to interrupt every minute. I know he feels disturbed. That is what I said that his *murli* was not in tune today. He has to say, what he does not believe in. I believe in what I have been saying. I say in the context of the present political situation in this country.

Unfortunately, this has to be done and they are forced to do it. I appeal to all secular parties in the UP Assembly to see that a Government comes into being and this proclamation need not continue any further and we are spared of that communal Government of BJP.

Sir, I support the motion.

SHRI TIRUCHI SIVA (Pudukkottai) : Mr. Chairman Sir, in UP, since no party had the possibility of forming a Government the situation became so complex and unforeseen that it has led to the imposition of the President's Rule under Article 356 of the Constitution. This is known to one and all.

I do not want to go into the merits and demerits of the situation but making use of this occasion, I would like to express my views regarding Article 356 of the Constitution and the role of the Governors.

We, the DMK Party, have reiterated that the infamous provision of our Constitution, Article 356, must be repealed. Whoever may come to power, irrespective of his or her own democratic fervour, they are tempted to use this deadly weapon against a State Government for any reason either it is not because of theirs or it is not supporting them. In Uttar Pradesh the situation is different. As I have mentioned earlier and as everybody has mentioned, no party is able to form a Government and that has led to this situation. I would like to ask whether only in such situations, the President's Rule is proclaimed. Even in a State where a party hails a majority support has often been thrown out and I do not hesitate to make it a point here. We had been the worst sufferers. We had been thrown out of the Government under the Article 356 twice when we held a very big majority in the Assembly and so also the Marxists, about which our learned Members, Shri Somnath Chatterjee has mentioned. What I had hoped was that, after this bitter experience and the claim which the BJP is now making to form a Government and saying that they

have been deprived of it because of this Article 356, they may support our view. But when our learned Member, Dr. Murlī Manohar Joshi spoke, he said: 'No, we are not for it.' So, even after this experience, they are not prepared to come forward to make amendments in the Constitution, which is a blow to democracy and federalism. They refuse to change. I am sorry to say this. Anybody, who comes to power, as I said earlier, will be tempted to use this article. I do not think that it may be an exaggeration if I say that even if Gandhiji comes to power, he himself may be tempted to use this Article 356 against a State Government. So, I insist firmly that this Article must be repealed at any cost. It is a tempting weapon. I would like to expatiate once again that this general theory may not apply to this situation but this may apply in future to any Government, which may hold an absolute majority and be a popular Government.

Sir, it is also the best opportunity to mention about the role of the Governors. Dr. Joshi was criticising about the performance of the U.P. Governor. Sir, I would like to say that the office of the Governor is a legacy of the British colonial system. The method of the appointment of the Governor in our Constitution is an anarchism in a democratic system. The nominee of the Central Government, appointed by and responsible to the Central Government, could not be expected the Governor to understand the local conditions and the political situations existing in the State. Moreover, the expenditure incurred upon the Governor does not also square with the socialist pattern of society. We have insisted on this. I make use of this occasion only to say that the Governor's expenditure could be dispensed with. It is our firm policy and we have often said this in this House. Our hon. Members have spoken about this. We had passed Resolutions in this regard. I would like to mention here that the Supreme Court has held in *Rao Shiv Bahadur Singh Vs. State of Vindhya Pradesh*, 538 SCR 1188, that a Minister is an officer subordinate to the Governor and thus, the elected representative of the people in Legal theory is nothing more than a servant of the nominee of the Central Government. I think, the time is ripe for doing away with the office of the Governor.

I hope the BJP will support this voice at least hereafter. I would like to suggest here — it is a suggestion — that under the West German procedure, where the office of the Chief Minister falls vacant by death, resignation, etc. the successor should be elected with a fixed period of time and if it is not done so, the Assembly will automatically stand dissolved.

During this interregnum, it is suggested that the Chief Justice of the State may take charge of the administration till such time a Chief Minister assumes

power. Similar to this system may be adopted here also. The Chief Minister will discharge the functions at present being attended by the Governor. If there is any interregnum, the Chief Justice of the State will discharge the functions while there is no Chief Minister. I think this is the best occasion to express here, especially to the BJP since you say that you have been victimised. Though you have not staked your claim to form the Government, you feel that you have been deprived of the chance. As everybody knows, you are not able to explain how you are going to prove your majority. But on this occasion at least, you must realise why such a situation has arisen. If my suggestions are accepted, until and unless a successor is elected, no such proclamation of President's rule or no such things like keeping the Assembly in suspended animation would happen.

We are of the opinion that the deciding places should be the floor of the Legislative Assemblies and not Raj Bhavans. India is a country with people of different language, history and culture and every State has its own peculiar needs and problems. You know very well and better than me. The BJP says that it is for the sovereignty of this country. They are for the democracy and federal set up of this country. I would like to say that the States should have freedom of action and sufficient powers legislative and executive - to secure their progress without impairing the unity of the country. This is possible only under a truly federal set up. Will you approve my claim? Whether my suggestions may be inclined to be accepted by you or not, I hope and I do firmly believe that these suggestions will be a starting point in future for any discussion on this subject. I hope and I assure that no Party here is an exception for having been a victim to Article 356. So it is high time that Article 356 of the Constitution must be removed. We need no further role of the Governors. So the office of the Governors may be done away at the earliest and hereafter, at least, the BJP, instead of chanting 'Ram, Ram', will voice for the true federalism of this country in the best interest of the nation's future.

[Translation]

SHRI RAMSAGAR (Barabanki) : Mr. Chairman, Sir, all hon. Members and the hon. Home Minister have submitted their view points about the circumstances which led to the imposition of President's Rule in Uttar Pradesh. Shri Joshi ji said one thing at the outset that the Assembly elections could not be held with Lok Sabha elections. Sir, you also know the circumstances under which Assembly elections could not be held alongwith Lok Sabha elections.

Mr. Chairman, Sir, Joshi ji should thank the United Front Government that as soon as it came to power it

respected the democratic norms and keeping in view the popular demand of the people of Uttar Pradesh, it gave priority to hold Assembly elections there.

Mr. Chairman, Sir, regarding elections I would like to say that the way peaceful elections held there by the Election Commission and the Central Government is a noteworthy thing in itself.

Joshi ji should thank the Government for holding peaceful elections in the State. But is it also the responsibility of the Central Government to give majority to BJP? That is not its responsibility. A political party or a group having 213 members out of 425 will constitute a majority. 60 per cent people of Uttar Pradesh have voted against BJP...*(Interruptions)* and it has proved that the people of Uttar Pradesh do not want a communal rule of a fascist and reactionary party like BJP.

Mr. Chairman, Sir, as you know that the alliance of BJP and Samata Party secured 176 seats there. Will this number be enough to form a Government? Shri Atal Bihari Vajpayee made a similar claim after Lok Sabha elections. But doing so, he had not only misled the nation but the entire world also. It is a amazing thing that a person like him, who is revered by all, claimed that he had majority support in the House. He had not assessed whether his party have a majority in the House or not. He took oath of office and said that he would prove majority in the House. Till last he did not accept the truth that he did not enjoy the majority support.

SHRI MUKHTAR ANIS (Sitapur) : Will this discussion be continued after 5 p.m.?

MR. CHAIRMAN : Please allow him to speak.

SHRI RAMSAGAR : After general elections none of the party could have majority in the Lok Sabha and now exactly a similar situation have arisen in UP. No party or alliance have majority in the House. Had they tied rakhi to us, we would have extended our support ...*(Interruptions)* In this way when none of the party or alliance could get majority in the Assembly the question

17.00 hrs.

of arithmetic arised. Then the Governor studied all the aspects and called all parties one by one. Every party was having its own claim. BJP was claiming its majority. Bahanji was saying that she had majority support. United Front was also claiming its majority. The number of 213 seats...*(Interruptions)* could not be claimed by any part.

MR. CHAIRMAN : Who is this Bahanji?

(Interruptions)

MR. CHAIRMAN : You know her better.

SHRI RAMSAGAR : Under such circumstances ...*(Interruptions)* the Governor has no other alternative except to clear his position and send a report to the Government. The newly elected members of UP Assembly got one chance to enter Assembly building for electing Rajya Sabha Members...*(Interruptions)* Please listen to me...*(Interruptions)*

SHRI RAM KRIPAL YADAV (Patna) : Please have patience. Listen to him as to what he wants to say ...*(Interruptions)*

SHRI RAMSAGAR : But they are saying that they have their majority and they will prove it. A trial was held in the recent Rajya Sabha elections in which United Front got 219 votes. Therefore...*(Interruptions)* Four members, who were declared elected from two seats, have resigned from their one seat. In this way out of 420 members 219 members voted in favour of United Front...*(Interruptions)* Now you tell me as to who has majority support there...*(Interruptions)* I would like to say one thing only that you want to have a Government there and we also want to have the same. The number of United Front supporters is more, therefore, United Front supported Government should be constituted there...*(Interruptions)* I am sure if Shri Mulayam Singh Yadav is called to form the Government, he would prove his majority in the Assembly. But BJP's Government cannot be formed there at any cost. Under the present circumstances President's rule has been imposed in UP...*(Interruptions)*

SHRI RADHA MOHAN SINGH (Motihari) : Sir, 'BJP's Government cannot be formed at any cost' - it is unparliamentary...*(Interruptions)*

SHRI RAMSAGAR : Mr. Chairman, Sir, 'BJP's Government cannot be formed there at any cost. How it is parliamentary or unparliamentary. It is a fact. In view of the present situation in UP, President's rule has been imposed. We all wish to restore the democratic process there and to have United Front Government.

With these words I support the resolution moved by the hon. Home Minister.

SHRI ILIYAS AZMI (Shahabad) : Mr. Chairman, Sir, I am thankful to you for giving me the opportunity to speak. I have listened to the speeches of the hon. Home Minister, Shri Joshiji and other hon. Members very attentively. The hon. Home Minister has said that there was no possibility of forming any Government and in reply Shri Murli Manohar Joshi has given his own arguments. In view of their arguments I would like to submit some points before you. It is true that there was no possibility of forming any Government and when the Governor sent his report to the Central Government till then no party or alliance stated its formal claim to form a Government. Shri Murli Manohar Joshi ji is saying it

time and again that if a chance is given to their party they would prove their majority, so I would like to ask him that if their party is so sure about the majority, why they have not submitted a list of 213 Members to the Governor?...(Interruptions)

Secondly I would like to say about Article 356 of the Constitution. It is true that CPI and CPI (M) have always opposed this Article and at one time or the other, every political party opposed this Article. I would like to ask Shri Joshi ji that in 1977 when BJP leaders were in the Government why they had dismissed nine elected State Governments in one stroke? I admit that you have made your speech in a very effective manners...(Interruptions)

SOME HON. MEMBERS : They were also a part of that Government...(Interruptions)

SHRI ILIYAS AZMI : Yes, they were also in the Government. At that time they dismissed nine State Government with one stroke on the plea that they have lost people mandate. BJP has got only 32 per cent of votes and therefore, it cannot claim to form a Government.

Secondly just now Shri Ramsagar ji has said that had Mayawati tied rakhi to them they would have considered to make her Chief Minister. In 1993, Shri V.P. Singh and Janata Dal tied rakhi to Shri Mulayam Singh and Shri Mulayam Singh swallowed the entire Janata Dal. Today one who will tie rakhi to him, would also be swallowed. Therefore, there is no one to join hands with him. Therefore, no mindful person would commit a mistake to join hand with Shri Mulayam Singh.

Just now Shri Somnath ji was speaking. Shri Murli Manohar Joshi was saying very confidently that they do not believe in horse trading. I would like to ask him that instead of their party leaders why they have given tickets to three industrialists for by-election of Rajya Sabha in Uttar Pradesh. Your main aim was that they would garner the support of other MLAs through money power. After that you would have claimed to form the Government on the plea that you have mustered the support of more than 212 Members. Had it been so, the entire House would have no argument against it.

Sir, I would like to congratulate the newly elected MLAs that they did not tilt towards them. They succeeded in winning the support of only 15 MLAs and that is why your party got 15 votes extra. It is good thing that Shri Atal ji is also present in the House. I would like to ask my BJP friends as to when they would do their introspection. The leadership of BJP is in the hands of those people whose forefathers were responsible for untouchability of a large part of the society. Those very people are leading the BJP today. Today they themselves have become untouchable and no one is prepared to

join hand with them. If they do their introspection I think situation can change tomorrow. But I do not think that they are prepared for introspection...(Interruptions)

Shri Joshi ji has referred to the Sarkaria Commission. One part of the Sarkaria Commission was read by Joshi ji and other part by Somnath ji. The part, which relates to a situation where a Government already in existence, reduces to minority, was read by Joshi ji and it is absolutely true that in such cases decision should be taken on the floor of the House. But Joshi ji has not referred to a situation where no Government has been formed and election were conducted under President's rule and after elections no political party or an alliance got absolute majority.

While supporting the report given by the Governor, I would say that I support all other things said by Shri Joshi ji about other behaviour of the Governor...(Interruptions)* He cannot meet even 85 MPs of the State...(Interruptions)* He does not have time to listen to the problems of even Lok Sabha Members. Therefore, I would like to say that if they want to dissolve the Assembly, they can do so. If they want to keep it in suspension, they can do that but a person like Bhandari should be removed from there....*

Sir, infact BJP want to have benefit from both sides. Earlier they have extended their unconditional support to Kumari Mayawati but now they do not want to extend unconditional support because at that time when they tried to create Ayodhya like problem at Mathura, she did not allow their single worker to enter three kms. vicinity. Now they thank that if they extend their unconditional support to Kumari Mayawati, she would kept them 3 kms away. Perhaps that is the only fear for which they are not supporting here. After the elections, Kumari Mayawati gave in writing to the Governor that her party was not going to support the BJP or the United Front and if any of them extended its support to her party, BSP would think over such purposal. If you are so much worried about the democracy, why do not you extend unconditional support to her. If you give unconditional support, BSP would form a Government.

But the support should be unconditional...(Interruptions) So far as the question of getting support from this side is concerned, they would not do so because if they do so, Shri Mulayam Singh Yadav would engineer defection within three days. That is why we are not going to get support from them. Similar situation was there in 1993. At that time BJP had 173 Members, S.P. 104 and BSP had 67 Members. Both, SP and BSP alliance and BJP, were not in a position to form a Government. At that time Shri V.P. Singh came to Lucknow. He was neither party president nor a leader

* Expunged as ordered by the Chair.

of Legislative party. He put pressure on Janata Dal MLAs. Shri Bommai was party President at that time. He also sent a fax message to the Governor and State Party President also gave in writing to the Governor. Then the Government of Shri Mulayam Singh Yadav was constituted. CPI and CPM also supported the Government. The Government was formed. It was for the first time in the history of democratic system of Uttar Pradesh that a defection was engineered in the supporting parties...*(Interruptions)* Therefore, I would like to make it clear from BSP that we cannot support the United Front. We have to think seriously even before taking their support...*(Interruptions)* He formed Government with the support of BSP and on 2nd June, its leader Kumari Mayawati had a narrow escape in a guest house incident.

AN HON. MEMBER : You are telling a wrong date.

SHRI ILIYAS AZMI : It was 2nd June...*(Interruptions)* I was also in the Janata Dal. You had made a wrong publicity. Shri Dwivedi ji reached there when everything was over...*(Interruptions)* In short, I would like to support Resolution and would like to request the Government to appoint someone else as Governor of the State so that he may work according to the provisions of Constitution.

SHRI SHARAD YADAV (Madhepura) : Sir, the unparliamentary words used against the Governor should be expunged.

MR. CHAIRMAN : Alright.

SHRI SANTOSH KUMAR GANGWAR (Bareilly) : I am taking part in the discussion over President's rule with a heavy heart. The people will never forgive the Government for the treatment being meted out to the largest state of the country. I am saying this because Congress had malafide intention from the very beginning...*(Interruptions)* that is why it did not hold Lok Sabha and Assembly elections simultaneously as there was a fear of their losing the elections. The United Front formed the Government and acted in such a manner which was expected from Congress. This will go down in the history that out of four Members two Members became Ministers. One cannot make history in four days or four years. After 50 years one can make assessment that who was ruling the country. The persons who are treating country in such a manner will not be spared by the countrymen. What is happening in Uttar Pradesh is not just. The people of Uttar Pradesh are being taken for a ride. You must consider it and take a decision in this regard. The United Front Government presented a common minimum programme, which gave such impression that certain amendments would be made in Article 356 under which autonomy would be given. It seemed that it would be removed. I read it in the Newspaper that during the discussion about Uttar

Pradesh in the House Member of Communist party complained about the ill treatment meted to them in U.P., at that time nobody defended us. When they included it in their Common Minimum Programme it was felt that it was being done in the light of the verdict given by the Supreme Court in this respect so that it could not be misused anywhere. Even in the meeting of Inter-State Council, Home Minister said a lot in this regard but they acted against it. They even raised a controversy in this regard before the public. Certainly, the persons responsible for running the nation should be serious about their words and deeds.

I feel that the Communist party does not have any influence in Uttar Pradesh whatever influence they had, it had been undone by Mr. Mulayam Singh. Then what was the fear? in 1984, when BJP won only two Lok Sabha Seats everybody was happy. But when during the elections of 1989, 1991 and 1996, BJP bettered its position then it created fear in their mind about their future. BJP Government lasted for 13 days. Had we wished we could have a stable Government but our leaders did not believe in tactics. All sorts of offers were coming for giving the support but they had their own conditions. Everybody was feeling that if BJP comes to power many politicians will be behind the bars. Their names are appearing in the newspapers. There were certain things which are beyond your control and there are some constraints also. Sometimes one feels if it is not done then one can not set the things right. Now the case of Bihar is before us. Had there been our Government in Bihar then most of the colleagues sitting in front to me would have found themselves exposed. Who is behind the Ayurved scam in Uttar Pradesh? During his Chief Ministership Shri Kalyan Singh had suspended the person responsible for it. He was not reinstated even after being let off by the court of law. But it is unfortunate that the same fellow was reinstated by the Mulayam Singh Government. What was the reason behind it! The reason was clear. Vested interests were behind it. After detailed enquiry into this matter the culprit will be in the dock. It is a general feeling that the U.P. Government is concealing the facts. But the people of U.P. are vigilant and want to give a direction to their State. They know that no other party than BJP can give direction to the State. We have a clear majority in Uttar Pradesh. We have 173 MLAs. Samata Party was our allied party. Out total comes to 183. Had we resorted to horse trading we could easily be 220...*(Interruptions)* 200 MLAs supported us. The people do not like you. That is why you have kept them under strict vigil. I do not want to make a comment against you but I want to submit that you have kept them under strict vigil. Your leaders are begging for MLAs support but fairly speaking they do not want to remain with you. I know about a MLA from my district who wants to leave his party but he says that if he leaves his party he will be killed. This is very much true. What is happening in President's rule in the State, the interests of the State

are being overlooked. The people are being denied their rights.

Mr. Chairman, Sir, I do not want to go into the legal progress. All these things do not mean anything when such atmosphere prevails where only number matters. I was expecting something good in Shri Somnath's speech since I have heard his scholarly speeches number of times but today I feel that he has expressed only one side of things. He is constrained to do so because if BJP comes to power the heaven will fall.

Mr. Chairman, Sir, I would like to submit that in Kerala our people are being ill treated and are being killed. They have a fear in the mind that if BJP comes to power they will go into oblivion. Today, BJP is being liked by all and sundry. Some people are still unaware of the prevailing atmosphere in the country. It is the voter who is going to decide about their fate. There was a time when all parties were in opposition to Congress. Today the BJP is in the same situation and I am sure that in the coming days we are going to have things in our favour. You can go through the data, you will find that we are losing on every front. Why it is so? The only reason, being responsible for this is dishonesty, I was going through the newspaper where in it was mentioned that unfathomable amount has been deposited in Swiss Banks, who is responsible for it? This is our misfortune that the Socialists who used to talk about giving right direction to the nation, are unable to do so due to the fear of losing power.

AN HON. MEMBER : It is 99 per cent true.

SHRI SANTOSH KUMAR GANGWAR : I urge that you must consider it from this point of view. I would like to submit that there was some reluctance due to the note of Ministry of Law which came to my knowledge afterwards. Shri Soli Sorabji was consulted or there was some note of Ministry of Home. I would urge upon the Minister of Home to kindly give a clarification in this regard.

The people of this country very well understand your intentions that they are being duped. You have increased the duration of Presidents's rule in Uttar Pradesh by 6 months twice during last one year. The people are not going to forgive you. Even the Court has given its verdict. When this matter was sub-judice there was a photograph of the Governor in the newspapers which showed him playing golf. I do not think that it is going to make any difference for him. It is said that the Governor is above all sort of criticisms. Judges are making comments and we are being forbidden to do so. I do not want to quote legal points but Justice Gupta has said.

[English]

"The duty of the Governor is to remove, the deadlock and to resolve this impasse".

"He takes oath to preserve, protect and defend the Constitution. Democracy is one of the basic features of the Constitution and, therefore, formation of a democratic Government based on cabinet system is a constitutional imperative."

[Translation]

But he has acted otherwise.

[English]

"Raj Bhavan is not merely a place for inaugurations and for laying foundation stones. It represents culture of the State and aspirations of the people. Uttar Pradesh is not only the biggest State of the Union, but it is bigger than most countries of the world. The Governor of such a State has to be a Statesman also at least in traces.

[Translation]

Mr. Chairman, Sir, I would like to draw your attention towards his statement he says :

[English]

"He has to be a Statesman also at least in traces."

[Translation]

MR. CHAIRMAN : What are you reading?

SHRI SANTOSH KUMAR GANGWAR : I am reading out the judgement given by the High Court. When a Jurist comments like this then what does this imply, and then we are asked not to make a mention about it, here. The recommendations of Sarkaria Commission are being discussed here and I feel that it must be given a serious thought and a decision should be taken accordingly. What I feel is that being the largest single party the BJP should have been invited to form the Government and by not doing so you have acted against the wishes of the people of Uttar Pradesh. We ask you to invite us to form a Government if we are unable to do so then you can dissolve the Assembly and seek fresh elections. But you do not want to do it either. Today this issue is being discussed all over the state and I am deeply concerned because majority of the MLAs and MPs of U.P. belong the BJP and their fate is uncertain. They have not even taken oath yet. The MLAs are visiting Vidhan Sabha along with Marshal because in the event of dissolution of the Assembly they may not be able to see the House. I have read it is a newspaper that a Brahmin predicted about a MLA that he would not be able to enter the State Assembly. If he is able to do so then the Brahmin would get himself drowned. That

Brahmin died one year ago but it seems that the MLA also could not enter the State Assembly. I am saying all this because we need to give it a serious thought. All the public representatives in U.P. are deeply concerned. All developmental works are lying standstill in Uttar Pradesh.

The successive Governments after 1989 did not think in this direction. Today not a single power project has been started in UP due to which the State is lagging behind in every field. We should seriously think about taking effective measures in this regard. If a proper action is taken to punish the persons responsible for Guest House incident and Muzaffar Nagar incident then the people will come to know that there is law and order in the State. But the other parties think that if BJP does not come to power then they can rule as per their wishes. I would like to urge upon the members of this House to do justice with UP. The people of UP demand justice from you, now our number has gone upto 200. The MLAs have come with us and promised to support our Government as per their conscience. We will be able to have 225 MLAs. I would urge upon my colleagues in the House to act upon as per their conscience. You should not think on party lines. You should think that whosoever is elected would work for the welfare of the country...*(Interruptions)* I therefore urge the House not to support this motion at any cost because history will decide about our deeds and the decisions taken by us. People outside the House do criticize our decisions like the case in which we defended a judge. If you support this motion the people will not like it. We are of this mind that you should hold fresh elections. You are quarrelling with one another. This is high time we all sit together and discuss this issue and then take a decision. The largest single party in UP should be invited to form the Government. I think both the judges neither have commented against us nor have favoured anybody. Therefore we should jointly discuss this matter and the Governor should not act as a representative of any party. The person holding the Governor's should objectively take decisions. This is very unfortunate that members discussed about the conduct of the Governor in the House. Actually, we are of this opinion that his conduct should not be discussed in the House. If somebody works as an agent of a party then certainly his conduct will be criticized. With these words I oppose this motion and urge upon the members to listen to their conscience and support us. You will be praised for it. I specially request all MPs from UP to support.

SHRI RAMMURTI SINGH VERMA (Shahjahanpur) : Mr. Chairman, Sir, I am thankful to you for providing me an opportunity to speak on Article 356. The United Front has declared that it will prevent anti-casteism party BJP from coming to power, let's see how far they are able to do so. In order to protect secularism the Congress

Party prevented BJP from coming to power in the Centre. If United Front really wanted to protect secularism then it should have paved way for the formation of coalition Government of Congress and BSP alliance under the the Chief Ministership of Kumari Mayawati in UP. Today the BJP members are criticizing the Governor...*(Interruptions)* Please listen to me. Today the BJP people complain that the Governor did not invite them to form the Government. I would like to ask them when the people of UP have rejected them, and they do not have the majority then why the Governor should invite them to form a Government. Again and again it is said in the House that the Governor should be removed but I would like to submit that the Governor has done his duty. With these words I concludes.

SHRI JAI PRAKASH (Hissar) : Mr. Chairman, Sir, many many thanks to you. I rise to oppose the Resolution that has been brought forward here. Not only the people of Uttar Pradesh but the people of the entire country are looking at the handful of people's representatives who are playing with people's sentiments Shri Somnath Chatterjee called the BJP a communal party. I may remind these leaders that in 1977 and 1989 they formed the Government with the co-operation of the BJP. Was the Party not communal at that time? It is the misfortune of the country that such representative of people who formed an unholy coalition are hatching a conspiracy to prevent the Members who are in majority to form the Government. The people of the country will never forgive the people sitting on front benches.

Shri Sharad Yadav, a senior leader of the House is not present in the House at the moment. It has been an old habit with the Congress Party. I am reminded of the events when the Bharatiya Janata Party and the Lok Dal formed a coalition in Haryana. The coalition was in majority. The then Prime Minister, late Shrimati Indira Gandhi did not allow the formation of the Government with the remark that written consent of the BJP had not been taken and gave the chance to the Congress Party considering it to be the single largest party. Did the Congress Party forget its earlier stand? Then why the BJP which is the single largest party in UP, is being opposed to form the Government with the help of its partner, the Samata Party.

There was a reference to the dismissal of 9 Governments in the States. All the senior Members including the hon. Home Minister. Shri Somnath Chatterjee were involved in this game. At that time the hon. Prime Minister was perhaps doing politics in his state but he was also involved. My point is how they call the BJP a communal party. They should first make self retrospection and say whether they did not form Government's with BJP as a partner. Today they call it

a communal party because in UP majority of the population is with BJP. Though not in clear majority to form the Government it has emerged as the single largest party and as such its leader, Shri Kalyan Singh should be invited to form the Government in the State.

According to newspaper reports the whole country condemned the act of the Governor when at the instance of the Prime Minister and the Union Home Minister he set a wrong precedence by not allowing the single largest party to form the Government in the State. Then which party will form the Government? Today the CPI and CPM are taking the pretext of morality. They should resign from the House and go to the people and tell them that since no party is in majority they would not extend their support to the Janata Dal. The parties can test their strength when fresh elections are held in the country. Delivering lectures in the House will not serve any purpose. I on behalf of my party oppose the move to prevent a party to form the Government by calling it communal. There are some people who demand abrogation of Article 356 of the Constitution and abolition of the post of Governor. At the time of appointment of the present Governor or UP six months ago a delegation under the leadership of the Deputy Leader of BJP in the House met the President of India and tried to impress upon him that a person who had already been removed from Governorship for some reasons is being appointed as the Governor of the largest State in the country. Since that day a deceitful act has been committed on the innocent people of the State so that the BJP does not come to power and form the Government.

Mr. Chairman, Sir, on the one hand the hon. Minister of Home Affairs says that Article 356 should not be there but everybody knows what happened in Gujarat on the basis of this Article. An elected Government of the BJP was dislodged by resorting to horse trading and another Government with Shri Baghela's support was installed. This Government did this condemnable act.

Mr. Chairman, Sir, these people are supporting enforcement of Article of 356 with the help of voluminous law books and the constitution. They are supporting extension of President's Rule. It is a treason with the country, particularly with the people of Uttar Pradesh. If the leader of the single largest party is not invited to form the Government, it will be very unfortunate for the country.

Mr. Chairman, Sir, it has been the well established tradition of the country which has gradually taken the shape of law that if no party gets clear majority, the party with maximum member of MLA's is invited by the Governor to form the Government. In the present case the Governor did not follow this tradition. If the MLA's can participate in the election of Members of Rajya

Sabha, they should be allowed to apply their conscience to cast their vote so that it could be ascertained how many MLA's are with them. The country will also come to know as to what type of people were given tickets by them.

Mr. Chairman, Sir, it is only yesterday that I read from newspapers that elected representatives in UP are being treated as bonded labourers and put under captivity. They have no freedom to move. This inhumanly treatment is being shown by this Government to democracy in the State of Uttar Pradesh. The leader has no confidence with the elected representatives. If the leader has no confidence with its own representatives, it has no right to form the Government in the State.

Mr. Chairman, Sir, the people of the country are concerned about the state of affairs in UP. People are concerned about the coalition Ministry in the Centre and are apprehensive about the direction to which this country is being led by this Government. Will the constitution of the country be honoured? Will the Fundamental Rights of the citizens be protected if this Government continues in power? Will the Government allow sustenance of the well established conventions of the country. The present United Front Government at the Centre did not allow the BJP form Government in UP. If President's Rule is extended in the State it will be a great injustice to the people of the State. The people of the country will view their performance and they will repent for this.

Mr. Chairman, Sir, if the Government has morality, this minority Government with 40 Members in its strength and commanding authority over 545 Members should resign and arrange fresh elections in UP so that people's choice can be ascertained. I, therefore, request the hon. Home Minister not to take the pretext of Article 356. A time will come when he will plead with Members sitting on my left to do away with Article 356, but it will be too late by that time. The Government should ask the State Governor to invite the single largest party to form the Government, otherwise it should dissolve both the Assembly and the Parliament so that people could decide their fate. I, therefore, oppose Article 356 and request you to save the country and the people of UP. Otherwise, the situation in UP will deteriorate further from the present state of deterioration.

Mr. Speaker, Sir, criminalisation is on the rise in UP. There is no fertiliser, no seeds in UP. Modesty of women and respect of people cannot be protected. The people, the employees and the traders are in distress. These people are enjoying here. These people come well dressed, but the entire country is dejected with them. Mr. Chairman, Sir, with these words I conclude and thank you for giving me an opportunity to speak.

SHRIMATI GEETA MUKHERJEE (Panskura) : Thank you, Sir, for allowing me to speak. Now, about Article 356, what is our attitude? We want that this provision should be suitably amended to prevent its misuse because we also had bitter experience in the past when Article 356 was used to break our Government in West Bengal. But BJP may ask, 'how is that now you are not doing away with Article 356 altogether?' How is it that in UP you are wanting an extension of Governor's rule under Article 356? Maybe, for the time being, we are wanting an extension under Article 356.

As I have said, we have another experience which no secular person in India can forget. I remember standing in this House we had time and again requested the then Prime Minister Shri Narasimha Raoji to apply Article 356 to prevent the demolition of Babri Masjid. But that was unfortunately not listened to. Was it no necessary, looking back? India's entire good name was actually demolished along with the demolition of Babri Masjid which these VHP and BJP friends did. Despite the fact that they gave solemn assurance to the then Government that they would not demolish the Babri Masjid, they did demolish it. That was our experience.

Therefore, now we feel, though we are not very happy with it, Governor's rule under Article 356 has to be extended. Certain times come when one has to for the time being choose between the devil and the deep sea.

Now what is the situation? BJP saying that they are the biggest party in UP Assembly after the elections. Yes, undoubtedly they are the biggest party in Assembly. But it is also true that taking the voters as a whole, UP did not give a majority to BJP. If they have to form a Government, they have to get some more. Wherefrom some more MLAs come? Everybody knows that horse-trading is the only way.

[Translation]

SHRI S.P. JAISWAL (Varanasi) : They would form a stable Government.

SHRIMATI GEETA MUKHERJEE : Stable Government is good but we should also think about the horse trading.

[English]

In today's political scenario the biggest obnoxious factors are criminalisation of politics, then corruption, then total loss of sense of value. These are the three most obnoxious phenomena which are vitiating our democracy. If we really want to speak in the name of democracy, if we want really proper democracy to have its own shape, then these three things must be fought against. This is clear.

In a country like ours at least our feeling is that no fundamentalism can be allowed to grow. This is a

country where unity in diversity had been the old history. However one may try now to distort that, that is a fact of life. Therefore at the moment it has become necessary to keep the Assembly in animated suspension. I think there is no other alternative.

With what hope we are doing it is that there will be combinations. It will be the best if secular parties rising above narrow partisan considerations can unite and form a secular coalition.

I hope that such a situation would arise. From experience, we learn many things. This also, we might learn through experience. Should that opportunity not be given to them? Or, should we straightaway start a process where there would be horse-trading? Or, should we dissolve the Assembly immediately? Would the people of Uttar Pradesh like to have another election immediately? Could we afford that? Everybody, in their heart of hearts would say, 'No, we cannot afford that'. Then, what is the alternative?

Just at the moment, I feel that this is the alternative. At the moment, we should give some time for the secular parties to try for a combination and if the BJP would have a majority, let them prove it. They have not been able to prove it. There is another aspect of the matter. Of course, there is a BJP Government in Rajasthan. It is not that it is not there. Nobody is breaking that by applying article 356. We are not making such a nonsensical attempt. It cannot be said that it is a general phenomenon. It is a very different phenomenon, which has happened in UP and in that context we have to see the situation. In that context, we support the stand that the Assembly be kept in suspended animation for some time with the hope that a Government of secular parties is formed in Uttar Pradesh. This is what, we hope, our people would also like. With that idea, I support the Resolution.

SHRI G.M. BANATWALLA (Ponnani) : Mr. Chairman, Sir, let me at the very outset make it very clear that imposition of President's rule on any State is an unfortunate event. No one is happy when President's Rule has to be imposed on any State whatsoever. The imposition of President's rule on a State represents the last resort under the Constitution. It represents the unfortunate but dark realities of the situation.

Howsoever one may wish that article 356 is erased from the Constitution, still the fact remains that there is no escape from this article under extraordinary situations. I would even state this in most categorical terms that even a benevolent Central rule is no substitute for an elected popular Government. There should be no doubt about that.

Now, as far as I am concerned, I am happy that the BJP is not in power in UP. I am happy. It is a party that does not believe in the Constitution of India. It does not

believe in the rule of law. It is a party that is responsible for an open and blatant defiance of the rule of law and our Judiciary, including even the apex, the Supreme Court - we know the unfortunate *shahadat* of the Babri Masjid. As such a party that does not believe in the Constitution, upholds the dogma of a Hindu *rashtra*, which concept is an unconstitutional concept, I really believe, that such a party does not have any right to exist in the political framework, in the electoral framework of our polity.

But then, Sir, that apart, we must make a critical and dispassionate study of the Constitution in order to

see whether the action of the Governor there can be upheld under the Constitution of our country.

MR. CHAIRMAN : Shri Banatwalla, you can continue your speech tomorrow. Now the House Stands adjourned to meet again on December 4, 1996 at 11.00 A.M.

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, December 4, 1996/Agrahayana 13, 1918 (Saka).
