

18.01 hrs.

STATEMENT RE: GAUHATI HIGH  
COURT ORDER ON WRIT PETITION  
CHALLENGING PRESIDENT'S PROCLA-  
MATION UNDER ARTICLE 356 OF THE  
CONSTITUTION IN RELATION TO THE  
STATE OF NAGALAND

[English]

THE MINISTER OF HOME AFFAIRS  
(S. BUTA SINGH): The Governor of  
Nagaland in his report dated 6th August,  
1988 informed the President that a situation  
had arisen in which the Government of the  
State of Nagaland could not be carried on in  
accordance with the provisions of the  
Constitution and accordingly recommended  
imposition of President's Rule in the State  
immediately and also dissolution of the State  
Legislative Assembly.

The report of the Governor was consid-  
ered by the Union Cabinet and it was de-  
cided that it may be recommended to the  
President to issue a Proclamation under  
Article 356 of the Constitution promulgating  
President's Rule in the State and dissolve  
the State Legislative Assembly.

The Proclamation under Article 356 of  
the Constitution was issued by the President  
on 7th August, 1988 and the State Legisla-  
tive Assembly dissolved.

The Proclamation issued under Article  
356 of the Constitution and the report of the  
Governor of Nagaland were laid on the Table  
of both the Houses of Parliament on 8th  
August, 1988. The Proclamation was also  
approved by both the Lok Sabha and Rajya  
Sabha on 9th August, 1988.

A Writ Petition challenging the validity of  
the Proclamation issued under Article 356 of  
the Constitution in relation to the State of

Nagaland was filed in August, 1988 in the  
Gauhati High Court by Shri Vamuzo. Apart  
from Union of India, the State Government of  
Nagaland were also a respondent in the  
case.

A counter affidavit settled in consulta-  
tion with and approval of the Ministry of Law  
and Justice and the Attorney General of  
India was filed on behalf of the Union of India  
in the Gauhati High Court on 19th Septem-  
ber, 1988. The State Government also filed  
a counter-affidavit.

The case came up for hearing in the  
Gauhati High Court on 26th, 27th and 28th  
September, 1988. The Union of India was  
represented by the Attorney General of In-  
dia. The State of Nagaland was represented  
by their Advocate General. The Division  
Bench consisting of Chief Justice, Mr. Jus-  
tice Raghbir and Mr. Justice Hansaria has  
heard the case and the judges have given  
separate judgement/order. It is understood  
that the case stands referred to a third judge.

18.03 3/4 hrs.

BUSINESS ADVISORY COMMITTEE

[English]

Sixty—fourth Report

THE MINISTER OF STATE IN THE  
MINISTRY OF PARLIAMENTARY AF-  
FAIRS AND MINISTER OF STATE IN THE  
PRIME MINISTER'S OFFICE (SHRIMATI  
SHEILA DIKSHIT): Sir, I beg to present the  
Sixty—fourth Report of the Business Advi-  
sory Committee.

18.04 hrs.

*The Lok sabha then adjourned till Eleven  
of the Clock on Wednesday, December  
14, 1988/ Agrahayana 23, 1910 (Saka).*