

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 Raghupir 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).*