

(Sri Indrajit Gupta)

issued 32 Ordinances. Thirty-two Ordinances have been promulgated during the life of this Government and what is more harmful is the fact that either they do this just on the eve of a Parliamentary Session, a few days before the Session is due to meet, or they do it immediately after the Session concludes, as though during the whole Session they never had the time or the opportunity or the consciousness to bring forward these subject matters in the form of Bills if they were really so urgent. So, I protest strongly against this habit of resorting frequently to Ordinances which show that they are not really serious about consulting Parliament on these matters and they only want to present them with accomplished facts. *fait accompli*.

Now, Sir, in this particular Bill, I think some confusion has been worse confounded. What this Bill does is to add the category of missiles to the other weapons like rockets, bombs, grenades and so on.

15.00 hrs.

The word "missiles" has been added because they say, they have found that in Punjab. The terrorists have taken to using some type. I do not know whether they are missiles or grenades or grenade launchers or whatever they may be. Also different names have appeared in the Press reports. So, that has been included.

Secondly, two or three different categories of punishments, penalties have been prescribed for people using "prohibited arms" or "prohibited ammunition". The distinction between those who use such arms with the intention of killing somebody...

MR. CHAIRMAN : Shri Indrajit Gupta, you may continue next time.

15.01 hrs.

STATUTORY RESOLUTION RE: APPROVAL OF THE PROCLAMATION IN RELATION TO THE STATE OF NAGALAND

[English]

MR. CHAIRMAN : Now, statutory resolution,

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV) : Mr. Chairman, Sir, I beg to move :—

SHRI SOMNATH CHATTERJEE (Bolpur) : Have you taken the permission ? Where is the permission ?

MR. CHAIRMAN : It can be done.

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Without your permission, it cannot be.

SHRI SOMNATH CHATTERJEE : Atleast, pay proper respect to the Chair. Seemingly, you must have paid respect to the Chair.

SHRI SONTOSH MOHAN DEV : I have. (Interruptions.)

I beg to move .

"That this House approves the proclamation issued by the President on the 7th August, 1988 under article 356 of the Constitution in relation to the State of Nagaland."

The Governor of Nagaland has reported that 13 MLAs belonging to Congress (I) Party led by Shri K.L. Chishi had conveyed their decision to break from the Congress (I) Party and formed a new party called Congress Regional Nagaland. They also approached the Speaker of the State Legislative Assembly and sought recognition to this split.

[SHRI SOMNATH RATH *in the Chair*]

15.02 hrs.

The Governor has further reported that on July 31, 1988 Shri Vamuzo the leader of the Opposition informed the Governor that the legislators belonging to the Naga National Democratic Party, the Congress Regional Nagaland Party, the Naga People's Party and four independent Members of the Legislative Assembly decided to work together under the name and style Joint Regional Legislature Party and demanded dismissal of the Government headed by

Shri Hokishe Sema on the plea that it has been reduced to a minority and sought invitation to form an alternative Government. On 2nd August, 1988, another letter signed by 32 Members belonging to the so-called JRLP reiterated their demand to dismiss the Government headed by Shri Hokishe Sema and to invite Shri Vamuzo to form the Government. Further, in a Press release issued on 2.8.1988, it was stated that all the parties constituting JRLP were going to merge in one party to be called Nagaland People' Council.

The Governor has also reported that on the basis of Shri Vamuzo's claim, the JRLP has a combined strength of 35 Members comprising of NNDP 17, Congress Regional Nagaland 13, NPP 1 and Independents 4. The strength of Congress (I) reduced to 21 Members and there are three other Independent Members.

According to the Governor, the manner in which a new party was formed by the dissident group overnight and the prompt decision taken to merge it with other opposition parties show that the aim of the dissident group was not really to function as an independent party with any ideology or objectives or service to the people, but to topple the constitutionally elected Government by forging an alliance of convenience with the opposition with an eye on offices of profit and attainment of benefits.

The Governor has further reported that the Chief Minister has complained of unconstitutional and undemocratic methods having been used by the Opposition to pressurise and threaten the members of the Legislative Assembly and obtain their support. The Chief Minister has stated that the members of the Legislative Assembly have been kept under forcible confinement by Shri K.L. Chishi and Shri Vamuzo and that he has not been able to meet them. The Chief Minister has further indicated that many of the MLAs were cheated by Shri Chishi as they never wanted to take the drastic step of leaving the party for the resolution of any of their problems and expressed their desire to return to the parent party but have not been allowed to do so. According to the Governor, this information has been confirmed from other reliable

sources also. The Governor feels that it is obvious that what may be called a political *coup* of the darkest hue has been staged in the absence of the Chief Minister, contrary to the noble Naga character and democratic traditions. The Governor has further stated that one of the members of the Legislative Assembly supposed to have signed the register in front of the Speaker was actually away in Calcutta at the time.

The Governor is further of the view that since the process of destabilisation has started obviously due to patent inclination for personal aggrandisement of some Legislators, the remaining period of the life span of this Assembly is almost certain to be bedevilled by political horse trading in the endemic manner. The Governor feels that it is essential to forestall this grave possibility and the most feasible action would lie in discouraging the greedy from enjoying the benefits of their unprincipled manoeuvres.

The Governor has further reported that when the opposition leaders led by Shri Vizol called on him on 4th August, 1988 and reiterated their demand for dismissal of Sema Ministry and sought invitation to the opposition for forming an alternative government, he had explained to them about the disconcerting report that he had been receiving from several reliable sources to the effect that some of the Members were being held under forcible confinement and were not allowed to move freely to carry on their political activities without fear or favour and the delegation agreed to take necessary action in this regard. However, till the time of sending his report, they had not only not honoured their assurances but had continued to confine the Members of the Legislative Assembly. The Governor has further stated that it has been reported from some reliable sources that Shri Vamuzo threatened violence throughout Nagaland if his demands were not met.

The Governor has further reported that insurgency situation in Nagaland has been contained to a considerable extent due to the efforts of the present Government and efforts were being made to get the underground leaders to the negotiating table. In view of the known links of some of the Members of the Legislative Assembly with

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the underground and their past conduct, efforts at maintaining peace and resolution of any outstanding problems may suffer a serious setback. Already reports are being received regarding unusual moves of some insurgent groups. Such adverse development can also have deleterious impact on the neighbouring States

According to the Governor waiting for the Assembly session which is scheduled to commence from 23-8-1988 and hoping for the things to settle down will not be desirable in view of the increasing tension building up in the State. The Governor feels that during this intervening period, there will no doubt be efforts to engineer defections and re-defections and outbreak of violence cannot be ruled out. Further, installing a Government comprising of a conglomeration of political parties and independents brought together by unscrupulous means with no common ideology objectives or programmes is unlikely to ensure or provide stability to the State or render any service to the people.

The Governor has further reported that the Chief Minister Hokishe Sema had informed him that it had been decided by the Cabinet that the Government should resign and the Assembly dissolved.

In view of the facts recounted above, the Governor is convinced that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution. He has, therefore, come to the conclusion that the State should be immediately placed under President's Rule and the Assembly should also be dissolved. The Proclamation under Article 356 of the Constitution was issued on 7-8-1988 and the Legislative Assembly of the State dissolved.

With these words, Sir, I commend the Proclamation issued on 7th August, 1988 under Article 356 of the Constitution in relation to the State of Nagaland for approval by this august House.

MR. CHAIRMAN : Motion moved :

"That this House approves the proclamation issued by the President on the 7th August, 1988 under article 356 of the Constitution in relation to the State of Nagaland."

(Interruptions)

Mr. C. Madhav Reddi will now speak.

SHRI G.M. BANATWALLA (Ponnani) : I have submitted a notice of amendment to add the following words "but regret the manner in which the Proclamation was made disregarding the constitutional and parliamentary practice."

MR. CHAIRMAN : Your amendment cannot be admitted.

(Interruptions)

SHRI G.M. BANATWALLA : Just listen one second. Let me explain to you and then you may rule as you like. Let me explain to you how my amendment is totally in perfect order.

MR. CHAIRMAN : First of all, unless your amendment is admitted, you cannot speak.

SHRI G.M. BANATWALLA : I am not speaking on my amendment. I will speak later on, on my amendment. What I am submitting is that the notice of my amendment is perfectly in order. If you look to Lok Sabha debates 8th March, 1961, you will find that we had a motion with respect to the Proclamation in relation to Orissa.

At the same time, several amendments were moved

SHRI INDRAJIT GUPTA (Basirhat) : It is your own State.

MR. CHAIRMAN : I know that. I give my ruling.

(Interruptions)

SHRI G.M. BANATWALLA : Sir, at that time several amendments were moved. At that particular time, they were allowed,

they were debated and they were put to vote. In the similar manner what I am saying is that I am not saying my amendment is negative in character. Of course, if an amendment is negative in character, negative in nature of the Motion, you may disallow it. My amendment simply says that at the end you add these words viz.

“But regret the manner in which the Proclamation was made disregarding the Constitutional and Parliamentary practices.”

So, Sir, this House must be free to express its moral concern over the manner in which the Proclamation was issued.

MR. CHAIRMAN : During the discussion, you can very well speak.

SHRI G.M. BANATWALLA : This Proclamation is a Constitutional disaster. *(Interruptions)*

MR. CHAIRMAN : Let me give my ruling. Please hear me.

*(Interruptions)*

SHRI G.M. BANATWALLA : I will make only one sentence and then you can give your ruling. I have always been a disciplined Member of this House. I will accept your ruling.

MR. CHAIRMAN : I am not debarring you from speaking. I am only speaking about your amendment. You can very well take part in the discussion.

SHRI G.M. BANATWALLA : This House is in a peculiar position. It comes into the picture *post facto*. After the thing is over, then we come into the picture. At least we should be in a position to express our moral concern over the manner in which the powers are being used. At least that much of freedom should be given. My amendment is not negative in character. It is relevant to the whole issue. Therefore, under Rule 344 of the Rules of Procedure & Conduct of Business in Lok Sabha, only

three conditions are prescribed for an amendment to be disallowed and they are : (i) the amendment must not be negative in character; (ii) it must not be irrelevant and (iii) It must not be inconsistent with a previous decision on the same question. Therefore none of these three points are violated by my amendment. Sir, let us protect the rights of this House, the right of this House to express its concern at least. The Assembly in Nagaland has been dissolved. Now, you and I cannot bring it to life. It is after the events take place, we come into the picture. At least, we must be in a position to express our moral concern over the manner in which these rights are taken away... *(Interruptions)* Therefore, I should be given the right to move my amendment. Kindly admit it and allow me.

Sir, even in 1961 such an amendment was moved—Please ask one of the Hon. Ministers of State there. Shri Panigrahi himself had moved that amendment in 1961. Therefore, Shri Panigrahi should be summoned to the House. He will even support me that what could be accepted in 1961, should be accepted in 1988 with double the force *(Interruptions)* Sir, in 1965 I know there was a ruling given by the Chair. An amendment was disallowed. That was an amendment of Madhu Limayee-ji. That amendment was negative in character. So, the Hon. Speaker said that it was negative in character because Madhu Limayee-ji's amendment said that the Proclamation was to be withdrawn. That was his amendment. In the context of that amendment, that that amendment being negative in character, the hon. Speaker then ruled in 1965 that amendment could not be allowed. But this does not apply here at all. The 1965 ruling does not apply in my case. My amendment is not at all negative in character. Therefore, please do not be misled by the ruling that was given in 1965 in a particular context i.e. that amendment being negative in character. So, I take it that you are satisfied and I hope you will support me.

MR. CHAIRMAN : My ruling is this. I agree with the ruling given on March 25, 1980 by the Deputy-Speaker : “Either the House approves of it or it goes out automatically ; it cannot be modified or amended” So, your amendment is overruled.

**SHRI G.M. BANATWALLA :** At that time also the point of order was raised by me and the ruling was given by the Deputy-Speaker. But it was based on an amendment which was negative in character. *(Interruptions)*

**SHRI E. AYYAPU REDDY (Kurnool) :** Sir, on a point of order. Your ruling amounts to this that we cannot table any type of amendment to a motion of this type.

**SHRI G.M. BANATWALLA :** In 1961 amendments had been moved. *(Interruption)*

**PROF. MADHU DANAVATE (Rajapur) :** We would like to know which amendment has been rejected.

**MR. CHAIRMAN :** The one which was proposed to be placed by Shri G.M. Banatwalla.

**SHRI C. MADHAV REDDI (Adilabad) :** We would like to know what is the amendment.

**MR. CHAIRMAN :** It has not been admitted. So, the question does not arise.

**SHRI C. MADHAV REDDI :** It is not just a matter which you share with a Member. The House must know.

**PROF. MADHU DANAVATE :** Even for future record and for future generation, we must know what was the amendment which was rejected.

**MR. CHAIRMAN :** The Hon. Member has read it. It is on record. The hon. Member has also spoken about it. *(Interruptions)*

**SHRI INDRAJIT GUPTA :** Copies of that amendment should be made available to us.

**MR. CHAIRMAN :** It is on the record.

**SHRI INDRAJIT GUPTA :** We want to know on what grounds you are rejecting.

**MR. CHAIRMAN :** I have already stated.

Mr. Madhav Reddi,

**SHRI C. MADHAV REDDI (Adilabad) :** Sir, I stand to speak with pain and grief in my heart on the ugly and unseemly situation created because of the Proclamation imposing the President's rule in Nagaland. As we all know, Nagaland is a very sensitive State. It is only just now that the seasoned people of Nagaland are returning to the mainstream. Even now there are people who are conducting underground activities. But with this act, the feelings of the Nagas have been very badly wounded. The Report which was placed before the House, particularly the Report of the Governor, is unique. I had very little time to go through it, but I find that this is a unique report. There have been several reports of Governors from various States whenever such a situation arose in those States when they felt that the Constitutional machinery was not likely to be carried on in accordance with the Constitution and recommended for the President's rule. But this is a very unique report. I have not found any such report so far which lays down all principles of morality without going into the question of constitutionality. It looks to me that this is not a report from the Governor but this is a report from the Congress President of that State. If I may go through some of the paragraphs which are very relevant :

"I have not received any information from the dissidents as to the substantial grounds for the reported split..."

That means, he wants to know why they had split, on what grounds there was a split. He is sitting on judgment over the fact of a split in a Party. He is not concerned with the anti-defection law; nor is he concerned with the Representation of People Act, nor the Constitution. He wants to go into the particular fact as to why, for what reason, there was a split. Is that his duty to find out? Is it necessary for him? The Anti-Defection Law is very clear that if there is a possibility for a split and a merger, it is legally accepted. This House passed the Act. We know that if there is defection, if individuals defect, certainly, the Anti-Defection Law will take care of that. But if there is a split with a particular percentage going out of party by means of split, it is certainly allowed. It is legal. It is permissive.

Similarly, if there is a merger, certainly it is permissive. Is he not going beyond the constitutional powers of the Governor to question the split itself? The Governor does not disprove the majority of the new party. He says: "key, they have got 35 Members." About that, there is no dispute. Many efforts have been made in the last one week or ten days to win away certain people. There was a talk of horse-trading. I would like to ask, horse-trading by whom? Who is more capable of horse-trading? (*Interruptions*)

MR. CHAIRMAN: Allow the Hon. Member to speak.

SHRI C. MADHAV REDDI: The Governor does not disprove the split; the Governor does not dispute the majority of this new party. No. He relies on other facts, other than these constitutional provisions. He says: "the manner in which a new party was formed by the dissident group overnight." He finds fault with them for forming a party overnight. Which means, it is not possible for a party to be formed overnight. "And the prompt decision taken to merge." That also he finds fault. What is wrong in that? Is it legally not permitted? If they take prompt decision, why do you find fault with them? That shows, "the aim of the dissident group was not really to function as an independent party with any ideology" also calls it 'ideologies' — "or objective of service to the people." (*Interruptions*)

He wants to know the object of service to the people. He has doubt in judgment over the motives of the party, motives of the individuals, whether they have split because they have certain object of serving the people or not. Then he goes further and attributes motives, "but really to topple the constitutionally elected ruling party Government by forging an alliance of convenience." All this goes, to show that he was totally bush, totally unconcerned with the constitutional power. He has gone beyond the powers that he has enjoyed because the Governor has got limited functions. When a situation of this type arises, he has to see whether any party has lost its majority. That has to be

proved on the Floor of the House. He has not called a meeting of the legislature party. He said: "he called a meeting on the 23rd of August. But 23rd of August is a regular meeting. But when this crisis developed, it was his duty to go to the place. He was not available for a week or ten days. People were trying to find out where he was. And then he does not bother about the situation there. (*Interruptions*) He did not advise the Chief Minister to prove his majority by calling the legislature party. He did not do it. He did not satisfy himself by calling all those 35 Members who claimed that they have formed a new party that they are in a position to form the Government. Why did he not do it?"

Is it not odd for a Governor to take such a step and to sermonise people that they have no objectives, they have no ideology and that is why they have no right to form a Party and that he is not going to recognise it as a Party? Is it the way democracy functions? How many times are you going to hold elections if this happens? This may happen every one year in every State. What are you going to do? What have you done in Andhra Pradesh? There also the Chief Minister was away in the United States having his operation. You had no sympathy at that time with the Chief Minister who was away in the United States, laid down with operation. Here you say the Chief Minister was in Japan attending the Festival of India. He could have come back the very next day. What was the urgent work for him?

The Report further goes to say that 'what may be called a political coup'. What is wrong in that? Suppose if the Congress Party splits ... (*Interruptions*) ... I wish you well. I don't want you to split and create instability. But if the Congress Party splits today in this House and if an alternative Government is formed, what is wrong? Is it not constitutionally valid under the Defection Law? What is wrong in that? Why do you find fault with that situation? Why do you call it a political coup. Yes, it is a political coup if you call it so and if you are so enamoured of that particular word. I have no objection. But there is nothing wrong in that.

**SHRI B.R. BHAGAT (Arrah) :** What happened when the Janata Party had split? Why are you giving a hypothetical example? You may state actually what happened when the Janata Party split.

**SHRI R.L. BHATIA (Amritsar) :** In ten States they were having majority and even then they split.

**MR. CHAIRMAN :** Order, please. Please allow the Member to speak ... (*Interruptions...*)

**SHRI C. MADHAV REDDI :** I will reply to his question. It was not overnight that Mr. Sanjiva Reddy dismissed Government. He called all the MPs to him, he met them, he discussed with them and finally when he knew that there was no possibility of forming an alternative Government, he dismissed. That should have been done here. That was not done. It is a dereliction of duty on the part of the Governor and his report is not worth the paper on which it is written.

It further goes on to say because I want to prove how biased, how motivated this Report is, on the basis of which the President has proclaimed this :

"I may also mention that Shri Chishi — the leader of the Dissident Group — attempted to bring down the present Government soon after its formation by forming a Dissident Group and threatening to break away if he and some others were not inducted into the Ministry."

That means this Report is biased. He is going into the background of this man who was responsible for the split stating that because of his motives — he is attributing motives to him — he has done this and he (the Governor) is not going to accept this. This is absolutely wrong, it is unjustified. That type of Report should not be relied upon for imposing President's Rule in any State.

The Report further says :

"The present efforts at destabilising the Government are obviously to achieve personal ends without regard to any scruples or ethics..."

He is judging the ethical! He says that because that man has no ethics he is not going to accept his version (*Interruptions*)

**SHRI SOMNATH CHATTERJEE :** This Government can work only in darkness. Who is the author of this report? It is some-thing disgusting.

**SOME HON. MEMBERS :** Mr. Chairman, please adjourn the House since there is power breakdown. (*Interruptions*)

**SHRI C. MADHAV REDDI :** The report concludes by saying that the remaining period of the life-span of this Assembly is almost certain to be bedevilled by political horsetrading in an endemic manner, it is essential to forestall this. He was to forestall this horse-trading. Then it says there is grave possibility and the most feasible action would lie in dissolving the Assembly.

Having read this I leave it to the House to judge what type of report is this! You read any report which we have been receiving in the past and compare the same with the present one. Is it worth anything on which President has to act? I am sure the action taken by the President is very unfortunate. It will certainly boomerang on the Congress itself and on the nation itself because it is a very sensitive State. Peoples' feelings are wounded there because you have killed the democracy in that small State. It is going to have bad repercussion on the other North-Eastern States. I am very sorry for it and it is time that this order is withdrawn and popular Government is restored in the State.

**SHRI BIPIN PAL DAS (Tezpur) :** Mr. Chairman, Sir, I rise to speak on this subject today with some feeling. I do not know how many members are there in this House who know the Nagas and Nagaland for a longer period than myself. I do not know that. (*Interruptions*)

I was associated with the development of Nagaland. It was in 1945 that I began my association with the Nagas politically.

At that time, there was a students strike and I happened to visit. In 1953, I had

toured Nagaland for 15 days when the Naga movement for sovereign, independent Nagaland was at its peak in order to understand the nature of the movement, their people, their urges and aspirations and all that...

AN HON. MEMBER : Are we discussing that movement ?

SHRI BIPIN PAL DAS : One or two sentences, you should permit me.

I have written also a small pamphlet on this subject. This is the background with which I look at the situation in Nagaland today. As I said, I have some feelings and sentiments. I know the Nagas as one of the finest communities that I have come across. Therefore, if something goes wrong in Nagaland, I feel very unhappy.

Sir, I shall not discuss the report of the Governor as Shri Madhav Reddi has done.

The first question that strikes me is that only the other day—in last November—there was an election in Nagaland. The people of Nagaland gave a clean verdict. A Government was formed. Before one year is over, within a few months, that verdict of the people of Nagaland has been unsettled today. *(Interruptions)*

My friend Mr. Banatwalla talks of moral concern. I also feel morally concerned. People, elected by the common people, under certain banner, with certain policies and programmes placed before the people, suddenly change and form a new party of which there is no constitution, of which there are no policies and programmes. And that new party again, on third day, merges into another party, forms another new party, This is why I feel morally concerned about our way of functioning. *(Interruptions)*

MR. CHAIRMAN : Let the Hon. Member speak. You will have your say.

SHRI AMAR ROYPRADHAN : Let him clarify.

MR. CHAIRMAN : Why should he clarify.

*(Interruptions)*

MR. CHAIRMAN : order please.

*(Interruptions)*

MR. CHAIRMAN : The Hon. Member will not be dictated by what you say.

*(Interruptions)*

MR. CHAIRMAN : Order please.

*(Interruptions)*

MR. CHAIRMAN : It is not to go on record.

PROF. MADHU DANDAVATE : He has a democratic right to defend the undemocratic action.

SHRI BIPIN PAL DAS : If a certain set of people, legislators behave like this—anybody in this country getting a verdict of the people under one platform, changing to another platform, third day, a new platform—if this goes on by taking advantage of some clauses of Anti-Defection Law, I would submit that the Government should have a fresh look at the Anti-Defection Law so that these loopholes may be plugged. Had they not been 13, had they been only 11 or 10, the Anti-Defection Law would have come into force. Only because the number became 13, they escaped. *(Interruptions)* Try to understand something. So, I say, by taking advantage of this, if some people want to unsettle the verdict of the people, it is the most immoral thing done by them. And they talk about morals. This is my first concern. *(Interruptions)*

These 13 people who migrated or defected from the Congress Party to the other side, were kept confined forcibly in a tourist lodge. There are other stories also which I will not say here because there is not adequate time at my disposal, but the entire Indian Press reported that these people were kept in the tourist lodge. Why tourist lodge ?



[Shri Bipin Pal Das]

They could have stayed somewhere else. Why all of them in tourist lodge? That is why it is nothing but a forcible confinement. ((*Interruptions*))

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : I was just keeping quite so far. All Members from that side have been shouting that we have been there for horse trading...(*Interruptions*)... Give me a chance. I will explain. I have been listening very carefully. I have gone there as a member of the Congress family. I have every right to talk to my family members, who are Congress members.

Secondly, I open challenge to all Opposition Members—those Hon. Members of the Legislative Assembly, of course dissolved now, are still there. They can ask whether we have talked to them to come and join us. We told them that they must not cheat the people on whose mandate they have won. More than that we have not talked to anybody. It is an open challenge in the House with full responsibility. Any Member can come and see that myself or the Hon. Home Minister has met anybody from NNDP, has met anybody from those people who want to cross over something, It is totally baseless.

SHRI BHADRESWAR TANTI : (Kaliabor) : Horse trading was going on there. (*Interruptions*)

MR. CHAIRMAN : I request the Hon. Members not to interrupt.

SHRI BIPIN PAL DAS : This is the second cause of my moral concern that these 13 people were kept confined forcibly. They were not allowed to meet the Chief Minister.

SHRI AMAL DATTA (Diamond Harbour) : That is not correct. You are talking without evidence.

SHRI BIPIN PAL DAS : I took this information from a newspaper.

SHRI AMAL DATTA : From which newspaper ?

SHRI BIPIN PAL DAS : All newspapers said about this. There is no point in talking about moral concern. Thirdly, apart from that, Vimuzo himself publicly talked about agitational violence if their demand is not acceded to by the Governor.

SHRI AMAL DATTA : Naturally.

SHRI BIPIN PAL DAS : Sir, he says 'naturally'. If the demands of those people were not acceded to by the Governor, they will indulge in agitation and violence.

SHRI AMAL DATTA : Everybody has the right - (*Interruptions*)

SHRI BIPIN PAL DAS : Mr. Datta, you will repent for what you are saying now if something happens in Bengal. I hope it will not happen. But if something happens in Bengal, you will repent for what you are saying today.

SHRI AMAL DATTA : Fortunately, we have been able to curtail them.

SHRI G. G. SWELL (Shillong) : You are very concerned about West Bengal. He is your best friend.

SHRI BIPIN PAL DAS : Mr. Swell, I know Bengal much more than what you do.

SHRI G. G. SWELL : I am not saying that, I am saying that you are their best friend.

SHRI BIPIN PAL DAS : I have matrimonial relationship with Bengal.

SHRI G. G. SWELL : He is 'jamai'.

SHRI BIPIN PAL DAS : I have certain sentiments for Nagaland. Therefore, when the prospective Chief Minister of Nagaland talked about violence and agitation, if the Governor did not accede to his demand, what was the situation ?

SHRI BHADRESWAR TANTI : What was the demand ?

**SHRI BIPIN PAL DAS :** These are the three basic points.

**SHRI AMAL DATTA :** Totally illegal demand. (*Interruptions*)

**MR. CHAIRMAN :** He cannot be dictated by you. Whatever he wants to speak, he will. You cannot dictate an Hon. Member on what he speaks. When your turn comes, you can speak.

(*Interruptions*)\*\*

**SHRI BIPIN PAL DAS :** Mr. Tanti and Mr. Saikia and their friends are very much worried about what is happening today in the AGP Government in Assam and, therefore, they are trying to fight with me here. Don't fight with me here, I will fight with you there. It is not for you to fight with me here. If you want to fight with me, you come to the ground and I will fight with you.

These things that I have pointed out clearly indicate that the State of Nagaland was heading towards instability.

**SHRI G. G. SWELL :** Who will decide that? Not, the Assembly?

**SHRI BIPIN PAL DAS :** Government will decide. Parliament will decide, not the Assembly. We are discussing the issue now. Parliament will decide whether there was a trend or tendency towards political instability in any part of the country or not. It is our business and our duty.

**SHRI SAIFUDDIN CHOWDHARY (Katwa) :** What is your duty?

**MR. CHAIRMAN :** Why are you interrupting?

**SHRI BIPIN PAL DAS :** Sir, do you know the situation in that area? The whole area is disturbed by (*Interruptions*)

**MR. CHAIRMAN :** You will have your say.

**SHRI BIPIN PAL DAS :** The whole area was disturbed by the insurgents.

**SHRI G. G. SWELL :** By this act you will make every Naga an insurgent.

**SHRI BIPIN PAL DAS :** He knows nothing about Nagaland. How can I tell him?

**SHRI G. G. SWELL :** Yes, I do not know anything about Nagaland, only he knows. (*Interruptions*)

**SHRI BIPIN PAL DAS :** When I went to Nagaland, toured the area and met the insurgents, this gentleman was sitting tight in Shilong. Had he ever been to Nagaland? (*Interruptions*)

Had he ever visited Nagaland? (*Interruptions*)

Sir, this area is affected by the insurgent activities and political instability in Nagaland will certainly help and encourage the insurgent activities.

**SHRI G. G. SWELL :** They have done the greatest service to the people in Nagaland. (*Interruptions*)

**SHRI BIPIN PAL DAS :** Sir, we shall take care of it, you should not worry.

**SHRI AMAL DATTA :** How will you take care of it?

**SHRI BIPIN PAL DAS :** Now, some attempt has been made. (*Interruptions*)

The basic point is . (*Interruptions*)

**MR. CHAIRMAN :** You should not interrupt the Hon. Member on each and every word. You will have your say. You will also get a chance to speak so please do not interrupt on each and every word.

**SHRI G. G. SWELL :** Take him as a joke. (*Interruptions*)

**MR. CHAIRMAN :** Yes, Mr. Das you please proceed.

**SHRI BIPIN PAL DAS :** Sir, when some people take resort to unscrupulous means without following any clear cut ideology, policies or programmes and try to unsettle the political set up in an area, certainly this kind of activity leads to political instability or has the potentiality to lead to the political instability and, therefore. I feel very much concerned today about the situation in Nagaland. Sir, these gentlemen who have defected from the Congress, they said that they have done so because of the non-performance of the Ministry. Who are these people? Three of them were Cabinet Ministers, one of them was the Minister of State and six of them were Chairmen of some Corporations. Were they not Members of Parliament? If the Government could not perform, they were equally responsible. Who are they now to point an accusing finger at Hokishe Sema? If Hokishe Sema is responsible for non-performance, these gentlemen were equally responsible for non-performance. Therefore, there is no reason, no argument for which they took the step. *(Interruptions)*

The undue haste with which ... *(Interruptions)*

**SHRI H. A. DORA (Srikakulam) :** The undue haste with which the Governor acted? ... *(Interruptions)*

**MR. CHAIRMAN :** Order please. Please do not interrupt him. You can speak in your turn.

**SHRI G. G. SWELL :** The Governor has run away from the State.

**SHRI BIPIN PAL DAS :** He did not...

**SHRI AMAL DATTA :** The Governor was untraceable.

**SHRI G. G. SWELL :** For one week, he was away from the State.

**MR. CHAIRMAN :** Order please.

*(Interruptions)*

**SHRI BIPIN PAL DAS :** You listen to me Sir. I will take care of myself, You need

not control the House. Please do not bother about them.

The undue haste in which some people defected from the Party and the very next day established another party without a constitution, without any ideology, without any programme or policy, and the undue haste in which they presented themselves to the Speaker, the undue haste in which .. *(Interruptions)*

**SHRI DINESH GOSWAMI (Guwahati) :** Did those five people who joined Mr. Sangma's Ministry have an ideology or a constitution or a policy or any programme? *(Interruptions)*

**SHRI BIPIN PAL DAS :** Mr. Goswami does not know. They did not announce a new party.

**SHRI DINESH GOSWAMI :** To form a new party is better because it can have a constitution.

**SHRI BIPIN PAL DAS :** But these people did not have a constitution... *(Interruptions)*

15 51 hrs.

[**SHRI SHARAD DIGHE in the Chair**]

**MR. CHAIRMAN :** Let us have a debate please. Please sit down.

*(Interruptions)*

**SHRI SAIFUDDIN CHOWDHARY :** I want to know whether the Congress (I) has a party programme. Do you have a programme? *(Interruptions)*

**MR. CHAIRMAN :** Please do not interrupt. Let him speak. You may speak when your turn comes. Let us have a debate. Please sit down. *(Interruptions)*

**SHRI BIPIN PAL DAS :** The quick succession of events and the undue haste in which they took place very clearly indicated the possibilities of political instability in that State. This is the main question. The main problem is that of political instability in that area where we have been trying for long

appears to establish political stability. (Interruptions)

**SHRI SAIFUDDIN CHOWDHARY :** Who is trying to destabilise it? (Interruptions)

**MR. CHAIRMAN :** Kindly sit down. No running commentary please.

**SHRI BIPIN PAL DAS :** They are angry with me because they cannot answer my arguments. So, this has to be viewed in this background of political instability. Some of those members who may be called defectors or redefectors are responsible for this. This is the history behind all this. (Interruptions)

**MR. CHAIRMAN :** Kindly take your seats. Order please.

**SHRI DINESH GOSWAMI :** If they are defectors, why did you allow them to come to your Government? (Interruptions)

**SHRI BIPIN PAL DAS :** I conclude by saying that because of the possibility of political instability, a report has come from Kohima. (Interruptions)

**SHRI DINESH GOSWAMI :** The Governor was in Imphal. See this. "From Special Secretary to Governor, Manipur, Imphal"... He is afraid to come to Nagaland. Let him read it.

**SHRI BIPIN PAL DAS :** He is in Kohima only.

**SHRI DINESH GOSWAMI :** He is in Imphal and from there he sent the report. He is not in Kohima... (Interruptions)

**MR. CHAIRMAN :** This is not the way to have a debate please. If you want to reply, you can speak when your turn comes. Please sit down.

(Interruptions)

**MR. CHAIRMAN :** Please sit down. No. No commentary. Please take your seat.

(Interruptions)

**SHRI PIYUS TIRAKY (Alipurduars) :** Why are you angry?

**SHRI BIPIN PAL DAS :** Sir, I will conclude by saying this. In order to avert political instability or the possibilities of political instability, if the Governor has recommended dissolution of the Assembly, I think he is absolutely justified from the point of view of political stability in Nagaland and the country. By this process, the President wants to give another opportunity to the people of Nagaland to give a fresh verdict. It is the people of Nagaland who are the ultimate judge not Prof. Swell or my friends on the other side. You are not the judge. The ultimate judge is the people of Nagaland. What the President has done is to give an opportunity to the people of Nagaland to give a fresh mandate after this immoral drama enacted by some people from one side to the other side. Therefore, if we want to give a fresh opportunity to the people of Nagaland, for a fresh verdict at some point of time, I do not think that the step taken by the Government is wrong. It is quite justified and should be supported by the House.

**SHRI SOMNATH CHATTERJEE (Bolpur) :** Mr. Chairman, Sir, our Home Minister, Shri Buta Singhji is a man of few words but he is a man of word because he has kept the threat that he hurled towards those thirteen Members of the Legislative Assembly of Nagaland that he would introduce President's Rule and dissolve the Assembly, if they refused to be purchased by the filthy lucre.

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV) :** He never said so.

**AN HON. MEMBER :** You deny that.

**SHRI SOMNATH CHATTERJEE :** They refused to be intimidated by them, and in the process our worthy Home Minister

(Shri Som Nath Chatterjee)

has followed the Congress tradition and culture of murder of democracy and rape of the Constitution. It is being done for the narrowest partisan political consideration. The letter and the spirit of the Constitution have lost all significance and meaning to this Government and this Party. Now all norms of Constitutional behaviour have been thrown to the winds. I know the Congress Party and the present Government are on a panic run. They have to remain in power, somehow usurp power by hook or crook. This is what is happening in this country. In the pursuit of this objective, they are utilising the Governors who are constitutional bodies and they are behaving like... of the Central Government and nothing less than that. We cannot forget that different standards are applied by this Government. What happened when NTR's Government was dismissed? Who was brought in by the then Governor appointed by you? Now what happened in Jammu and Kashmir? There Farooq's Government was dismissed and you with your own people inducted a Ministry there which you could not maintain. Today without giving a single opportunity to these Members to prove their majority on the floor of the House, this Government not having the political courage to face the Assembly has dissolved even the Assembly. Therefore, what has happened is nothing but a perpetration of fraud on the Constitution on the part of this Government and with the connivance of an obliging Governor. They may not be able to see the writing on the wall but Nemesis has started overtaking them. What happened in Nagaland? On 30th July, 13 Members of the Legislative Assembly including five Ministers amongst them and three Chairmen of the public undertakings resigned by way of a split from the Congress (I) which reduced the Government to a hopeless minority.

16.00 hrs.

That is, 21 in a House of 60, with an effective strength of 59. The constitutional authority under the law in respect of defection, viz. the Speaker of the House accepted this split. I will draw the attention of the House to the way this Governor has referred to the Speaker's decision. How many

\*Expunged as ordered by the Chair.

institutions are you going to dilute for the sake of remaining in power, for the sake of preventing others from coming to power? The Hon. Speaker of the Assembly recognized the split in the Congress in Nagaland as well as in the Legislature Party in the House, and he released the names of the MLAs who had split from the party, which is recognized by the amendment in the Constitution. What have the members said—however much you may try to ridicule them? They have said: "We have resigned due to non-performance and mis-management of the State Government and of the State exchequer under the present leadership" When the Congress Party formed the Government, they were 31; they allowed seven Independent members to join their ranks. If I am not mistaken, some of them were made Ministers or Chairmen... (Interruptions)

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): No Independents. No. There were 34, i.e. there was a clear majority for the Congress (I). (Interruptions)

SHRI SOMNATH CHATTERJEE: How does 31 become 35?

SHRI RAJESH PILOT: It was 34. (Interruptions)

SHRI SOMNATH CHATTERJEE: There were these 13 Members; then NNDP 17 members and NNC one member. They had a clear majority of 31 members apart from the four Independents who had pledged their support. When Independents pledge their support to the Congress, they are welcome; when they pledge their support to the new party, they are unwelcome. This is the standard applied. (Interruptions) suddenly, what do we find? Mr. Rajesh Pilot is dragged from Visakhapatnam. From Visakhapatnam he rushed to Kohima. (Interruptions)

SHRI BASUDEB ACHARIA (Bankura): With money.

SHRI SOMNATH CHATTERJEE: I do not know whether with or without

money...I do not know. People say. I do not. I am not saying that. People say.

**SHRI RAJESH PILOT :** Mr. Chairman, it is not correct. Every time, they are pointing this out. Let me put it on record very straight that I had all the right. I went as a Congressman to talk to my Congress family members, because I had fought elections along with them. I have all the right to discuss with them. So, the Opposition cannot say that I should not talk about it... (*Interruptions*).

**SHRI SOMNATH CHATTERJEE :** I am not saying that. Others are saying. You have the right to pay money to your family members. (*Interruptions*)

**SHRI DINESH GOSWAMI :** If they had come back, they would not have been black people. If they had come back, those people who according to Mr. Bipin Pal Das were black people, would have become white people.

**SHRI BIPIN PAL DAS :** I never said that. I never called them black people.

16.04 hrs.

[**SHRIMATI BASAVARAJESWARI**  
*in the Chair*]

**SHRI SOMNATH CHATTERJEE :** I want to say, Madam, that it is very clear, inspite of all the persuasive efforts of our young friend and Minister who known to be a troubleshooter, Mr. Rajesh Pilot he could not bring them back to the Congress main-stream. (*Interruptions*) And Mr. Buta Singh with his threat and intimidation or love and affection could not bring them back to the Congress Party again. Therefore, their resignation was on a principled basis. This is not a case where some who had not been given ministerial posts were resigning. Those who had become Ministers and Chairmen of Corporations, even they have resigned, and formed a new political party—not for office. Obviously, they were not resigning for getting offices.

Now what happens? With all the attempt that had been made at the Congress

level, where was the constitutional functionary? The Governor of Nagaland was nowhere seen for days together. Mr. Bipin Pal Das is very angry when it is said that he was away for seven days. He said: 'No; not seven days.' He probably wanted to say: 'For six days'.

Until the Opposition Members' delegation went and met the Hon. President, the Governor had not even gone there; and it was ascertained by the Hon. President in our presence from the Secretary; and it was reported to him that he had gone to Imphal. That was on Friday last at 6.30 P.M.; that was on the 5th and his Report is of the 6th. He goes back. Supposedly he had gone to Kohima and immediately he rushes back to Imphal waiting for somebody to prepare a note to be sent to him obviously, so that he can sign on the dotted line.

According to this Report, as Mr. Madhav Reddi has said, we are becoming wiser from the Congress point of view and we do not know how many indiscretions we shall see from there. This is nothing but a constitutional aberration; and, Sir, the most amusing part of it is that this appointee of Boforised Government is giving a lecture on morality. (*Interruptions*) He is indulging in nothing but nauseating rigmarole. Have you gone through it? What is this? They are "supposed to have" presented themselves before the Speaker and sought recognition. What is meant by supposed to have? Who is he to sit in judgment over the Speaker's action and conduct? What is meant by "supposed to have" presented themselves before getting recognition and formation of a new party, etc.? The Speaker issued a bulletin. By his decision he has accorded the desired recognition. Now how he ignores that? Madam, you are a party to the 52nd Amendment to the Constitution. Apart from the fundamental right of having our own opinions, our own views, this fundamental right—everybody has it—of holding his own opinions even on a political matter, has been curbed; that has been curbed by this Anti-Defection Law; and even this Anti-Defection Law permits a split, permits a merger and what has been permitted by the Constitution, this Governor says, gives lecture, that is not permitted, according to him, on moral ground; well,

(Shri Som Nath Chatterjee)

he will not act on this basis. This is an amazing effrontery, amazing arrogance on the part of this Governor, who is nothing but an appointee of the Centre. Then he says, 'well, the Election Commission has not recognised it; how can I recognise this party?' (*Interruptions*) Can anything be more ridiculous than this? They cannot even prepare a statement to be signed by the Governor which is intelligible or acceptable to others, even to their own supporters. I am sure, my Hon. friends, have been feeling uneasy sitting in their seats while going through this Report. Then what is this? He has to seek recognition from the Election Commission. They have not produced a written Constitution. Overnight there must be a written Constitution. You have not got a list of the genuine members of the Congress Party when you are talking of a written Constitution within two days or three days. Who asked for this? Where has he said that he had asked for a written Constitution from this new party? And what is his business? He has to find out; he has to meet them. He should have come if he has to be true to the oath he had taken under the Constitution. He is behaving like worse than a\*\*. He should have come forthwith to Kohima and made them call Assembly Session. What happened in West Bengal when Mr. Dharm Vir directed the Assembly Session should be called? Directed whom? He directed the Chief Minister. Now, here, no such direction is given because on the 23rd of August, a date had been fixed. Therefore, the Governor feels, no, no, it is no longer necessary; 23rd is a long way off. During this time, so many things will happen. You just go through this. He is talking about unconstitutional, undemocratic methods having been used by opposition to pressurise and threaten the members of the Legislative Assembly. How does he know? (*Interruptions*)

He says, ..(*Interruptions*) It is a cheeky report on his part. He must apologise to this House. He has gone beyond his authority. We are not interested in getting lectures from him. Kindly see, he says, the manner in which a new party was formed by the dissident group ..(*Interruptions*)...that the aim of the dissident group was not really to function as an independent party

\*\*Expunged as ordered by the Chair.

with any ideology or objectives or service to the people, but to topple the constitutionally elected ruling party Government by forging an alliance of convenience with the opposition...(*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY :  
Who is he ?

SHRI SOMNATH CHATTERJEE : If it is permitted in law—he is not a judge on morality sitting there—then why are they not expelling Mr. Ram Dhan? What is the morality involved there? Or, even Mr. G. G. Swell, let them let me know... This is your Congress culture. You cannot afford even to expel persons who are openly against you. (*Interruptions*) And, kindly, Madam, read this. One feels sick going through this report. Now, on the basis of this report, which is nothing but a distortion,...(*Interruptions*) the President of India has in his wisdom imposed the President's Rule; but the President, has also dissolved the Assembly.

Now, very recently we have got a report, the Sarkaria Commission report. Sarkaria Commission has reported that out of 69 cases where President's Rule has been imposed in this country, more than 40 have been only for the political convenience of the Congress Party—Political convenience of the party in power! And some respect should be given to this. We had a show of a discussion in the Consultative Committee meeting.

SHRI DINESH GOSWAMI : Today.

SHRI SOMNATH CHATTERJEE : The first recommendation is, that Article 356 should be used very sparingly, in extreme cases, as a measure of last resort, when all available alternatives fail to prevent, to rectify a break-down of constitutional machinery in the State. All attempts should be made to resolve the crisis at the State level. It is clearly stated: In a situation of political break-down, the Governor should explore all the possibilities of having a Government enjoying majority support in the Assembly and, it says, the State Assembly should not be dissolved either by the Governor or the President before the Proclamation under Article 356 has been

laid before Parliament, and it has an opportunity to consider it. Article 356 should be suitably amended to ensure this.

Now, they have come with a fait accompli. We wanted to have a discussion on the floor of this House, before this, but what we apprehended would happen has happened. We were not permitted to discuss it. Parliament has had no say in the matter. And when Parliament is sitting, in the darkness of the night—their minds are supposed to operate better during darkness—they imposed the President's Rule dissolving the Assembly and today they come before the House very innocuously, saying, "Well, we have issued the proclamation". And this offer of a discussion in Parliament, for what purpose is it?

And then the Sarkaria Commission report. They do not even show any pretence of consideration of the Sarkaria Commission report. This is nothing but a deliberate attempt to avoid the Opposition Government being set up in Nagaland where, because the people are not with them they have realised that, and that is why they procured from the Governor a report which is nothing but an impertinence on his part, to give so many lectures on morality, not on the basis of the constitutional provisions. And, what the Government should have done to keep up the prestige of the Government, or the Parliamentary institution, in this country, or even the spirit of the Constitution, is that they should have rejected this report of the Governor and should have thrown it to the waste paper basket without taking any action upon it. Madam, we cannot but strongly protest against what had happened. We cannot allow the parliamentary and the democratic process in this country to be diluted, to be polluted, to be played about the way this Government is doing one after another. The history of the Article 356 of the Constitution in this country is a history of its misuse. This is what the Sarkaria Commission has stated. It first started—this is being abused in Punjab in the year 1951 because they could not manage the intra party squabbles in Punjab. The Sarkaria Commission has given illustration after illustration, how they have been used for narrow partisan purposes. You have

added to that number. For the time being, you may feel very happy about it. *(Interruptions)*

SHRI R. L. BHATIA (Amritsar): What happened in 1972? You read that also.

SHRI SOMNATH CHATTERJEE: Please allow me time. I will go on. In 1977, it was abused and in 1980, it was abused *(Interruptions)* We are saying that. But that does not absolve you going away from the Constitution, to which you have committed.

Knowing that it is wrong, knowing that it is not permitted and knowing that it is against the Constitution, you are indulging it for the narrow purpose of your political aim.

Madam, we oppose this proclamation and this House can only deem its prestige if it throws this proclamation lock stock and barrel and reject the same.

SHRI B. R. BHAGAT (Arrah): Madam Chairman, I regret that? the Opposition seems to be in a very angry mood. *(Interruptions)*

SHRI AMAL DATTA: Naturally. Do you expect us to be very happy about it?

SHRI B. R. BHAGAT: Our scriptures say that when anger comes to your mind, wisdom goes. This is what had happened... *(Interruptions)*

PROF. MADHU DANAVATE (Rajapur): But you could do it without being angry.

SHRI B. R. BHAGAT: Madam, they have started on this issue with the loud protest and that is why they walked out... *(Interruptions)* That is why you have expressed your loud protest and walked out. Now, you are again going on and on. Now, come on, have a discussion. Let the discussion be dispassionate and the House will come to judgement. This is the style of this Parliament. I have great regards and affection for Mr. Somnath Chatterjee. My relation goes with him to his great illustrious



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father, with whom I had the honour to work and learn from him in this very House. He seems to be impatient and he has thrown away all his traditional wisdom. He is abusing the Governor and calling him by all sorts of names. He will himself regret for it if he will sit and read his speech. Is it the way you can call the Governor—this appointee or that appointee? Is the Governor not the Constitutional authority?... (Interruptions) If he is a constitutional authority, is he to be criticised? His report should be taken as it is and you should agree with it. You must find in it if there is any legitimate cause for fault. Is this the way to describe him? Is he not to give his valued judgement? What is the Governor's report about? This is about the political situation. This is about the functioning of the Legislature. This is about the breakdown of the Constitution. Is he not to give his valued judgement on this? Is he a robot that he just transmits or is he a postman who just gives the facts, send them to the President and the House will discuss them? I am sorry to say that you have called him all sorts of names. I am sorry to say that Mr. Somnath Chatterjee has crossed all limits. That is what I am saying. He is an angry man and he is the most unreasonable man. He or they will do the same thing in this frame of mind of the opposition if the highest in the land does something which is not to their liking. They will call names to the President. It is their frame of mind. And it is my duty to point it out that this is not the way that we should discuss things about. You have found fault with the President recently. I know that President's name is not to be brought about here, but you have found fault. It was unreasonable. This is what I say that with the present frame of the opposition...

SHRI SAIFUDDIN CHOWDHARY : Which one you are referring to (Interruptions)

MR. CHAIRMAN : When your turn comes, you can speak. He is not yielding. Do not interrupt him.

(Interruptions)

SHRI B. R. BHAGAT : I am speaking about your present mental disposition, intellectual disposition. You are in a mood

to demolish; you are in a mood to put black paint on everybody; you are in a mood even to abuse. You will spare none including the highest in the land. Is it correct? Is it not a fact that you are in this present mood? (Interruptions)

I start with the question posed by Mr. Madhav Reddi. Let us discuss it dispassionately. I may not like your arguments and you may not like our arguments. But let us not call names. Now let us come to the arguments. Mr. Madhav Reddy asked a question. He said: what would have happened if there is a split in the Congress Party here? I say, do not ask a hypothetical question. You try to draw lessons from what had actually happened. And curiously it has happened in the same months July/August at the Centre. Parliament was to meet some day in August. What happened when there was a split in the Janata Party? The President, after going into all that, decided to instal a Government headed by Chaudhary Charan Singh...

SHRI DINESH GOSWAMI : First he gave chance to Mr. Y. B. Chavan to form a Government. Why do you not include that fact also? He asked the single largest party to form a Government and on his failure to do so, he asked Chaudhary Charan Singh to form a Government. Do not distort facts

SHRI B. R. BHAGAT : I am not questioning that. I will put the factors arguments as I want to. I am not on the point what you are saying. I am on a different point.

SHRI AMAL DATTA : You put the facts as you like?

SHRI B. R. BHAGAT : I put the facts as they are. I specifically pick out the facts (Interruptions) You will realise why I have said this. The point which I am going to make is that he installed a Government and set a date that by this date this Government will test its majority in the House. A date was fixed. This is the relevant point today and not any other thing. I am not concerned with other aspects. They may be relevant in other

context. But in today's context this is relevant. And for the question which Mr. Madhav Reddi asked, I am trying to put the facts as they are. All of you know what has happened. That Government could not face the House. It was dissolved even before it could meet. (*Interruptions*)

AN. HON. MEMBER : How is it relevant here ? (*Interruptions*)

SHRI B. R. BHAGAT : You say what you want to say I will listen to you.

MR. CHAIRMAN : Please do not interrupt him.

SHRI B. R. BHAGAT : The point I am making is that Government could not face the House even for a second. It had to resign. It resigned. (*Interruptions*)

SHRI BASUDEB ACHARIA : Because you had betrayed. (*Interruptions*)

SHRI B. R. BHAGAT : So, that is according to the judgement of General Rao, Governor of Nagaland and Manipur. I emphasise the word 'Manipur' because he was Governor of Manipur and Tripura also. He has not run away from the charge of his jurisdiction. He was very much in his jurisdiction. So, in his judgement, although a date was fixed, 23rd August, in this case it was some day in August, according to him no Government would have been able to face the Assembly. (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY : How ? (*Interruptions*)

SHRI B. R. BHAGAT : It has happened in this House. This is the point I am saying. Well, the Hon. Members of this House should not ask how it has happened here. (*Interruptions*) That Government would have resigned before 23rd August, as the Government here had resigned before the House could meet. The same fate would have happened. This is the crux of the matter. (*Interruptions*) Will you go on interrupting

me ? You say whatever you want to say. I will sit and listen to you.

SHRI AMAL DATTA : Since you have yielded, I would like to point out that the Governor has said that no Government could have been formed in spite of the fact that he was informed that they had majority, that is, this Group. Now, did the Governor come to the conclusion after consulting an astrologer. That is the question I am asking,

SHRI B. R. BHAGAT : I do not know how many astrologers you have and how many astrologers this Governor has. I am not concerned with that. I am going according to this report.

SHRI AMAL DATTA : What is the logic ?

MR. CHAIRMAN : Mr. Datta, why are you interrupting him and giving running commentary ? Let him speak.

SHRI AMAL DATTA : How do you justify this conclusion ?

PROF. N. G. RANGA (Guntur) : You carry on, Sir. Why do you bother about him ?

MR. CHAIRMAN : Please don't interrupt him. Let him speak. Mr. Datta, when he has yielded. I allowed you to speak. Now, don't interrupt him.

SHRI B. R. BHAGAT : The crux of the whole matter is that in a report of the Governor, about the situation when the Constitutional process has collapsed, the Governor realised only his duty; the Constitutional responsibility is to find out, in a situation like this, whether an alternative Government can be formed or not. This is the main thing. Mr. Chatterjee has also said that it is his responsibility to find an alternative Government. In this case, all this report suggests that in his judgement there was no possibility of an alternative Government, a stable Government which could be formed. Therefore, he has recom-

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mended the President's rule. This is the point. Now, you may not agree with it. (*Interruptions*). You may say that he should have tried someone he should have asked the leader...

AN HON. MEMBER : Namazo.

SHRI G. G. SWELL : Vamuzo.

SHRI B. R. BHAGAT : 'Ramu' or 'Vamu' ?

SHRI G. G. SWELL : Vamuzo. You do not know even the names of the people there.

SHRI B. R. BHAGAT : What is there in a name ? Tell me, what is there in the name. You have heard the people... (*Interruptions*). Any way, I have learnt to pronounce it correctly-Vamuzo.

SHRI G. G. SWELL : That shows how much you know about Nagaland.

SHRI B. R. BHAGAT : If you say that, Mr. Swell, I can tell you...

SHRI AMAL DATTA : He was a Speaker in 1976, he does not have to speak on this. (*Interruptions*)

SHRI B. R. BHAGAT : Since you have reminded me how much I know about it, I can tell you that I know Nagaland since 1950. Since I was a Member of Parliament, I have taken interest, I have visited Nagaland innumerable times and in the days when people, you know, may not remember Nagaland, (*Interruptions*)

MR. CHAIRMAN : Mr. Swell, why don't you listen to him ? Why are you interrupting ?

Yes, Mr. Bhagat, you may continue.

SHRI B. R. BHAGAT : Madam, I think I will be allowed to complete my argument uninterrupted. (*Interruptions*)

MR. CHAIRMAN : Please continue.

SHRI B. R. BHAGAT : What I am saying is that in his judgment the Governor

came to this conclusion and he has given innumerable facts of the situation as to why he came to that conclusion that in his judgment no stable Government would be formed in Nagaland and he had to recommend the President's Rule, which is before us.

You see the situation in Nagaland. If I take the House to a bit longer back in history, 1950, we have seen what difficult period they have got, and it was not a Party matter, the whole House was exercised by the situation in Nagaland and innumerable efforts were made not only by Prime Minister Nehru and later on by the other leaders of the Government, but leaders of the Opposition, some of the Members on the other side—Jaiprakash Narayan, he took interest in it because it was a national question and let us not... (*Interruptions*). No, no I am saying the same—It was in Sixties, latter on Jaiprakash Narayan went. But I am saying, it exercised all the national concern because it was there, in Nagaland, that the first insurgency has started.

SHRI G. G. SWELL : All this is undone by you by this one action.

SHRI B. R. BHAGAT : You can tell this when you have your chance. I say the whole House, and therefore, after great national efforts in which the House has taken interest, Nagaland State was formed, separatism, insurgency and all these were pushed into the background, they were not totally eliminated, but they were pushed into the background, and since Nagaland attained Statehood, there have been eleven Governments and also one spell of President's Rule for two years, but remember the contribution of the Congress in maintaining democracy, as you are charging now. For the last six years the Congress (I) Government has been continuously in power, it has provided a stable government. In the last election, the Congress got a clear mandate, a clear majority, but when the trouble has started, the same gentleman, Mr. Chishi and his friends, immediately after the formation of the government have formed a dissident group and they had all sorts of demands—I think our colleague, Mr. Rajesh Pilot handled the situation very advisedly.

They formed a more representative government in which these people were represented. They were Ministers; three Deputy Ministers and six of them were Chairmen of the Corporations, among those 13 who have left. Today they have started saying this, right after that They had their ambitions; they had their personal aggrandisement. All their demands were tried to be accommodated and in this group, as I said, 6+3+1, 10 out of 13 enjoyed powers. Now, in the same group, what is the difference? What was the cause of their split or the difference. The Government is not functioning properly. Imagine, now you are all experienced Members of Parliament all leaders of the country. Tell me, what does it mean? Does it mean anything? Their grouse was that Government is not functioning properly.

SHRI G. G. SWELL: It means, something, there are skeletons in the cupboard; they are tumbling out.

SHRI B. R. BHAGAT: They say the Government was not functioning properly. They also had the responsibility. They had shared in the Government. Therefore, this was not a valid thing and when the Governor had described this as a political *coup*, why do we object about it? The Chief Minister was away. Well, in a democracy, you discuss this; you have a difference: you argue it out. It is an all India Party. It is not a regional party. If you have a genuine grievance, you could have come here or somebody—Mr. Rajesh Pilot would have flew there.

AN HON. MEMBER: He went.

SHRI B. R. BHAGAT: That was later on. I said, previously. It was nothing but *coup*. What else could it be described? There is no genuine difference of opinion, no ideological difference no programmatic difference no difference on policy. You did not resign on that. You did not bring it to the Chief Minister. The Chief Minister is away on an official duty and then you do certain things. Then, what happens.

Mr. Somnath Chatterjee is a devils' advocate today, not always. He is very

good advocate, very good person. But today he is a devils' advocate. How he argues—on one day, Nagaland Regional Congress Party is formed. Would they not have certain obligations; what the Party's programmes are; what is the Party's constitution. It cannot be done in two days obviously. But after two days, he says now, right absolutely, they merge with the NPC. They merge now with the other parties and they become Nagaland People's Council. Now he says, very good. If it happens in your Party, you will call it very good? A section of your party...

SHRI SOMNATH CHATTERJEE: It will never happen in my Party. If this has happened, can I impose President's rule, can I misuse the Constitution?

SHRI B. R. BHAGAT: He is justifying everything. That is why, I am calling him today that he is in the role of devils' advocate. You are supporting this group of people who have no principles, no policy but purely personal aggrandisement.

SHRI SOMNATH CHATTERJEE: Talking of Constitution is, according to Mr. Bhagat, acting as devils' advocate. We should not talk of Constitution, we should not talk of Sarkaria Commission!

MR. CHAIRMAN: He is not yielding.

SHRI B. R. BHAGAT: I am saying this. Here is a group. They are members of a party. They were elected on the mandate of a party, on Party tickets. They were sharing in the Government. They were provided official positions. Now, suddenly they discovered that they have higher ambitions, bigger lure of office and power and purely personal aggrandisement. There would not be greater unethical act in political life than this. They have broken the party and now they should be allowed to go about and either he should become Chief Minister or Deputy Chief Minister? Should he be allowed in this process? Then Mr. Somnath Chatterjee says, it would have been more ethical to allow the break-away group a chance to form the Government. The Chief Minister has the whole power in that. Then they think, because they thought they cannot do this, they can become

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National Peoples Council in two days and say it is merger and, therefore, it is allowed by the Constitution.

I will not go into the Speaker's ruling because Shri Somnath Chatterjee is right there at least. It is our tradition that when a Speaker gives the ruling, it is final. Governor has not questioned his ruling.

**SHRI SOMANATH CHATTERJEE :** We have always accepted your ruling.

**SHRI B. R. BHAGAT :** The Chair's ruling, not mine or yours, the Chair's. Speaker's ruling is final. The Governor has not questioned it in his report. He said it is final. But at least he has given his opinion. Everyday you are admonishing the Chair. Mr. Madhu Dandavate is saying "You should have done this. You should have gone into this." Everyday you are advising the Speaker. It is in the same spirit that he has said, the Speaker should have taken more care. *(Interruptions)* I am concluding. I am coming to what you are going to say. *(Interruptions)*.

**MR. CHAIRMAN :** He is not yielding. I am not allowing you, Mr. Amal Datta. Please take your seat. He is not yielding, What to do ? *(Interruptions)*.

**MR. CHAIRMAN :** Please take your seat, Mr. Goswami. He is not yielding. I am not allowing you, Mr. Amar Roypradhan. Please take your seat.

**SHRI B. R. BHAGAT :** I am not asking you to praise him. You are entitled to your views. But do not abuse him. That is the point. By abusing the Speaker, you are abusing yourself. Don't you realise ? Does the Hon. Member realise that the Speaker or the President or the Parliament Members, are a part of the same constitutional system ? If you abuse the Governor, you abuse yourself. You criticise that report. I do not mind your criticising it. You had abused him and this is not in the good spirit. *(Interruptions)*.

**MR. CHAIRMAN :** I do not allow this. Let him say whatever he wants. Why do you disturb him ? I do not allow you. Please take your seat,

**SHRI B. R. BHAGAT :** What the Governor meant was that the Speaker, instead of giving recognition in haste, he should have tried to wait, taken a little more information, because things were happening. We have just now heard that they were confined to a tourist lodge. In his report he has mentioned that one of the Members who was at that time in Calcutta, signed in the Speaker's presence. If these are facts, if they were confined to a tourist lodge, if they were under threat, imagine the leader, the alternative Chief Minister, Mr. Vamuzo. I am glad that I am able to pronounce it correctly. If it is a fact, then it proves that he gives an open threat that if he is not installed as Chief Minister, blood will flow in Nagaland; there will be violence and there will be intimidation. I would like to say that everybody is intimidated. *(Interruptions)* Is it not a fair conclusion that these 13 Members who were confined to a particular tourist lodge, they were all under threat, they were all under confinement ? Was it not the duty of the Speaker to go into it ? I say that I accept the Speaker's ruling. I accept the decision of the Speaker is final. But what he had meant to say was this. In a situation, you have to keep your eyes open and not act like a robot. *(Interruptions)* You want the Governor to be a robot. *(Interruptions)*: What the Governor, in fact, has done was that he has gone behind all these things; he has carefully examined all these aspects.

**SHRI SOMNATH CHATTERJEE (Bolpur) :** Who do you think has drafted this ? *(Interruptions)*.

**SHRI B. R. BHAGAT :** I don't know... *(Interruptions)*. You are indulging in such kind of activities. I consider that every man is an honourable man; every man is honest. You are a lawyer. I am not. You know that every man is honest unless he proves to be dishonest. Therefore, I take it that he has drafted. *(Interruptions)* I do not know who has drafted this. *(Interruptions)*. Therefore, the Governor, instead of acting mechanically we must praise him—he has gone into the whole situation and he has acted with responsibility. He has gone behind every development from moment to moment, and given his valued judgement. What I am going to say is that we must

accept his judgement because in his judgement the situation, as it is today, was such that it would only lead to all kinds of dirty games being played, including violence... (Interruptions) Now, Nagaland is coming to join the national mainstream. In fact, the Naga people are one of the most honourable, valiant people, most democratic people. We should allow congenial conditions. The President's rule will be there only for a short while. There will be another election.

SEVERAL HON. MEMBERS : When ?

SHRI B. R. BHAGAT : I do not know. You better ask the Government. I am not the Government. (Interruptions).

SHRI SOMNATH CHATTERJEE : What about Tamil Nadu ? (Interruptions)

SHRI B.R. BHAGAT : There is no doubt that I am saying about this. I gave you the background. There have been 11 elected Governments and President's rule was there for two years. For six years, the Congress(I) Government was functioning very ably, effectively, which has been destablished now. By trying to have a series of Governments, short-lived Governments, made on horse trading, on unethical practice you want to promote such activities... (Interruptions) That is not the way of promotion of democracy. Nagaland deserves a strong Government. The people of Nagaland deserve it and the situation in Nagaland deserves, it. Therefore, in the interest of its stability and peace in Nagaland, it is necessary to have President's rule for a short while only. It should be the shortest while so that people can exercise their opinion and form a truly representative Government. We must support the recommendation of the Governor.

PROF. MADHU DANDAVATE (Rajapur) : Madam Chairman, at the very outset, let me point out to you, as I have pointed out to the Speaker this morning, that there have been 10 rulings in this House given by the Speakers right from 1953 up to 1988 and the last ruling regarding the announcements outside this House-even regarding invoking Article 356 of the Constitution-was by the present Speaker on 7.3.1988 while dealing with dissolution of the Panjab

Assembly. I will only read a portion of that particular ruling because that itself is an indirect stricture on the Government... (Interruptions) I read that and I have already digested that also. The Speaker, no 7-3-1988, while referring to my privilege motion against the Government for making an announcement regarding invoking article 356 about Punjab outside the House when the House was already in session, no doubt rejected the privilege motion but accepted that there was an impropriety, and he said, as a matter of propriety, such decisions should first be announced before the House when it is sitting'. I was trying to request the Speaker, "At least express your displeasure". Ten times Speakers have expressed displeasure ..

SHRI INDRAJIT GUPTA : He expressed his displeasure.

PROF. MADHU DANDAVATE : Yes, very mildly.

Ten times Speakers have expressed displeasure, but unfortunately this Government and their predecessors are so insensitive that, even when ten-times displeasure has been expressed by Speakers, they say that it is after all an impropriety, not a breach of privilege; and they continue. Therefore, once I suggested in the House, "Evolve a mathematical equation, how many improprieties are equivalent to one breach of privilege." Ten times they have committed breach of privilege. I would also, in this House: try to refer to my predecessors who spoke just now. I have great respect for him. He was an 'Emergency' Speaker. I would like to remind him that, just as he wanted the Speaker's ruling on the subject to be respected by the Government, we also wanted him to respect and we also wanted all concerned to respect also the ruling of the Chair in the Nagaland Assembly. It was almost indicated that nobody, and the Governor of all the persons, did not cast aspersions on the Speaker. I think, in his enthusiasm to defend the Report that has been laid on the Table of the House, he forgot to read the Report itself (Interruptions) I concede to him his fundamental right of ignorance. But I must tell him that already in the Report which he is treating as sacrosant, in that very report,

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the views of the Governor have been expressed; and the Governor has said that the Speaker showed undue haste in giving recognition to the dissidents who had already formed a Group...

**SHRI G. G. SWELL :** Unethical machination.

**PROF. MADHU DANDAVATE :** I only wanted to give you the fact that the Governor has already cast aspersions on the Speaker. This Governor has been indulging...*(Interruptions)*.

**MR. CHAIRMAN :** Why is the Hon. Member shouting like this today ?

**PROF. MADHU DANDAVATE :** I was trying to point out that the Governor himself has committed so many improprieties. I have told you also how the Speaker's ruling, repeated rulings, ten in number, have been flouted and violated—

**SHRI G. G. SWELL :** He played truant to the State. Is it the privilege of the Governor of a State to ply truant to his State ?

**MR. CHAIRMAN :** What is this, Mr. Swell, today ? I do not understand this ...

**SHRI G. G. SWELL :** Is it a special privilege of the Governor of Nagaland to play truant to his State ?

**MR. CHAIRMAN :** You can speak when your turn comes. Prof. Madhu Dandavate, please continue.

**PROF. MADHU DANDAVATE :** I was referring to a very important aspect. These are the issues that have to be discussed because they will give the guidelines for all times to come. This is a very serious and important Constitutional debate, and I would like to draw the attention of this House to what happened in the Constituent Assembly when article 356 was being discussed. Many Members, including the Members of the Congress Party—Prof. Ranga will bear in mind—had already indicated that

'the article 356 in the manner in which it has been framed is likely to be misused in the future'. And on that occasion, I would like to point out to you, in anticipation of what is going to happen in Nagaland, what had Dr. Ambedkar said in the Constituent Assembly. He said :

"I do not altogether deny that there is a possibility of these Articles—Article 355 and Article 356—being abused or employed for political purposes. But that objection applies to every part of the Constitution which gives power to Centre to override the provinces. In fact, I share the sentiments that such Articles will never be called into operation and they would remain a dead letter. If at all they are brought into operation, I hope, the President who is endowed with these powers will take proper precautions before actually suspending the administration of the provinces. I hope, the first thing he will do would be to issue a mere warning to a province that has erred that things were not happening in a way in which they were intended to happen in the Constitution. If that warning fails, the second thing for him to do will be to order an election allowing the people of the province to settle matters by themselves. It is only when these two remedies fail, that he will resort to this Article 356."

That was the criticism that Dr. Ambedkar, the Framers of the Constitution had actually offered while speaking on Article 356. And those who have seen that, this warning has to be borne in mind. In fact, I am one among those who believe that the powers that are given to the Governors and the power that are given to the President in this regard have to be actually modulated. And I have already introduced a Private Member's Bill in this very House that whenever there is any doubt about a particular group or party claiming to represent majority in the given legislature, the testing of the majority of that group or a party cannot be done in the cozy chamber of the Governors but it has to be done on the Floor of the legislature. That is the only way we can avoid all sorts of aberrations of our democratic experiment.

I must say that this has been totally avoided in this particular case. Governor's role has been extraordinary. Madam, the other day, we submitted a memorandum to the *Rastrapati* and pointed out to him that when such situations were developing in Nagaland we found that Governor had become underground. We know that the insurgents in Nagaland were formerly underground. But we found that even the Governor had become underground. Actually, the *Rastrapati* was trying to point out, "will you tell my Secretary where is he.. And he was told, "he is in the file. He is in Imphal." When such a situation was developing, he ought to have remained on the spot. But he was remaining on the place from where he could have flown in half-an-hour or he could actually have travelled by car in five hours. But he was remaining there. When Rome was burning, he was fiddling, Nero was fiddling. I do not want to call him Nero, because it would mean I am casting aspersion. On Governors, no aspersions can be cast except through a substantive motion. And, therefore, I have already given a substantive motion against the Governor. My Motion against the Governor is that the House do disapprove the conduct of the Governor of Nagaland in reporting break down of the constitutional machinery in the State leading to imposition of President's Rule in Nagaland without testing the majority commanded by the proposed alternate Ministry in the State and demands firm action against the Governor.

**SHRI SOMNATH CHATTERJEE :** For submitting bogus report.

**PROF MADHU DANDAVATE :** All that can be brought in the course of the speech. I have already submitted this Motion. Unfortunately, I did not submit it yesterday. I gave it today. Therefore, I have been told by the Speaker in the morning that if this was sent earlier, Governor's misdeeds would have been discussed earlier. Then we would have come to the misdeeds of the Union Home Minister. Now we are lumping everything together and therefore we also have to discuss indirectly the conduct of the Governor.

17.00 hrs.

I would like to point out to you that the Governor has to be a link between the State and the Centre. He has to send report to the Centre as to what machinations have been taking place. I have raised the issue and many of my colleagues have raised the issue that the Union Home Minister had gone to Nagaland and it is my first-hand information-Prof. Swell may bear me out—that at a dinner table the Home Minister tried to threaten his dissident colleagues and he told them that either join back the Congress or be prepared for a President's rule in Nagaland.

The Union Home Minister is a Congress Member just as Mr. Pilot, a friend and a young Congressman can go to the family members there—whether they continue to be members or whether they have taken a divorce, he has a right to meet the original members as well as the divorcees. I have no objection.

**THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT) :** You may support me thoroughly because you also had gone to Bangalore for the same purpose.

**PROF. MADHU DANDAVATE :** In fact, I directly went to meet my party members outside the legislature.

I would like to tell you that I have no objection at party level people meeting the party members. But it is a complaint, even from these dissident members, that the Union Home Minister tried to threaten them and told them very clearly these things.

I have no objection to anyone going there and enforcing the party constitution. But he tried to utilise the Constitution of India as an instrument of enforcing discipline inside the Congress party. That is what is objectionable. They tried to intimidate the dissident members and the Governor ought to have taken note of that.

I have also tabled the motion here that we should take cognizance of the Union Home Minister going in a crisis ridden State like Nagaland and trying to threaten the



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Members. He can even threaten them from the point of view of his party constitution, but he tried to use the Constitution of the country and told them that if they don't fall in line, in that case Nagaland will have to face the President's rule. That is misusing the country's Constitution as an instrument of enforcing discipline in the party... (*Interruptions*)... I am also extremely happy if it is disproved. I would also like to point out to you a very important thing.

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17.03 hrs.

[MR. DEPUTY SPEAKER *In the chair*]

Welcome Mr. Deputy Speaker. You have come at a very appropriate moment. I am trying to point out that just as the late Dr. B. R. Ambedkar sitting in the Constituent Assembly could anticipate the developments in Nagaland, the Sarkaria Commission sitting amidst all the friends whom they had invited and experts whom they had invited could also anticipate what is going to happen in Nagaland.

Forget what I and Mr. Somnath Chatterjee and other friends have said. But here I will place before you the opinion of the Sarkaria Commission. The Sarkaria Commission tried to analyse under what circumstances the Central rule, the President's rule has been imposed in various States by invoking Article 356. Page 177 of the Sarkaria Commission Report under the title 'Use of Article 356' and under a subtitle 'When Ministry commanded majority' has made significant strictures on the functioning of the Union Government. Para 6.630 of the Report reads :

President's rule was imposed in 13 cases, even though the Ministry enjoyed majority support in the Legislative Assembly. These cover instances where provisions of Article 356 were invoked to deal with intra-party problems or for considerations not relevant for the purpose to the Article 356. The proclamation of President's rule in Punjab in June 1951 and in Andhra Pradesh in January 1973 are instances of the use of Article 356 for sorting out intraparty disputes."

That is what exactly the Governor and the Union Government has done as far as Presidents Rule in Nagaland is concerned. There is no collapse of the Constitutional machinery. There is no serious political crisis. There is no threat of external aggression which may have created a difficult situation.

AN HON. MEMBER : But the collapse of the Congress party was there.

PROF. MADHU DANDAVATE : That is the tragedy. Inadvertantly he has reasoned out the case very correctly by saying that there is a crisis in the Congress. Constitution says if the Constitutional machinery collapses President's rule can be brought about. They are identifying the nation with the Congress and the Congress with the Constitution and that is why the crisis in the Congress were treated as crisis in the Constitution and Article 356 of the Constitution is invoked. It is not I who has said it. The Sarkaria Commission, which was appointed by the Government, and which asked the experts to give evidence, on the basis of experience, they have said that in 13 cases where there was a majority; and I may try to point out to you that when I initiated in 1980 a debate on electoral reforms I quoted, 13 cases in which outgoing Chief Minister when he happened to be the Congress Chief Minister his recommendation regarding dissolution of Assembly was always accepted and if the outgoing Chief Minister happened to be a non-Congress Chief Minister and when he recommended dissolution of Assembly invariably his advice for dissolution of the Assembly was not accepted. That is what has happened. That is the manner in which Governors are functioning. As I have brought the motion before the House; so I do not want to discuss in detail the manner in which the Governors and in particular the Nagaland Governor has been functioning. I would like to remind you, and I remember very well that, when I moved a substantive motion in this House; when our friends of Telugu Desam were yet to enter this House, and when I championed the cause of Andhra in 1980 and my substantive motion against Governor of Andhra—if I remember right it was Mr. Ram Lal—when that was being discussed in this House, I built up a clear

case as to how discrimination was made; how wrongly they tried to assess the strength of NTR government; how they tried to have the aberrations of the democratic experiment in Andhra and I said at the conclusion of my speech: By brute majority they might be able to defeat my motion but the pressure of public opinion will force the Union Government to throw away the Governor. What I said turned out to be true. After the defeat of my motion in this House by overwhelming majority, within ten days the Governor was thrown away. He was dismissed and NTR came back to the Government with a thumping success. Throughout the country there was an agitation and the public opinion asserted itself. That was what happened in Andhra. The same thing will happen in Nagaland. I am assuring all our colleagues in the North-East region that you have made heroic efforts to bring the persons and politicians from this region into the mainstream of our political life. They are trying to become part and parcel of the mainstream of our political life and on such an occasion, when they are already joining the mainstream of our political life, if any discriminatory attitude on the part of the Governor or the Union Government tries to create constraints, we shall never tolerate. By pressure of public opinion we shall see to it that North-East region continues to be in the mainstream of the political life of this country.

Sir, it was a great pleasure to find that after a long time insurgency in Nagaland was over. Nagaland has become part and parcel of our mainstream and we wanted that atmosphere to be continued. But then rightly the dissidents have said that they have not gone out for loaves and fishes of power. They were already in the ruling party.

So, they did not go in order to have power. Why did they go out? They say that they went out because of the bad performance of the Government. I shall give you one classic instance. (*Interruptions*)

All right, we will see that. Don't worry, because of the differences in the Karnataka Government, if they are under the impression that people will send them back to power, let them know that they have been sent out of the power lock, stock and barrel

and they have no chance of returning back to power.

Mr. Deputy Speaker, sorry for the diversion. He was responsible for it. I may tell you that those friends in Nagaland Assembly, who left the Congress Party and formed a new council, themselves made a statement before the Governor. It is because of the bad performance of the Government that in protest we are going out.

What is the best reason of this? Sir, corruption has become rampant in Nagaland. (*Interruptions*)

Since, February this year, as against maximum requirements of 4,000 metric tonnes of rice per month—you will be shocked and surprised to know that without drought in Nagaland, our Central Government has become very generous—every month they are sending 9,000 metric tonnes of rice. What happens to the 5,000 metric tonnes? The contention of these dissident MLAs in Nagaland is that 5,000 tonnes of rice are being sold in the black-market. And those who were in power in Nagaland, are trying to amass wealth at the cost of this black-market, that is going on. (*Interruptions*)

SHRI RAJESH PILOT: This is just to inform the House. There was drought in Kohima, Mokokchong and Mon. And after the Central team had gone, they recommended the additional supply of rations. That's why the Central Government has done this. It is not for any other reason.

PROF. MADHU DANDAVATE: For how many months? That is the question.

SHRI RAJESH PILOT: I cannot say for how many months. It was on the recommendation of the Central Government. It was recommended for drought. And there was a drought in Nagaland. (*Interruptions*)

PROF. MADHU DANDAVATE: Sir, this is the position. As far as horse-trading is concerned, threat, money, political pressure, everything was utilised in Nagaland. Those who have come to the mainstream of our political life, they are told that the price

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of your joining the mainstream of our political life and the price for attaining the statehood for Nagaland is politics of manipulation, politics of corruption, politics of intimidation and politics of destroying democracy in Nagaland. That is what we are offering to them.

Therefore, I would like to point out to you that the aberrations that have taken place, have really created constraints in Nagaland politics. That is really, the great tragedy of this entire episode.

I would like to point out to you more aspect and that has to be taken very seriously. If the Constitution is to be effectively implemented, we have to go out of the way to see that certain provisions of the Constitution, which the framers of the Constitution themselves have set, are to be implemented in exceptional cases. And normally they have to remain, as Dr. Ambedkar said, in our Constitution. If those provisions are to be used, they have to be used in a discriminating way.

Unfortunately, these provisions are being utilised, as Sarkaria Commission has rightly pointed out, to settle the intra-party problems. Sir, the party should be strong enough to use its power, party constitution, its own machinery, its own discipline to see that their members are disciplined. The moment you start utilising the constitution of the country to discipline your members, in that case, it is a grave aberration.

MR. DEPUTY SPEAKER : Please conclude.

PROF. MADHU DANDAVATE: Let me complete that point.

He was referring to some Members going away on grounds of non-performance, setting up a group, telling the Speaker that we want to have an alternative Ministry. Sir, in many countries, such situations have developed, I will give a concrete illustration and I will take my seat.

You may remember that in the Second World War, when Chamberlaine was purs-

ing a very weak-kneed defence on foreign policy, and England was likely to be defeated and fascism was likely to succeed, there were noices of protest in the House of Commons, when Chamberlaine was the Prime Minister of UK Herbert Morrison, the leader and a Member of the British Labour Party moved an adjournment motion which has an element of censure While speaking on the adjournment motion, he said irrespective of the political parties, Members of the House of Commons have to act because we have to defend not the Conservative Party or the Labour Party but we have to defend the prestige of our country and the freedom of Europe. That is what Herbert Morrison said and a number of Members of the Conservative Party of Chamberlaine voted for the adjournment motion and at the close of the debate, Chamberlaine rose from his seat and said that a number of Members of my own party, dissatisfied with my performance, dissatisfied with my defence policy, have expressed an opinion against me, against my performance and I take it as a sort of 'No-Confidence' and I myself tender my resignation I will ask the Majesty to form an all-party Government which will be headed by a suitable man who can win the war and preserve our freedom. That is how Chamberlaine's Government came down and that is how a new government was set up. But this happens where there are democratic traditions. Dissent is not to be respected as betrayal, dissent is not to be respected as treachery. dissent on the treachery of the performance of the Government has to be considered as a genuine dissent and respond to the forces of dissent and that is the essence of democracy. That is what these people are trying to destroy. Therefore, we rise in protest against the proclamation, under Rule 356, of imposing the President's Rule.

With these words, I conclude.

SHRI N. TOMBI SINGH (Inner Manipur) : Sir, I am not entering the queue of those who compete in the knowledge about the Nagas because I could myself be considered as a Naga Somehow I did not belong to that side. We are of the same area and we have the same problems, same difficulties, joys and fears. When I took part as a Congress man in the campaign, ten months

back in Nagaland, I saw a very ominous indication and I warned the party man that we should stand against. The Naga Nationalist Democratic Party manifesto was printed in Hyderabad. I think you know the implications. The regional parties and the national Opposition parties wanted to help the Naga anti-Congress forces in the elections, whatever may be the results. I do not know why these regional parties functioning in Andhra Pradesh or in Orissa or other places like to interfere with the difficult life of a small State in the North East. As we all know, the North East has very special problems and should have very special considerations. We do not know and may not know the special problems. When we criticise the conduct of the Governor, the language of the report of the Governor and even when we mention from where the report comes, we fail to remember that in the North East, both the Governors, are in a way functioning as Governor-Generals.

I remember the days when the Governor of Assam was made the Governor General of five States. Mr. L.P. Singh was the Governor who held five States in hand. He had difficulty to handle the individual small States. He had to have his headquarter in Shilong and he had to govern all the State Capitals from there. Now, we have the Governor of Nagaland, Manipur and Tripura which has the headquarter in Imphal. What is wrong if the Governor of Nagaland, Manipur and Tripura sends his report from Imphal, which is not outside his zone of jurisdiction? It is very much within his jurisdiction. Because if you want to avoid this then you will have to appoint three Governors one each for the Nagaland, Manipur and Tripura and similarly one each for Meghalaya and Assam. When we just impose certain limitations to a Governor, why should we not appreciate that?

Apart from that, as I mentioned in the beginning the manifesto of this Naga Nationalist Democratic Party was all out for the Naga regionalism. They mentioned that we are only for the Nagas and we do not recognise and we do not remember any force outside and we do not recognise even India. This was got printed in some HYDERABAD Press. It did not go to Guwahati, to Calcutta or to Delhi for better printing and it went to

Hyderabad for obvious reasons. The party wanted to only encourage Nagas in order to defeat the Congress. In fact it is something unpatriotic.

AN HON. MEMBER : The defeat of the Congress.

SHRI N. TOMBI SINGH : Yes, in a way because you can very well go and ask the common people as to which is the political party or the leadership which has done so much for the Nagas and which is the party that tries to understand them. I am not speaking from the hear say. I was born and brought up there. I have been there persuing my public career for the last 40 years. Although I have been in Manipur somehow I have been associated with the whole reorganisation of the North East States. I know the whole history as to which political party has contributed how much. But why should I make a long story of all these things?

Now, I must give full credit to the Congress and its leadership beginning with Pandit Jawahar Lal Nehru. Apart from party considerations, how much broadness, generosity and understanding they have shown beginning with Pandit Jawahar Lal Nehru, followed very aptly by his daughter and now by Shri Rajiv Gandhi. There is this continuity in the effort to understand and appreciate the limitation and difficulties of the entire North-eastern States where the small tribes have been compelled to live separately. Although they are very small and very poor, they are compelled to, historically, geographically and ethnically to exist as separate States because there is no other alternative and the rest of India, the big leadership of the political parties has yet to understand and appreciate all these things. We were happy that as a result of the last election in Nagaland the Congress could come out with the majority, having 34 Members. Now, I do not know why the pressure is there on the smaller units in order to destabilise the Government. They thought that by a defeat in Nagaland they will be bringing low prestige, to the Congress leadership, to Shri Rajiv Gandhi. Perhaps this is a very unpatriotic move.

As I said, Sir, I remember in 1977 when the Janta Party came to rule in the Centre I was elected against one of my colleagues

[Shri N. Tombi Singh]

Yang Marshal Shaiza, who is no more. He got a charter from the then Janata leadership, with some sort of letter of introduction from Shri Ashok Mehta, through Shri Charan Singhji and then through Shri Morarjee Bhal to get defectors from the Congress Party which was then in power in 1977. My colleague Shri Shaiza who had, on a Congress ticket along with me was chased by the Janata people like anything. He was offered chief ministership if he could succeed in getting defections from the Congress. I told him that it was not fair because he got elected on a Congress ticket and that Congress should not be weakened in the North East since it has got to play a role in the North East. Somehow, he did not heed my advice and he found the Ministry after getting the defections. Afterwards, those who joined his Ministry repented because their power did not last long. They were made to understand that for ten years, that is for nearly one decade Congress would not be allowed to come to power in our State. That was how the rumour spread and not only those who were not highly educated but even those who happened to be responsible and highly placed, chose to believe the rumour. After all it is a question of their career for ten long years and in the hope of not spoiling their career prospects they joined Mr. Shaiza. But in 1980, Congress came to power and Janata split and then it ceased to be a power. This is how we have been learning things.

My point here is that in the North East, handling of political situation is to be viewed from a very different angle. When we discuss the manner in which the Governor has recommended dissolution of the Assembly, I fully appreciate the manner in which he acted. He acted correctly because horse-trading has to be forestalled. Otherwise, in future this may spread to the whole country. Perhaps his background is not political. But he acted correctly and the Governor deserves our appreciation and commendation. Establishment of stability is to be taken care of in this area and he has seen to it that there would be stability in Nagaland, There are so many small States where different kinds of situations prevail and these are to be viewed in their perspective. The Governor's

reading of the situation, I think, is appreciable.

I would like to point out another thing. Now that the Nagaland Government is under the President's Rule, I do not like to enter into other aspects which have been covered by our Hon. colleagues on both the sides. I would like to say that the imposition of the President's Rule is very timely and what the Governor has done is very proper. Now that for a short while Nagaland is to under the President's Rule, Parliament will have its constitutional jurisdiction during this period. The Home Ministry has a special responsibility now. Whether we like it or not, whether the Opposition likes it or not, now that there is President's Rules, the administration of Nagaland should be handled with care. It has got inter-state border disputes, With Assam and Manipur, it has got major disputes. The Home Ministry under the President's Rule has to play a role to solve these problems of Nagaland. They should depute able officers as advisers to Governor and see that the major disputes involving neighbouring States are solved quickly and effectively during the President's Rule. The advantage that we have now is that we shall be able to see things little objectively because the States will be involved. Assam, Nagaland, Manipur, all these are almost in a very conflicting situation. So we should not lose this chance and that we should see the things objectively and solve the problems.

Another thing is the development. We should see that before the next elections that may take place in Nagaland, maybe within the shortest possible time, the necessary healthy climate for a healthy campaign be created. Now what we find is that attempts are being made from across the borders of Nagaland that in any case the Congress should not come to power by hook or by crook. If that attitude is not stopped, then Nagaland certainly will again be another breathing point for all the extremists, insurgencies. It is because, as you know the insurgency in the North-East started from Nagaland. Then it spread to Manipur area. Now Naga National Socialist Party is operating both in Nagaland and in Manipur. This is a very important factor, We cannot say that insurgency has been eliminated. In Manipur also similar situation happened.

It is because they are laying low and there was no satisfactory election. The permanent solution could not be brought about. So I support the President's rule in Nagaland and priority should be given to the solution of the border problems and also insurgency problems which are linked up with the uneducated employment to a greater extent. Then you take the special programme, the Prime Minister's programme. We do not know how seriously they are being taken up. The paper Reports' are given. The Bureaucrats' reports are given. When you campaign for the elections, you will know that there is a lot of gap between the reports and what happened actually in the field. So this also should be taken care of by the Home Ministry during this President's rule.

I would like to appeal to you — this is not merely a political appeal because I am not speaking as a Congressman—as I said in the beginning, our small units deserve special attention of all the parties, whether it is the Congress Party or any other party. So the North-East should receive special attention and it should not remain as a subject of political debates or political confrontations because it stands at a very different footing. If you keep this in view, perhaps a lot of misunderstandings, a lot of wrong reading of the situation will be eliminated. So I wish that this spell of President's rule in Nagaland should be for the shortest possible time and within that shortest possible time, we should make the best atmosphere for the next elections and also solve the major problems of insurgency and border disputes effectively.

With these few words, I support this motion.

**SHRI INDRAJIT GUPTA (Basihat) :**  
 Sir I join all my colleagues on this side of the House in unconditionally opposing this Motion. The point is, there are two aspects to this question, one is the constitutional or legal position and the other is the political situation about which just now we have heard the views of Mr. Tombi Singh. Nagaland, we all know, is not just like any other State. Nagaland is a State with a long, long history of insurgency and a long, long history of our military, security forces having to be kept there—or they were kept by the Govern-

ment in that area. They are still kept there. Still the problem has not been solved. Still, inspite of that fact that one section of the Naga leadership was agreeable to take part in constitutional processes, there is still a section which is underground and which is carrying on so-called insurgency actions. I do not know what is their link now, whether there is any link at all with Mr Phizo who is still in London—but he has become a very old man; he does not have the influence any more, which he used to have over the Naga youth. Nevertheless one section of Nagas is there underground, and one section which has been cooperating with the constitutional, democratic process. This measure which has been taken now, this step which has been recommended by the Governor and taken by the Government now—please consider it dispassionately. Which of these two trends are you going to help, which of these two trends are you going to encourage by what you have done there ?

All of us want that Nagaland as a whole should be brought into the mainstream of democracy and constitutional development, as part of the Indian family. It is not so, yet. Still there is a division there among the people; and different aspects of that are to be found in different degrees, in the whole of the north-eastern region, in the different States. But what is being done now the way it has been done, the way the Governor has acted, and the way the Government of India has hastily acted on the basis of the Governor's report I am afraid, I am apprehensive that those Nagas who were always against any kind of constitutional or democratic process, their hands will be strengthened and they will say : 'This is the Constitution which you wanted us to support: but this is the way it is being subverted in the interest of the ruling party at Delhi.' This is all that is going to happen. If you want another resurgence of insurgency in Nagaland, you could not have done a better job than you have done now. This is what you have to think about. This is not a very light matter to consider.

Everything Mr Tombi Singh said is correct, viz that it is strategically situated, it is a border State—across the border also there are forces working. We know all that. Therefore, you have to be much more

[Shri Indrajit Gupta]

cautious, much more careful—the way you behave, the way you handle the people in that area. Anyhow, rightly or wrongly, they do feel estranged and alienated from the Centre. Not now, but for many, many years...

**SHRI RAJESH PILOT :** Mr. Indrajit Gupta, this is exactly what the Government felt, viz. that if we neglect the feelings of the people who have voted for the national mainstream and if we allow them again to go into the hands of those forces, they might go into the hands of those forces and may not join the national mainstream ever. This is also a school of thought *(Interruptions)*

**SHRI INDRAJIT GUPTA :** It is now here mentioned in the Governor's report that he had any such consideration in mind *(Interruptions)*

**SHRI RAJESH PILOT :** I have read it. He has said it. *(Interruptions)*

**SHRI INDRAJIT GUPTA :** The argument of Mr. Pilot is that if the people of Nagaland, or for that matter of any other State....*(Interruptions)*

**SHRI RAJESH PILOT :** This is about Nagaland....

**SHRI INDRAJIT GUPTA :** All right. The people of Nagaland, if they vote for anybody who does not belong to Congress (I), then they go out of the mainstream. That is your meaning. What else is the meaning? *(Interruptions)*

**SHRI RAJESH PILOT :** No. If you see the history of Nagaland, this is the first time after the Statehood that they have voted for the mainstream clearly—34. If you see from the time of State hood till today...*(Interruptions)*

**SHRI INDRAJIT GUPTA :** This is Parliamentary system. It is not one-party rule...*(Interruptions)*

**SHRI RAJESH PILOT :** Indrajit Gupta Ji, the election was around only two plat-

forms : regional forces or mainstream. This was the first time...*(Interruptions)*

**PROF. MADHU DANDAVATE :** Who says regional stream is not the main stream?

**SHRI INDRAJIT GUPTA :** It is all right. Suppose people of the Nagaland in the last election voted for the Congress Party and the majority was won by the Congress Party and they formed the Government. Now what happens? What is the general practice that we follow? What is the convention or accepted constitutional position? If in a ruling party which has been elected by the majority of votes of the people of that State, a split takes place, for good or bad or for whatever reason, and a number of people who have been elected as members of that ruling party, decide to quit that party, what do you do? It means you are going out of the mainstream I do not follow this argument at all. *(Interruptions)*

**THE MINISTER OF STATE IN THE  
MINISTRY OF HOME AFFAIRS (SHRI  
SONTOSH MOHAN DEV) :** Mr Swell has said about it; he has said sometime about it; he said, somebody has come from the underground to the overground and again he will go to the underground.

**SHRI G. G. SWELL :** Because of your reaction which is anti-social, anti-ethical. You have done a great disservice to the country. All that was done in the last decade was undone by our action.

**SHRI RAJESH PILOT :** What do you mean by this?

**SHRI G. G. SWELL :** I feel I have more wisdom than you.

**SHRI RAJESH PILOT :** You are elder to me.

**SHRI G. G. SWELL :** You are nothing.

**SHRI RAJESH PILOT :** We respect your age. *(Interruptions)*

PROF. MADHU DANDAVATE : You must formally allow him to speak. (*Interruptions*)

MR. DEPUTY SPEAKER : Don't fight. Nothing will be recorded, I cannot allow it to go on record. Mr. Swell is not allowed to speak.

(*Interruptions*)\*\*

SHRI INDRAJIT GUPTA : Why did you allow the Minister suddenly to provoke Mr. Swell when I was speaking ? What business had he got to do that ?

SHRI SONTOSH MOHAN DEV : When I mentioned it, then he mentioned that insurgency factor has not been taken into consideration; and most unfortunately, none of the members, who were speaking, was speaking on the Governor's Report, not on the insurgency, even on the links of some MLAs. Nobody is going into it. They are harping on those points which help them. You kindly analyse this point also. (*Interruptions*)

SHRI INDRAJIT GUPTA : I think understandably Mr. Swell is agitated very much on this question and I hope you will give him a chance to speak, because, I think this is a question which deals with the tribal people; and to say that some people came out from the underground and now they are conspiring to go from the overground into the underground again...(*Interruptions*)

SHRI SONTOSH MOHAN DEV : I have not said that ; he has said that.

SHRI G. G. SWELL : You are driving these people again to the underground.

SHRI INDRAJIT GUPTA : Do you want, these people who came out from the underground and were functioning overground, to push them back into the underground ? That is what you are doing.

SHRI SONTOSH MOHAN DEV : No.

SHRI INDRAJIT GUPTA : That is what you are doing; you are giving a handle to that tendency.

SHRI SONTOSH MOHAN DEV : No.

SHRI INDRAJIT GUPTA : You know that the underground movement in Nagaland is still functioning on the basis of a slogan that they want an independent Nagaland. They do not want to remain a part of India; they want to go out of India; that is how they are functioning. How much influence or strength they have got or not got, I do not know the latest report. But, certainly, it is the height of political foolishness to behave in a way which will force people who have left the underground and come out overground to go back into the underground again. This is what is going to happen. This is the way that you are treating the sentiments of these tribal people. Suppose any party has been voted into power by the people of that State; and then a big chunk of the members of that party for whatever reasons, decide to quite that party. Then why do we not want to follow the same practice and convention which is followed everywhere ? If there is a doubt; whether they have joined another party also, which was there in the opposition, if there is any doubt about the majority, and there appears to be a doubt because Mr. Hokiese Seema went on saying that there is no split, here cannot be a split until there is a split in the Centre. He has invented a new theory, saying, until that party splits at the Centre there cannot be any split here in the State. That means, he was challenging the fact that he was left with only a minority. He does not recognise that. He does not recognise the fact of a minority. (*Interruptions*) All right. Suppose, he has got a doubt, some question, some thing, or somebody else has got a doubt, what is the practice ? Where is it to be settled and decided ? Is it not to be decided on the floor of the House ? What has happened to the Assembly ? Is there not an elected Assembly ? Is it not to be decided on the floor of the Assembly ? Or has it to be decided in the Raj Bhawan, that also not in Kohima, but the Raj Bhawan at Imphal ? (*Interruptions*) Here is a Governor who has got three or four States under his charge, and as so many people have said—I do not want to repeat that—he was ? Sitting there in Imphal, and that is where these decisions had to be taken, not on the floor of the elected Assembly. Only Mr. Hokiese Sema is the elected Chief Minister.

\*\* Not recorded.



[Shri Indrajit Gupta]

The Assembly as a whole, is it not elected by the people? This is a most serious charge against this Governor, apart from the fact that the Government here did not bother about Parliament at all. First, the *fait accompli* was carried out and then they come and tell us here today and we have to read from the newspapers and hear on the Radio that the President's Rule has been imposed in a State in this country. Then, what are we here for?

Anyway,—I will just take two or three minutes.

PROF. MADHU DANDAVATE : Even the Governor was driven underground.

SHRI INDRAJIT GUPTA : The Speaker—(Interruptions) If somebody wants to question it on any constitutional ground or legal ground he is free to do so—it has been mentioned already here that the Speaker—it is contained in the Governor's report also—had recognized those dissidents who had left the Congress (I) as a separate group and this was published in Bulletin No. 25, dated 30th July, 1988.

PROF. MADHU DANDAVATE : The Governor criticised that also.

SHRI INDRAJIT GUPTA : He criticised. But what is wrong in it, I want to know.

Then we had a report that some representatives of the Centre—if we mention anybody by name it will be denied, so I am not mentioning anybody—some spokesman or representative of the Centre tried to persuade or bully or threaten the Speaker into withdrawing this recognition that he had given to this separate group, (Interruptions) fact asked him to withdraw that recognition and in and that he should disqualify these dissidents under the Anti-Defection Act, they should be disqualified; which he apparently refused to do He refused to do it.

Then, as I said, Shri Hukishe Seina was left without any majority and nobody is

going to swallow it here, He said, there was no split because there was no split at Delhi, so there cannot be a split in Kohima. The same theory is advanced.

PROF. MADHU DANDAVATE : This is a message for Mr. Swell.

SHRI INDRAJIT GUPTA : Then, why did the Governor not get the Assembly summoned for the purpose of ascertaining who really has a majority, or has not got a majority? That is a democratic way of doing it. This is not a democratic way of doing. This is a hide in the corner way of doing it. Why should it not be done in the front of everybody in the Assembly? That was not done. Then, not having done that, as other colleagues have said, he has gone into such a lot of things delivered so many sermons moral? sermons; but has gone into questioning people's motives, he is questioning the character of the Nagas. He says, that this is not in keeping with the noble character of the Naga peoples (Interruptions) What does he know about the character of the Naga people?

SHRI SONTOSH MOHAN DEV : He has served the North Eastern region for eight years. (Interruptions)

SHRI INDRAJIT GUPTA : He has served there to suppress the Nagas. He was a military commander, His role was there to suppressing the Naga rebels. Do not tell me all these things.

Then he talks about others' scruples, and saying this and that (Interruptions) I do not mind his saying these things, if he follows the other practices also. He does not follow the constitutional conventions and practice and now also he wants to deliver big big sermons.

PROF. N. G. RANGA : No, no.

SHRI INDRAJIT GUPTA : Then there are many things in this report which you will find for which the source is the report of the Ex. Chief Minister, his report. "He was reported to me, that some people are being held somewhere....." He

has reported to me that some people are doing that. Whose report is it? It is Hokishe Sema's report, who is very much an interested party because he is losing his power. The report that he has given cannot be taken as unbiased report. But the Governor has accepted absolutely and unquestioningly his untrustworthy biased report. Because Mr. Hokishe Sema could not be objective in this matter. How could he be objective? His throne was slipping away from him. He was very much interested in giving wrong reports to the Governor. So, all that I wanted to say is that, in future let us agree on something, let us agree that the moment a split or something takes place in some elected Government like this, that Government cannot carry on any more, you should immediately go for elections. You go back to the people and take their mandate again... (*Interruptions*)

PROF. N. G. RANGA : No.

SHRI INDRAJIT GUPTA : What is happening in Tamil Nadu? All these talks about holding elections as early as possible, this and that -- this is all eyewash. Once you have imposed President's Rule, you will go on holding President's Rule until you have made political manipulations in such a way that the situations save you (*Interruptions*) Before that, there will be no election.

(*Interruptions*)

SHRI N. V. N. SOMU (Madras North) : Once a mortgage always a mortgage.

SHRI INDRAJIT GUPTA : That is what happening now. By the way I should say this is a most disturbing thing. It will have an adverse impact on the mind of the ordinary Nagas. They are tribal people, there they are living in the hills, jungles and all that. They have never been every kindly disposed towards Central Rule. You may blame them for that or somebody will blame the Centre for it. I would blame the Centre much more because these people are living on the fringes of our great country—absolutely on the fringe. They are very far removed physically from Delhi. The type of officials, bureaucrats and others, from the days of British, who had been sent there to administer their areas were divorced from

their culture, from their language, from their customs, from everything and they have not been able to integrate properly with them. That situation has not changed qualitatively even today. We have to be very very careful, tactful and cautious in treating these people. Respect their sentiments and try to understand what are their difficulties. If you do not do that and try to treat them in this way—a short of steam roller over them, then well, they will be further alienated. That is all. They will have no respect for the Constitution. Once that happens, then they will be driven to the other path, from which they were trying to come out. So, I do not think you have done any good to the country. You have done a big disservice to the unity of this country. The unity of this country is threatened already by so many forces in many parts of the country, divisive forces, terrorist forces, secessionist forces, they are trying to rip the country apart, take it apart. Should we not fight consciously and try seriously to see that all these different hotbeds of secession and division are done away with and cement the country's unity more? What you have done is, you are going to create another Punjab. Another Punjab will be created in Nagaland and you will go on dealing with that for the next ten or fifteen years. This is the great achievement you have brought about just in order to see that somehow or the other, the Congress I was not thrown out of power (*Interruptions*)

It is a most cynical and dishonest political game. Therefore, I, on behalf of my party, categorically oppose this motion.

PROF. P. J. KURIEN (Idukki) : Mr. Deputy-Speaker, by hearing the speeches from the other side, I was just reminded of an occasion. In this very House itself, when we discussed the anti defectinn law, I remember, how all the Members were one in supporting it. I also remember, the then Hon. Speaker commented that the green revolution has taken place, on seeing the voting. After hearing some of the speeches of the opposition Members I feel that the opposition has gone back from the spirit of that Anti-Defection Law. Many Hon. Members from the other side have spoken that since Nagaland is to be brought into the mainstream, why were they not allowed to form a government after defection?

[Prof. P. J. Kurien]

The same question I am asking. If you agree with the spirit of the Anti-Defection Law, how could we allow them to form a government which is the fruit of defection only? Let me ask from the opposition, under what pretext they agree for defection in political parties? Shri Indrajit Gupta was saying that due to some reason or the other, there was some defection. Mr. Madhav Reddy was saying that defection is allowed by Anti-Defection Law. I agree with that. But are technicalities more important than the spirit of the law? Here the question is, if there are 1 members, then it is o.k., and if there are 12 members, then it is not o.k. What does that mean? That means, in these matters of political morality or political ethics, how can the opposition, which professes value based politics, depend upon technicality and say that the government, that is formed by defection, should be supported in Nagaland? Do you agree with defection, especially when it is absolutely clear that it is not on any political ground or any political ideology? One can understand if there is some political basis or ideological basis for the defection? Here is a defection without any basis or ideology. So, what is the cause of this defection? The cause of this defection is merely other reasons—extraneous reasons. From where these extraneous reasons came, you know better than I. Are you saying that these defections, who defected on the basis of no ideology, should be allowed to enjoy the fruit of defection? Is it the case of the opposition? Shri Madhav Reddy was saying that this will boomerang on the country and the Congress Party. Can it not boomerang in Andhra Pradesh if there is a defection in Andhra Pradesh? Can it not boomerang on West Bengal if there is a defection there provided we do not act like this? What will you say then? Let us agree for argument sake that it is a split. Then can there not be a split in Andhra Pradesh or West Bengal? Then will you take the same stand here? By accepting the report of the Governor, the Government sticks to the spirit of the Anti-Defection Law—that historical resolution unanimously passed in this House. It is you people who have gone back from that spirit in order to blame the Government and to achieve your temporary purpose.

The Governor has reported that there is constitutional break down. Then the question is; who is the best judge of the situation?

18.00 hrs.

MR. DEPUTY SPEAKER: Now, it is 6 o'clock. What about sitting some more time and finishing this item?

MANY HON. MEMBERS: No, Sir. We can continue the discussion tomorrow.

THE DEPUTY MINISTER IN THE MINISTRY OF SURFACE TRANSPORT AND DEPUTY MINISTER IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI P. NAMGYAL): Let the Hon. Members complete their speeches today. The Hon. Minister will reply to the debate tomorrow. (*Interruptions*)

SHRI BASUDEB ACHARIA: No, we can continue the discussion tomorrow.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV): I would suggest that the Hon. Members may complete their speeches today and the reply to the debate may be given tomorrow. (*Interruptions*)

SHRI DINESH GOSWAMI: The Proclamation was issued in the dead of night and let us at least have the opportunity of discussing it in the day light. We do not want to speak now.

SHRI G. M. BANATWALLA: The Ministers do not have any extra privilege to speak on the next day.

SHRI P. NAMGYAL: We can conclude the speeches by the Hon. Members today and the Minister will reply to the debate tomorrow. (*Interruptions*)

SHRI THAMPAN THOMAS (Mavelikara): The post-mortem can only be done in the day. The murder of democracy has already been committed in the dead of night. (*Interruptions*)

MR. DEPUTY SPEAKER: We will resume the discussion tomorrow. Prof. Kurien may continue his speech tomorrow. Now, the Report to be presented by the Minister.