

**RE.: REVOKING OF PROCLAMATION  
ISSUED BY PRESIDENT IMPOSING  
PRESIDENT'S RULE IN NAGALAND**

[Translation]

SHRI GEORGE FERNANDES (Muzafarpur): Mr. Speaker, Sir, I have given a notice under Rule 184. This notice is in the context of the discussion held here on 3rd April regarding Nagaland. My notice states.

[English]

"This House recommend that the proclamation by the President under Article 356(1) of the Constitution in respect of State of Nagaland dated April 2, 1992 laid on the Table of the House on April 3, 1992 may be revoked in terms of Article 356(2) of the Constitution "

[Translation]

Mr. Speaker, Sir, now what I want to request is that we want to say only this in this resolution that this House recommends. I know that when the proclamation under Article 356 comes in the House, the Government moves a resolution here for its approval. I also know that it has been the tradition of this House till today that the Government does not accept any resolution opposing Government resolution if it does not come under rules but we are not bringing any such resolution because till now, no resolution has been moved by the Government.

MR. SPEAKER: It has come to me just now.

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, it might have come to you but by the time it has reached you, a particular situation has developed and keeping that in

view the presentation of a recommendation before the President..... We are not on the resolution. But that proclamation is before us which has already been presented in the House and in response to that, if the House expresses its opinion collectively instead of expressing it individually, then there is no violation of any rule or any Article of the Constitution which I want to submit humbly. Mr. Speaker, Sir, as I have said that on that day the discussion took place in a particular situation in the House and facts had also been placed here. It was also stated here that there was no other alternative before the Government keeping in view the letter or the report sent by the Governor to the President. Even the Minister of State for Home Affairs also said here that if this was not done, an allegation would have been made against him to the effect that when there had been Constitutional break down in the State, why the President's rule was not imposed there.

Mr. Speaker, Sir, I am sorry to say that the Governor's Report has not yet been laid on the Table of the House. It was stated by the Parliamentary Affairs Minister that day that the Government was ready to lay it. May be, they are waiting for your permission I don't know why they need your permission? The report was not only referred, but was also quoted in the House that day I would like to draw your attention to the hon. Minister's statement in the proceedings of that day, which are 'uncorrected not for publication', Shri M.M. Jacob states on page no 16791:

[English]

In the Governor's Report, the first opening thing he says is: "I am compelled to dissolve the State Legislature because there is no stability among the Members".

[Translation]

Mr. Speaker, Sir, please remember this sentence -

[English]

"There is not stability among the Members"

[Translation]

On the same page, again the quotes from the Governor's Report —

[English]

Again he says: — he means the Governor — "The purposeful administration cannot be carried out by the Ministers and MLAs who are pressing for....."

[Translation]

The issue ended there because the Leader of the Opposition, Shri Advani raised a point of order. But on two occasions, the Home Minister quoted the report of the Governor in this House. But an impression was given that there was complete Constitutional break down in Nagaland and nothing can be done there now while he himself quoted the first sentences of the Governor's Report and I read out this proceeding here —

[English]

"There is no stability among the Members."

[Translation]

Mr. Speaker, Sir, I don't know under which Article of the Constitution, the hon. Home Minister has arrived at this conclusion that there is no stability among the Members of the State Assembly when the Constitutional machinery has failed in the State.

SHRI INDRAJIT GUPTA (Midnapore): Is there stability here?

SHR GEORGE FERNANDES: You can see in the neighbouring States. The case of Parliament is different. The hon. Minister of Home Affairs is sitting here. The situation in North-Eastern States is also unstable. I have been told that in Meghalaya the Speaker has taken such powers in his hands which have led to uproar in the entire House and the issue went even to the Supreme Court. But the Speaker refused to comply with the decision of the Supreme Court. Such things were said and in the end, 5 Opposition Members were forced to defect and the Congress Government was installed. Same is the situation in Manipur also. Is there any stability? What are you waiting for? Sometime you consult the Governor and sometime you send other people there and have resorted to all type of activities there. Mr. Speaker, Sir, I would like to submit two or three things about the circumstances about which we have referred to on that day.

I am advancing this argument to substantiate why my motion under Rule 184 should be accepted. This is a special situation. I will not take much time.

[English]

SHRIPAWAN KUMAR BANSAL (Chandigarh): Mr. Speaker, Sir, my submission is that under the garb of making a point, he is speaking on the merits of the case.

MR. SPEAKER: I agree with you.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, this matter was raised here again and again that day and it was said that the Constitutional machinery has failed there. I want to read out two documents in connection with the statement made here by the hon. Home Minister on that day and if you allow me, I would like to lay them on the Table after authenticating them. Mr. Speaker,

Sir, these documents are the letters of the Chief Minister. I would like to read out the letter sent by the Chief Minister to the Governor.

MR. SPEAKER: Mr. George, please be brief. They have given notice.

[English]

I have to fix the time. The moment I fix the time, you will discuss all these things in detail.

SHRI LAL K. ADVANI (Gandhi Nagar): Has the Government given the notice?

MR. SPEAKER: It has given the notice. I have received the notice. In fact, they were trying to understand whether it is going to be fixed today itself. But I said no and that it cannot be taken up today because we have some other matters to be taken up. And that is the position.

[Translation]

SHRI GEORGE FERNANDES: If you fix it today.....

MR. SPEAKER: Not today.

SHRI GEORGE FERNANDES: I don't want to take much time of the House.....

SHRI LAL K. ADVANI: I had also given a notice but as we have not yet received the Government's notice, I would like to submit that there is already a ruling in connection with such occasion, whose logic I could not follow.

[English]

And it was appropriate occasion for the Speaker to review and revise that ruling.

MR. SPEAKER: I am ready to hear on that ruling.

SHRI LAL K. ADVANI: I feel that it is the right of the Parliament and also the right of a Member of Parliament to invoke Article 356(2), when it does not agree with the Government's rationale. And the Government has invoked Article 356 on the ground that there has been a constitutional breakdown in Nagaland. Our contention is that there has been none and therefore, we would like to invoke Article 356(2). And I have no other way of invoking it except to give a motion recommending to the President for revocation of President's rule.

SHRI PAWAN KUMAR BANSAL: Sir, my submission is.....

MR. SPEAKER: I am allowing you also.

SHRI LAL K. ADVANI: I went through the earlier proceedings and the ruling also. I found that the motion of this kind has not been admitted. One Speaker earlier has said that the only motion that can be is a Resolution for approval of the government's motion. This seems to be illogical and irrational. Therefore I have given a notice. I would appeal to you to review the whole matter and give a ruling even on our motion also.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I will conclude with a single sentence.

[English]

MR. SPEAKER: I am really very happy that this matter has been taken up on the floor of the House. We generally do not discuss the notices. But this happens to be something which relates to article 356. So I am allowing the Members to enlighten me on

the constitutional and legal aspects of the article and the procedure to be followed.

[*Translation*]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I will conclude with one sentence. As you have said that you have received the notice, I would like to submit that this matter has come under Article 356(2) for revocation, but the way Article 356 has been used here, it not based on facts. That is why, I was reading this before you. I am not going to read full text but will read only one sentence.

[*English*]

"I have received your letter dated March 20, 1992 advising me to dissolve the Nagaland Legislative Assembly. I have accepted your advice since you have proved your majority in the Assembly yesterday. Accordingly I am dissolving the Assembly with immediate effect. You are requested to continue as care-taker Government until further orders."

[*Translation*]

This is the letter of the Governor. When majority was established and a decision was taken to form a care-taker Government and a step which should have been taken to start the electoral process, but under Rule 174 the President superseded the decision of the Governor by giving another decision on the same issue. The Centre is interfering in the rights of the Governor and the State guaranteed under the Constitution. Mr. Speaker, Sir, the most important thing here is that this issue can be taken to the court today. The Constitution of our country accepts the judicial review. When there can be a judicial review in the matter and if there is no review of that in the House and a different opinion is not expressed here and sent to the President, then it will defeat the very purpose of

the constitution. Therefore, I feel that there should be no objection in accepting my motion under Rule 184 and having a discussion on it in the House.

[*English*]

SHRI LAL K. ADVANI: My contention is very simple which I have already made. There is a case where the Government has not made out any case of constitutional break down in Nagaland. From what they told us the other day when Shri Jacob spoke on behalf of the Government -- and I have gone through the statement again -- I could see nothing which in any way conforms to what has been described as constitutional break down. I do not want to go into the entire thing.

I found that the Sarkaria Commission has undertaken an exercise as to what can be situations which can be described as constitutional break down. It enumerates five. It says that there can be a situation where after the general election no party is in a position to form a Government or no combination of parties is in a position to form a Government. Secondly when a Ministry resigns or is dismissed or lost majority support in the Assembly and no alternative Government commanding the confidence can be formed. Thirdly the party having a majority in the Assembly refuses to form a Government and the Governor has tried all alternatives; he has failed. Fourthly there is an internal subversion of the Constitution which can be described as a constitutional break down. Lastly there is non-compliance of constitutional directions have been enumerated. I am not quoting the whole thing. These are the five broad situations which can be described as constitutional break down. He regrets that in the last 45 years, Article 356 has been invoked as many as more than 75 times.

SHRI GEORGE FERNANDES: 88 times.

SHRI LAL K ADVANI: 88 times by now. That was what the Sarkaria Commission has written.

It goes on to recommend as its very first recommendation relating to Centre-State relations, that if you want to maintain Centre-State relations on an even keel, then Article 356 should be used very sparingly and in extreme cases, as a measure of last recourse when all available alternatives fail to prevent or rectify break down of constitutional machinery in the State. Even if there is a constitutional break down, even then, you have not to take recourse to it. As a measure of last recourse, you can warn the Government, tell the Government to take corrective steps and only if the Government defies all that you want to say, then alone you can invoke Article 356.

But, here we see that there is no constitutional break down of any kind. The Governor has taken the only constitutional step that was open to him by—a Government commending a majority—recommending dissolution and recommending going to the people. That was sought to be aborted only for one reason that they do not want the Interim Government to continue as a caretaker Government. They want to hold elections at a time of their own choosing. I cannot imagine a more perverse and spurious reason for imposing President, invoking Article 356.

Therefore, as a Member of this House, I would like to invoke Article 356(2). It first gives the authority to the Government. When the President is satisfied that there has been a break down of constitutional machinery, the authority has been given to the Government to impose the President's rule. But, Article 356(2) says:

"Any such Proclamation may be revoked or varied by a subsequent proclamation."

I admit that this revocation or variation can be done by the Executive. But, I do not see who Parliament can be prevented from recommending to the Executive, recommending to the President that this should be revoked. Since this is mentioned here, I regard a motion relating to this as a Statutory motion in the same way as a motion moved by the Home Minister for approval of the President's Rule is a Statutory motion which has to be admitted.

It is therefore my plea that apart from Rule 184 under which my colleague Shri George Fernandes has given notice, I have not invoked Rule 184, though if there is no Rule which is applicable to it, it would naturally come under Rule 184. But, I have specifically omitted to refer to Rule 184 because in my view, if you in your good sense and good understanding, review the earlier ruling and admit my motion, it becomes a Statutory motion. It will be a Statutory motion moved by a Member of this House, invoking the authority of Parliament to advise the Government, to advise the President to revoke the earlier Proclamation. This is my humble submission.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, my notice is both for a Statutory Motion and a motion under Rule 184.

[English]

MR. SPEAKER: I will allow Rabi Ray Ji also.

SHRI PAWAN KUMAR BANSAL (Chandigarh): Sir, Shri Advani and Shri George Fernandes have referred to Article 356(2) and Shri Advani even read that out. For the benefit of the hon. Members, I will again read that one sentence. Article 356 Clause 2 says:

"Any such Proclamation may be revoked or varied by a subsequent Proclamation."

As much as we may wish otherwise the position as it remains is that Clause 2 of Article 356 is not available to the Parliament but to the President. It is Clause 3 and the subsequent Clauses which are available to the Parliament of either approve or not to approve the Resolution or to not extend it beyond six months. The words are very clear and completely unambiguous, that if the President issues a Proclamation under Article 356(1), then it is for the President alone to revoke or vary that, since there are many functions which he may say that he assumes to himself certain powers, etc. So, he may like to vary or revoke that notification and the matter ends there.

Sir, my submission is that once a Proclamation under Article 356 is issued, its minimum term, its minimum life is two months. The Government may choose not to come before the Parliament, even if the Parliament is in Session. As a Member of Parliament, I would wish more power for the Parliament. But this is the constitutional provision. If the Government chooses not to come before the Parliament within a period of two months, Government is very well within its right. It is only when the resolution approving the proclamation which comes before the Parliament that any Member has a right to move a motion, I would submit that as such it is not available. But going to the extreme, if any right whatever is available to a Member, it is only to move a motion as has been moved under 184 of the Rules of procedure. But till the time the resolution of the Government comes before the House, my humble submission is we do not have the authority to go into it. Two months is the life granted by the Constitution to any proclamation issued by the President. It can not be extended by us.

I need not read the subsequent clauses.

All that I want to submit is that I personally would not like to go into the merits of the case at all as has been done by the hon. Member speaking before me. But I would like to give the instances in the past where the Governor invoking his powers under article 174(2) (b) dissolved the Assembly.

MR. SPEAKER: There is one point which was raised by Mr. Advani. That point is, if it can be revoked by the executive, can the parliament not be allowed to recommend?

SHRI PAWAN KUMAR BANSAL: My submission is, with utmost respect, no, Sir

MR. SPEAKER: Why?

SHRI PAWAN KUMAR BANSAL: When the parliament is acting under clause 356(3) – and that may be today – we need not wait for two months. If the resolution of the Government comes to the House today, the parliament can vote that out which would mean the revocation. Let me, for that matter, read the provisions of article 356(3):

"Every Proclamation under this article shall be laid before each House of Parliament....."

MR. SPEAKER: On that point, there is no dispute at all. Within two months, it has to come to the House. If it doesn't then it lapses. But if the executive can do it, why not the parliament?

SHRI PAWAN KUMAR BANSAL: The parliament, the executive, we are the creatures of the Constitution.

MR. SPEAKER: Yes.

SHRI PAWAN KUMAR BANSAL: The Constitution does not provide it to the parliament to revoke the proclamation before it comes to the House.

MR. SPEAKER: Right.

SHRI PAWAN KUMAR BANSAL: If it does not come to the House for a period of two months, the Constitution says, there will be automatic revocation. That is what my humble submission is.

In this context, I want to submit that there have been instances where the Governor invoking his powers under article 174(2) (b) dissolved the Assembly. Thereafter the President promulgated the President's rule by issuing a notification under article 356. This happened in Kerala in 1970. This happened in Punjab in 1971. This happened in West Bengal in 1971. This again happened in Kerala in 1979. (*Interruptions*) Kindly see which Government was in power in 1979. It is not really the matter of Congress or any other party. I scrupulously wanted to avoid it. But since you referred to it, the last instance pertains to the Government which was not run by the Congress.

My submission in this regard is we have got to take into account the fact that the hon. Governor of Nagaland invoked the powers under article 174(2) (b). He then sent a recommendation to the President whereon the President had issued the proclamation.

In this regard, very briefly I would like to say that referring to the five conditions, which Mr. Advani referred to, it is an admitted fact that after the caretaker Government was formed, seven Ministers were dismissed. What is the functioning of a caretaker Government? I do not want to refer as to what happened. The Government of the day lost majority. It was to circumvent the provisions of the Constitution that recommendation was made by the then Chief Minister there to dissolve the Assembly.

MR. SPEAKER: Let us not prolong it.

SHRI PAWAN KUMAR BANSAL: I

would only finally say that even if we were to move a resolution today, that would not lie, a motion would not lie, a resolution in any case cannot lie.

MR. SPEAKER: If you prolong your speech, you know, I will see so many hands cropping up. Let it be short please.

[*Translation*]

SHRI RABI RAY (*Kendrapad*): Mr. Speaker, Sir, we are making this appeal to you because ultimately you have to take the decision. Before speaking on the provisions in the Constitution, I would like to mention a historical fact concerning the North-Eastern States. I will conclude in a short time. With deep regret, I have to say that even after the Constitution came into force, the North Eastern States were placed under the jurisdiction of the Ministry of External Affairs. It was only when the people of the area sought the integration of those States with the rest of the country, that they were brought under the jurisdiction of the Ministry of Home Affairs. This area lies far away from Delhi. This Government is systematically working to alienate that area from the rest of the country. I am levelling this charge because an unprecedented political situation has cropped up there due to Government's actions which are going on there in a planned manner. The issuance of the proclamation is unconstitutional and against all norms of law. Usually, whenever such proclamations are issued, the Governor's report is also attached along with it but some highly illegal action has been taken. There is no mention of the Governor's Report in it. Earlier, whenever President's Rule was imposed, whether in Karnataka or elsewhere, the Governor's report used to be attached. I did listen to the points raised by Shri Advani and Shri George Fernandes. So far such powers were vested only with the Executive and whatever power the Governor exercises, he does so within the framework of the Constitution. The Union Govern-

ment has acted to take revenge and teach a lesson against the Constitutional provisions. This gives you added responsibility. We are private members. We feel that we have got a right under Article 356 clause 2, whose protection falls under the jurisdiction of the Government.

MR. SPEAKER: Please help me find out that part of the Constitution which says that this can be done by the parliament?

[English]

Which part of the Constitution says that this can be done by the parliament?

[Translation]

SHRI RABI RAY: I know that it is not specifically mentioned there but I am seeking your help. It can be done under the provisions of the clause 2 of Article 356. We are making a submission to you in this regard because you have certain discretionary powers. You are requested to intervene in this matter to save the country and to maintain cordial centre-state relations. We have got a federal structure in this country. It is my charge on the Government that it is running the country on the lines of unitary form of Government. You are requested to take some action to maintain the federal structure of the country and save it from disintegration. The people of the North-East are looking towards you with great expectations and they are hopeful that you will take some decision in this regard. Keeping in mind the facts placed before you by Shri Advani and Shri George Fernandes, you should give a strong ruling which will supersede the statutory resolution moved by the Government under Rule 184. (Interruptions)

[English]

THE MINISTER OF STATE IN THE  
MINISTRY OF PARLIAMENTARY AFFAIRS

AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Mr. Speaker, Sir, firstly, I think it would be necessary to draw the attention of the hon. Members, through you, to the fact that Article 356 is not a normal article in the sense that it is a provision contained firstly in the chapter dealing with emergency provisions; it conceives of an unusual situation, where the President is satisfied that there has arisen a situation where the Government of a State cannot be carried on in accordance with the provisions of the Constitution. Here the emphasis is on the point that there is a breakdown of the constitutional machinery. It is not a situation where the normal functioning of the Government is being conceived of. As I would understand from Shri Advani's point, he has said that Parliament should have the authority to advise on revocation or recommend revocation. The situation is not such. Here, article 356 is an authority, which in emergency situations, is provided to the President of the Republic, in the interest of the unity and integrity of the nation and considering circumstances, to impose President's rule, whereby they would try and bring the State back to a situation where it can be carried on within the provisions of the Constitution. If this were not so special, there would not be a situation as provided for in Article 356. If one may see 356(3) and 356(4), it will be very clear that a two-month period has been given under 356(3) to the Government for the proclamation itself to be approved by Parliament. There is no question of coming immediately to parliament, though we have. But this period is given because in the schem of things, the framers of the Constitution felt that a minimum period must be there to ensue that if there is really a breakdown of the constitutional machinery, Government has a minimum period of time to assess the situation and set right what is there or not there. From the proviso to Clause (3) of Article 356, one would see that even where it has been



passed by the Council of States, there is one month period given again for approving the resolution by the House of the People. Clause (4) of Article 356 clearly says:

"A proclamation so approved shall, unless revoked, cease to operate on the expiration of a period of six months from the date of issue of the proclamation."

Earlier issues have been considered by Speakes and I think they all have referred to the rulings in various instances, in cases where revocation has been sought before approval and in cases where revocation has been sought after approval. And it is categorically laid down that insofar as Article 356 goes, the question of Parliament entering in is very limited. It is only limited to giving approval, or by not voting, indicating its disapproval. Even if you indicate your disapproval, it lapses after two months. So, it may kindly be noted that it lapses after two months.

The question that is important is: 'Does Parliament have the authority to recommend to the President to revoke exercising of powers under Article 356(2)?' One may see that 356(1) itself is an exercise under circumstances, first either on the report from the Governor of the State, or otherwise, which has been interpreted by many judgments of the Supreme Court and as has been discussed upon on the floor of the House, where categorically, there is a background available. He does not exercise that power in total vacuum. They have preconceived the situation on the basis of which the President will exercise this power and that is exactly where I say that even Article 356(2) revocation will have to be read with Article 356(1) whether the President will either on a report of the Governor of a State or otherwise be satisfied that it can be run in accordance with the Constitution before he revokes it. So, there is a situation precedent even for the President to exercise his power under Article 356(2). It is not that he does it on a sweet will

and pleasure and that cannot be determined by a resolution of this House. This is my submission.

I think now that the hon. Home Minister has already come with a resolution to be taken up, the Government is ready, I do not want to go into the details whether the pre-conditions were met or not. I am sure the Home Minister will take care of the matter.

MR. SPEAKER: To decide this issue, I am relying upon the Constitutional provisions, rulings and the rule in the Rules Book. I would like to read the relevant Constitutional provision. It says:

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

This is Article 356(2) in this Article 'subsequent proclamation', these are the two words which have to be taken into account. Bansal ji has rightly emphasised the words 'subsequent proclamation.' Article 123 is also relevant. Article 123 (2) (a) reads:

"Shall be laid before both Houses of Parliament and shall cease to operate at the expiration of 6 weeks from the reassembly of Parliament or if before the expiration of that period resolution disapproving it are passed by both the Houses upon the passing of the 2nd October resolution."

When an ordinance is issued it has to be approved by the Parliament and if it is not approved by the Parliament the ordinance becomes inoperative. But along with this provision it is provided that the House can pass a resolution disapproving the ordinance. This kind of provision is not available in Article 356(2). This difference between the two Articles has to be borne in mind.

There are many rulings given on this

point but I will just read out three rulings. When the resolution for approval of proclamation in relation to the State of Kerala was being discussed, Speaker, Sardar Hukum Singh ruled as under Clause 3 of the Article 356 which says:

"Every proclamation under this Article shall be laid before each House of Parliament and shall, except where it is a proclamation revoking previous proclamation, cease to operate at the expiration of 2 months, it will cease automatically after 2 months, unless before the expiration of the period it has been approved by the resolution of both the Houses of Parliament"

So, the statutory requirement is that the Government must place it before the House and unless it is approved by both the Houses it shall automatically stand revoked or lapsed after two months. This is the form in which the Government has to seek the approval of the House. If the House is not going to give that approval, it would automatically go. But there cannot be any substitute motions on any such statutory resolution which is enjoined by the Constitution itself to be brought in that particular form.

"No other form would be sufficient to give it extension." So, no question of any other form arises. "Either the House approves it or it goes out automatically. It cannot be modified or amended."

During 1977, the Proclamation under Article 356 were issued in respect of nine States. Notices of Resolutions seeking disapproval of Proclamations were disallowed.

In February, 1978, Notice of Motion under Rule 184 for taking into consideration President's Rule imposed in Karnataka was disallowed by the Speaker. Who recorded as under? This was Mr. Hegde, who decided. "There are other opportunities to dis-

cuss the question. Hence consent asked is refused as any discussion of the subject may impinge on rule 186".

During Second Session of the Seventh Lok Sabha, Notices of Resolutions, Motions under Rule 184 and Short-Duration Discussion, Discussions under Rule 193 seeking disapproval of Proclamation or revocation of Proclamations under Article 356 issued by the President in respect of nine States on 17th February, 1980 were disallowed.

So, these are rulings and there are many other rulings and it is not necessary to quote all those rulings.

The fact is that the Government has given the Notice. In fact, in the morning itself, the Parliamentary Affairs Minister wanted to know whether the matter would be fixed for discussion today itself. I told him that because we are discussing the Demands of the Ministry of Human Resource, to disturb it and fix it would be a little difficult. So, the matter is likely to be discussed within a near future and the rule of anticipation would also apply.

Rule 186 says that: "The matter should not be anticipated." If it is likely to be discussed on the floor of the House in near future — "likely to be discussed" — then also it should not be fixed.

So, the Constitutional provisions, the provision in Rules 184 and 186 and the rulings given by the previous Speakers make it very difficult to admit it.

The question remains whether the Presiding Officer should use this inherent jurisdiction and allow this kind of discussion.

Mr. Kumaramangalam was very careful in saying that emergency provisions are not ordinary provisions. They have to be applied in extraordinary situations. If the Chief Min-

ister, the Governor, the Executive at the national level and the Respected President, had applied their mind and something has been done and in view of the fact that the Presiding Officer is not in know of all these facts, to use the inherent jurisdiction in such matters would be really very very dangerous. So, I hesitate to use the inherent jurisdiction which is available to the Presiding Officer in matters like this. I think, in such matters, the inherent jurisdiction, should not be used by the Presiding Officer without having all the facts made available to him and without going into all the details. The latter part of my statement, I am making, in order not to rule out completely the use of inherent jurisdiction. But very very sparingly, the inherent jurisdiction should be used even in ordinary cases in the House. If the matter relates to emergency provisions, the inherent jurisdiction should be very very sparingly used. So, I am very sorry that in spite of the fact that I was enlightened by the hon. Members very ably on this point, I am not in a position to admit this Notice.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, you said that this will be taken up for discussion in the near future. I submit to you to do so immediately.

MR. SPEAKER: We will do it as early as possible. At the moment discussion on the Budget etc. is going on.

SHRI GEORGE FERNANDES: The discussions on the Budget will go on throughout the month.

MR. SPEAKER: We shall have it at the earliest.

[English]

We will try to adjust. I will call a meeting of the Business Advisory Committee.

[Translation]

SHRI SHARAD YADAV (Madhopura): Mr. Speaker, Sir, tomorrow a Parliamentary delegation and a N.I.C. delegation would be go in to Ayodhya. Many members of this delegation have give many suggestions to the hon. Minister of Home Affairs. These Members do not have with them the site plan, the drawing of the disputed site about which a case is pending in a court and also information pertaining to the structures that have been removed from there. To date information on these points has not been made available to the hon. Members. (Interruptions)

SHRI BHUWAN CHANDRAKHANDURI (Garnwal): This means that you have been raising a hue and cry over this issue without being aware of the requisite information.

SHRI SHARAD YADAV. What I mean to say is that many hon. Members are not aware of the background of the situation. I have raised this question here because the members who will be visiting Ayodhya do not have the drawing of the site plan with them. We do not have the drawing of the disputed area with us. In order to get the facts and collect the correct information from there, it is very essential to have all this information. Many of the Members of the delegation have never visited Ayodhya. Some Members, who belong to that State, are aware of the facts but most of the members do not have the relevant information in their possession. It would be difficult for the Members who have never visited the State to find out the facts, in the absence of such basic information. It is a very sensitive issue and many contradictory statements are being made from time to time. While the Vishwa Hindu Parishad issues one statement, the State Chief Minister comes out with another. In the light of such contradictory situations, I request the hon. Minister of Home Affairs, through you, to make available to the Members of the dele-