

[English]

**(vi) Need to establish a separate High Court for Goa.**

SHRI SHANTARAM NAIK (Panaji): When the Bill to declare Goa as a State was passed by the House, it was felt that there ought to have been a provision for a separate High Court for the State, in the said Bill.

Even otherwise, as a principle, every State ought to have an independent High Court. Clubbing of one or two States for the purpose of establishing a Common High Court for the said States, brings down the stature of such States *vis-a-vis* the States having independent High Courts.

During Portuguese regime, Goa had an independent High Court, whose jurisdiction was extended up to some Portuguese colonies in Africa. Goa was the seat of one of the oldest High Courts in Asia. The Portuguese Uniform Civil Code administered by it, is an ideal law which our country is committed to enact, but is unable to do so due to lack of unanimity.

In the circumstances, I request the Union Government to take urgent steps to establish a separate High Court for Goa.

**(vii) Need to improve railway facilities in Kerala**

SHRI K. MOHAN DAS (Mukundapuram): The total length of railways in Kerala is far below the national average. There is only one direct daily train between Delhi and Kerala. Although the number of people from Kerala working in Delhi and the neighbouring States is far more than those from any other southern State, this has resulted in overcrowding in this train. The condition of the Kerala Express is extremely bad, especially in summer months. Passengers are packed in its compartments like Sardine. After running some distance, water is not available either for drinking or for other essential purposes. Food served is also very bad. Although it is called a Superfast Express it stops at almost all stations between Delhi and Bhopal. All

the good compartments which this train had when it was introduced have been taken away.

The maintenance of track and the bogies of the train is very poor. Railways have made no worthwhile investment in the development of railways in Kerala.

I would request the government to pay immediate attention to the development of Railways in Kerala.

**(viii) Need to construct bridges over Kabuli and Luit rivers in Lakhimpur, Assam**

SHRI GOKUL SAIKIA (Lakhimpur): River Island Majuli is situated in Lakhimpur Parliamentary Constituency in Assam. It is a matter of great regret that there is no communication link of this area with rest of Assam. Matter has been raised in Parliament for constructing two bridges over rivers Kabuli and Luit several times, but the State Government has not been able to do anything because of lack of finance. I, therefore, request the Union Government to take action for immediate construction of bridges over river Kabuli and Luit.

12.17 hrs.

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

[English]

MR. DEPUTY SPEAKER: The House now shall take up further discussion on the following Resolution moved by Shri Santosh Mohan Dev on the 8th August, 1988, namely:—

"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."

Already we have exhausted the time allotted for this discussion - three hours. Therefore, today, the members who will take part in the discussion are requested to be very brief and try to adjust their speeches within the time that we are going to take. Last time, Prof. Kurien was on his legs. So, he will continue his speech.

PROF. P.J. KURIEN (Idukki): It is only less than a year since the election in Nagaland was over. I myself had been to Nagaland at the time of election. Everybody knows that the election was fought on two platforms: between the National Party (Indian National Congress) on one side and the regional party (NDP) on the other side. The fight was not between individuals at all. The fight was clearly between a national party and the regional party. The verdict of the people was very clear. The people of Nagaland gave a clear majority to the National Party (Indian National Congress). The opposition is saying that this verdict of the people should be reversed by just a decision of certain disgruntled elements. If at all that verdict is to be reversed, it should be reversed by the people. Therefore, at this time, dislodging an elected government and installing a defected government will be an affront on the people of Nagaland itself.

The background of the issue is well-known. The Governor has reported that there is a constitutional break-down and the Governor is being accused by the opposition members. The Governor has discharged only his constitutional responsibility. Under the Constitution, he has certain responsibility. When there is a break-down of the administration it is the constitutional responsibility of the Governor to report to

the President. The Governor has acted according to his best judgement. The opposition is accusing the Governor for the report he has sent.

Whenever a decision of the Governor or any constitutional authority is palatable to the opposition or is in fulfilment of their desire, then they will say, the Governor has acted constitutionally and according to the best tradition of our parliamentary democracy. But if the decision is against their desires they will immediately start abusing and accusing the Governor. That was what I was hearing yesterday. A number of Opposition members were even calling names while talking about the Governor. Is it not dishonesty on the part of the Opposition? Is it not double-facedness on their part? Is this their respect for constitutional authority? They should respect the constitutional authority, whether the decision is in their favour or otherwise. A Governor, or for that matter any constitutional authority, while taking a decision objectively cannot always take a decision that is palatable to a certain section or political party. Yesterday's speeches by many of the Opposition members clearly expose their double-facedness in the Indian politics.

What is the question in Nagaland? Many of the Opposition members were bringing extraneous issues or the political issues of Nagaland. Where is the question of a distinct culture, where is the question of the special problems of Nagaland, in this issue? Hon'ble Shri Indrajit Gupta was saying that Nagaland is our special problem. Nagaland is in the periphery of the country and their susceptibilities are to be respected. I agree with him. Nagaland should be handled in a very careful way. I fully agree. But here, what is the problem? Here, the problem in question is not the special culture of Nagaland, nor the susceptibilities of Nagaland. Here the issue in question is whether we should agree, allow, certain disgruntled elements who have broken away from the ruling party to

[Shri P.J. Kurian]

form a Government to satisfy the ingreed. That is the basic question here to be decided. And what is the argument brought forward in their favour? The argument is that, especially the argument brought forward by the Opposition is, that if they are not allowed to form a Government, they will go underground and they will try to disrupt the unity and integrity of this country. What a curious argument is this! Simply because if power is not given certain people will go underground and create problems for the unity of this country. Simply because of that they should be given power. And if that is the argument, am sure, I have no hesitation to say that the Governor is fully justified, is not giving power to these disgruntled elements which otherwise will go underground and create problems for the unity and integrity of the country. I have no doubt in this.

They say that, technically, the Governor has gone beyond his parameters. May be, technically it is correct. But the Governor has acted in the best interests of the country and in the best interests of the unity and integrity of the country.

The point about the distinct culture and the special problems are all extraneous factors to this particular problem. Actually, the Opposition is bringing all these problems to create confusion. To argue that certain disgruntled elements should be given power in order to avoid their going underground itself is a disservice to the unity of this country and is a disservice to the integration of that part of the country with the mainstream. So, the distinct culture or the distinct problems of Nagaland, do not crop up in this particular problem at all.

Even here, I would like to know which is the party which stood with the tribals

and minorities all throughout. It is the Indian National Congress which was standing by the tribals and the minorities and protecting their interests throughout. And all the people belonging to those tribes and all minorities know that it is the Indian National Congress which can safeguard their interests. The argument of the Opposition that by not allowing the regional party to form the Government there, the interests of the tribals and minorities are at stake, cannot be accepted and it is not amenable to reason also.

One point about the regional parties. had been to Nagaland at the time of election. I was there in a particular district, called Zunne Boto. I would like to tell my friends who are supporting the regional parties. Before I reached there the Home Ministry also knows about this, the workers of the particular Regional party, which you want to entrust the Government, under the direction from the leadership of that party has seen to it that all the non-nagas were away from that place, Zunne Boto, before the election. They went to the house of every Indian other than Nagas, every Andhras, every Kannadiga, every Keralite or for that matter all other people and threatened them and said 'You Indian, go back. It is our election'. This is what that regional party was propagating. I was staying there for about ten days in Zunne Boto. When I went there, I found that all the people other than Nagas have left that place because these people did not allow them to stay. My CPI leader friend is supporting them. Telugu Desam member is supporting them. I would like to tell him that Andhra people were asked to go back at the time of election because they say these people will opt for National Party. This is the attitude of this regional party. You are saying 'give power to this regional party or that regional party and they will come to the mainstream....' (Interruptions)

-SHRI INDRAJIT GUPTA (Basirhat): They

are the people who have resigned from your party. (Interruptions)

PROF. P.J. KURIEN: Yes, that is what am saying. Why they resigned? There was no reason. Can you bring any reason? You have not brought forward any specific reason. There was no specific reason—simply grief, political grief.... (Interruptions) You are saying that they will go to the underground if power is not given. So, this kind of attitude of the Opposition in supporting the regional parties, I should say, should be condemned by all the people there. Therefore, I would say that the action of the Government of India in accepting the report of the Governor is in accordance with all the political norms. It is legally correct and it is morally correct also.

Here the simple question is, whether the will of the people should prevail or the will or desire of certain disgruntled elements should prevail. It is in between these two. The Government of India has done well in accepting the recommendation of the Governor. Therefore, the will of the people prevails in Nagaland. So, Sir, support this motion.

SHRI DINESH GOSWAMI (Guwahati): Mr. Deputy Speaker Sir, if there is one provision in the Constitution, which has been misused with impunity over the years, it is Article 356 of the Constitution of India. When Article 356 was debated in the Constituent Assembly, it was pointed out that this Articles had the potentialities to destroy the federal character of the Constitution. Dr. Ambedkar pointed out that a safety valve has been kept and he hoped that this would never be used. But the very same Ambedkar in 1953, within three years of passing of the Constitution, when President's Rule was imposed in PEPSU, had to comment that a rape had been committed on the Constitution of India.

The Sarkaria Commission itself has gone into the cases of use of Article 356 and has found that in twenty eight cases, this provision was totally improperly used and that this provision was used even to settle intra party disputes. What has happened in Nagaland is not a case of Nagaland alone. I feel this is an assault on the federal character of the Constitution. I feel that this is an assault on the democratic institutions of this country because the institution of the Governor has been totally misused by the Home Ministry by making him as stooge of the Central Government.

Prof. Kurien yesterday said that some people were voted on a particular ticket and when they defected, the Anti Defection Law may not touch them but it was politically immoral to take them or to help them in forming the Government. Prof. Kurien today said that in Nagaland, the issue before the people was, whether to vote for the National Party or the regional party. The people voted for the national party and, therefore by the action of the Governor and by promulgation of President's rule and by not permitting a regional party to come to power, they have respected that particular mandate given by the people. May I ask Mr. Kurien and Mr. Rajesh Pilot, who advanced this argument yesterday, does this argument apply only in the case of opposition? Do you forget that in spite of the fact that one Member of this House was elected on Congress (S) ticket, you allowed him to defect to that side.....(Interruptions)

SHRI BIPIN PAL DAS (Tezpur): It was the decision of the national party at the national level....(Interruptions)

SHRI DINESH GOSWAMI: What has happened in Meghalaya? In Meghalaya the election was fought on two platforms na-

[Shri Dinesh Goswami]

tional party platform and regional party platform. Indian National Congress Party fought as a national party and the regional parties fought on the basis of regional parties. What were the results? The Congress got 22 seats out of 66 and 38 seats were won by the regional parties. Did you respect the mandate on that day and allow the regional parties to come to power? The regional party HPU had a strength of 18 and HPU Party took a solemn decision that it would form the government. Next evening, five members of HPU, which is less than one-third of 18 and which does not even come under protection under the Anti-Defection Law, were allowed to join the Purna Sangma Ministry and Mr. Sangma was made the Chief Minister. I ask the Home Minister, Mr. Kurien and Mr. Rajesh Pilot: who is showing double face? I throw a challenge in this House that as on that day the mandate of the people in Meghalaya was for a regional party. Are you prepared even today to ask Purna Sangma to resign and face a fresh election? If you respect that mandate, we will withdraw our opposition to this Nagaland proclamation. You cannot have double standards....

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SON-TOSH MOHAN DEV): The party which he represents has also formed a government by defection, by taking independent members in his party.

SHRI DINESH GOSWAMI: I have not raised that argument but I will meet that argument....

SHRI BIPIN PAL DAS: You first ask your Government to resign and then talk of Nagaland....(Interruptions)

SHRI DINESH GOSWAMI: Whether we have formed the Government by defection or not was enquired by the Speaker and he has given a verdict that there has been no defection whatsoever and the Speaker's decision under an Act passed by Parliament, is final

What I am pointing out is different. Mr Kurien and Mr. Rajesh Pilot told us yesterday that when the mandate was for a national party, it would be wrong to put a regional party in power. I ask you: Does the same principle not apply in Meghalaya? When the mandate was for a regional party, why did you allow a national party to come to power?.... (Interruptions)

SHRI BIPIN PAL DAS: It was not in favour of any one regional party...

(Interruptions)\*\*

MR. DEPUTY SPEAKER: Nothing will go on record.

SHRI DINESH GOSWAMI: And this party which had dislodged N.T. Rama Rao and allowed a minority Ministry to come in and on the next election got a slap from the people, talks about political morality. Please do not talk about political morality. I do not want that the concept of split and merger should be there in the Constitution. Bring an amendment. But so long as the Anti-Defection Law in the Constitution stands as it is, we are bound by it. Shri Bhagat is here. He referred to developments in 1980. In 1979, Mr. Charan Singh was allowed to form a Ministry. He could not face the House and therefore the Ministry was dissolved and the correct procedure was adopted. May I remind Mr. Bhagat what was the step taken by Mr. Sanjeeva Reddy? In 1979, when the Janata

Government failed, Mr. Sanjeeva Reddy first called the leader of the Majority party, Mr. Y.B. Chavan, not Shri S.B. Chavan, and gave him an opportunity to form the Government. When he failed, Mr. Charan Singh claimed that he has the majority because Congress I at that particular point of time supported Mr. Charan Singh and he was called to form the Government and he was asked to prove his majority in the House. On the day when the House was to meet in the morning, Congress I withdrew the support and Shri Charan Singh came to the House and said 'I resign'. Why not the same procedure was followed here? Why did not the Governor ask Mr. Vamuzo to form the Government and face the test in the Assembly? He did not permit Shri Vamuzo. Why did he not ask Shri Sema to test the strength in the House because the Assembly was to be convened on 23rd? After all there was a precedent. When there were a lot of talks about a particular development, he should have considered the entire development, not a particular piece of development.

SHRI B.R. BHAGAT: Sir, he is misquoting me. I am not disputing the point. What I said is the same as the hon. Member has said. My main point was: what happened actually? What was the net result? This Government did not prove as a stable Government and it did not even face the test. Similarly, I was drawing conclusion and the experience from that incident and said that the Governor was very much right in coming to a conclusion that the Government that will be formed will have the same fate which the Charan Singh Government had faced.

SHRI DINESH GOSWAMI: May I point out to Mr. Bhagat about one thing? I will point out an essential difference that Shri Charan Singh relied on the dubious support of the Congress-I and that the support was dubious was proved in this House. If Congress-I has been the supporter, I will tell them "don't rely upon them". The Congress-I is not a supporter of Shri Vamuzo. Sir, not only the President's rule has been now proclaimed, but for several times in the country, it has been proclaimed. But the Governor's reports is an assault on the

Constitution of this country. I have never seen a Governor's report in the past which attacks the Legislature and the Speaker. He has said.

"No Communication had been sent to me either by Shri Chishi or by any of the Congress(I) Legislators who are reported to have broken away from the original party till enquiries were made by me nor did I receive the Constitution of the so called Congress Regional Nagaland Party."

Under the anti defection law that this Parliament has passed, the moment the party comes into being it becomes a political party. The law says:

"From the time of the split, such action shall be deemed to be a political party".

Under the law, it becomes a political party. What right the Governor has when under the Constitution a party becomes a political party, to name it as a so-called political party? Sir, is he an extra constitutional authority to ignore the facts? He says that in Nagaland the new party has not given him the Constitution. Did the Governor of Assam ask the A.G.P. to supply the Constitution when we were invited to form the Government? Has he asked the Congress I Party to supply its Constitution to find out whether the Constitution has been followed by the Congress Party? I want to know whether democratic elections have been held there for so many years. Is there one instance in this country when a Governor has called for the Constitution of a party? What right has he got to call for a Constitution? Then he said that the recognition has not been given by the Election Commission. The hon. Governor, will do better if he goes through the Constitution and the law. There is a particular procedure for granting a recognition and that is that after a party contests and election, if the party gets a particular percentage of votes, then it is recognised. When A.G.P. formed the Government, it was not recognised by the Election Commission. Did the Governor of Assam say that 'as AGP has not been recognised by

[Shri B.R. Bhagat]

the Election Commission, I will not permit AGP to form the Government.' I think the country is not safe when we have as Governors such people who do not know what the Constitution and the law is, and sign on the dotted line submitted by the Home Minister. Then, what is highly objectionable is his comment about the legislators, and I am happy that one honourable representative of Nagaland in the other House has very strongly condemned it, who belongs not to the Opposition but to the Ruling Party itself. But what he has said about the Speaker? I quote "undue haste with which recognition was accorded to the so-called Congress regional party and the Notification issued soon thereafter without affording any opportunity whatsoever to the Chief Minister." Sir, where is the law that before the recognition the Chief Minister is to be consulted? Mr. Kolandaivelu was sitting here as the Leader of the AIDMK.

PROF. MADHU DANDAVATE (Rajapur): His Majesty's Opposition.

SHRI DINESH GOSWAMI: Then, subsequently somebody else was appointed as the Leader of AIDMK. I do not think the Speaker consulted Miss Jayalalitha before appointing that gentleman, Jagadrakshakan. Is it that the Speaker has to consult Miss Jayalalitha and get her approval before appointing or selecting him? Where does it say that the Chief Minister is to be consulted before recognition is given to an opposition political party?

SHRI G.G. SWELL (Shillong): Sir, I am on a point of order. If a Member of the House resign his seat in the House, what is your or the duty of the Speaker to talk to the Leader of that Party or to call the particular Member and ascertain from him whether that letter of resignation was really sent by him without any kind of compulsion? What is your duty? I think your duty is only to ascertain from that particular Member whether the resignation is really his and done out of his free will.

MR. DEPUTY SPEAKER: What is the point of order you have?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT IN THE MINISTRY OF AGRICULTURE (SHRI JANARDHANA POOJARY): You have not verified the facts. Please sit down. (Interruptions).

MR. DEPUTY-SPEAKER: Let him finish it. I will take care of it.

SHRI G.G. SWELL: He has yet to give his Ruling.

MR. DEPUTY-SPEAKER: What is your point of order?

SHRI G.G. SWELL: When these 13 Members have resigned from a particular party and they have gone to the Speaker and confirmed that they have done so, is that not the finality of the whole thing? And who is this \*\* of the Governor to question the decision of the Speaker?

MR. DEPUTY-SPEAKER: This is not a point of order.

(Interruptions)

SHRI DINESH GOSWAMI: Not only he has questioned, Mr. Deputy-Speaker. What he has said is....(Interruptions).

MR. DEPUTY-SPEAKER: No, Mr. Dinesh Goswami has not violated any rules.

There is no point of order in this.

SHRI G.G. SWELL: What conclusion has to be there, Sir? (Interruptions).

MR. DEPUTY-SPEAKER: Not necessary to give now. (Interruptions).

SHRI DINESH GOSWAMI: Sir, what he has said? I am quoting from the Governor's Report:

"The undue haste with which recognition was accorded to the so-called

\*\* Expunged as ordered by the Chair.

Congress regional party and Notification to this effect issued soon thereafter without affording any opportunity whatsoever to the Chief Minister who was away on a foreign tour or even to the Deputy Chief Minister to meet the Members of the Legislative Assembly concerned are indicative of unfortunate and unethical machinations."

He accused the Speaker of unethical machinations. What authority a Governor or an Executive Head has to accuse the Head of the Legislature of unethical machinations? And I feel, for this alone the Governor should go and this House should pass a unanimous resolution condemning this Governor.

PROF. MADHU DANDAVATE: I support this. (*Interruptions*).

SHRI DINESH GOSWAMI: Sir, I have given also notice of a substantive motion:

"That the Governor of Nagaland, Gen. K.V. Krishna Rao, by casting aspersions on the honourable Speaker, Nagaland Assembly, by making unsubstantiated allegations against Legislators of Nagaland, by exceeding his Constitutional right in regard to recognition of political parties, by his dereliction of duty by remaining away from Kohima when his State was in a political turmoil, by refusing the majority leader to form the Government, has abused his constitutional position and he should be recalled forthwith." And, therefore, he should be recalled forthwith.

SHRI PIYUS TIRAKY (Alipurduars): We support.

SHRI DINESH GOSWAMI: Mr. Deputy-Speaker, Sir, not only that a State has been brought under President's rules but the entire relationship, harmonious relationship between the Legislature and the Executive has been destroyed by this one action. And this Governor's report will remain for ever as one document to show how this country is being ruled by people who do not know anything of the Constitution, or of the laws.

Then, it was argued that after all, it is the Congress. Mr. Thombi Singh said, Congress is the mainstream and therefore Congress must be in the power, anywhere, in Nagaland. All right, let us pass a Constitutional Amendment saying that whatever may be the results of the elections, Congress represents the nation and none else and Congress will always be in power. You pass a Constitution Amendment. After all, you have a majority in both the Houses. But it will be better to remember that Congress does not represent the nation. Your leader does not represent the country as a whole. The people have the right to elect its own Government. You cannot arrogate to yourself the very ceremonial role that you are the protector of national interest, when you are causing rape of the Constitution every night and day. In fact the country faces a danger today because there is an assault on every democratic institution and political institutions from your Party.

Therefore, Mr. Deputy-Speaker, Sir we oppose this, we oppose this imposition of President's rule, not only because one State has been brought under President's rule but it will have far reaching political consequences. Once more the people of Nagaland will feel; that the Constitution is not meant for them. This Constitution is a Constitution, which is a play thing of the Centre. The provisions are made, the provisions are merely written there and whatever the Central Government wants, it can do. Whatever the Central Government wants the Governor to do, he is prepared to sign on the dotted line. For those people who are still away from the mainstream, where there is a feeling of alienation, where there is a strong insurgency movement, this action will be politically suicidal. We have registered our protest and this action once more shows the immediate necessity of total restructuring of the Centre-State relationship. This has again proved that for petty political partisan ends, the ruling Party at the Centre can rape the Constitution, can destroy the institutions because to them what is important is not the nation; what is important is the survival of their political party which is at greatest stake at this particular moment of Indian history.

SHRI TARUN KANTI GHOSH (Barasat): Mr. Deputy-Speaker, Sir, I fully agree that I am not a Constitutional expert. I am much inferior to many of you, I know that. But as a citizen of this country and as a humble Member of this august body, I want to take a few minutes of the House to project a very basic fact of the whole matter.

Before I say anything that I want to say. I want to pay my tribute to the people of Nagaland. I had the good fortune of visiting this State. They are educated and very fine people indeed. Sir, yesterday, when I was listening to the speeches of some of the hon. Members, I noticed peculiar attitude of some of our hon. Members. First of all, I should say, the people of Nagaland are as much Indians, they are as much in the mainstreams as we are and nobody need to bring them back to the mainstream. This is all I want to say in the beginning.

SHRI BASUDEB ACHARIA (Bankura): You tell them.

SHRI TARUN KANTI GHOSH: Secondly, I would like to say this. I am not going into the question of whether the Opposition had the majority or not. I am not going into the question of whether the Governor by dismissing this Ministry or by recommending for the imposition of President's rule, has done right or wrong. But I want to ask, through you, the Opposition Members, if our country is a democratic country, who are the real masters of this country. Are the legislators the masters of this country or the people who have sent us are the masters of this country? (Interruptions). Pleased do not interrupt me. I did not interrupt anybody during my 3 years. I request you to bear with me for a few minutes. I shall not waste your time. I just want to ask you, who are the real masters of this country. Only a few months back, the people of Nagaland, including the poorest man in the village, the poorest woman in the village, voted in the general election to the Assembly and have clearly stated their view that they want the Congress Government in Nagaland. Now I want to know, through you, my Opposition Members, have the 13 MLAs the right to change the wish of the people? (Interruptions).

SHRI SOMNATH CHATTERJEE (Bolpur): Who are you to say that?

SHRI SAIFUDDIN CHOWDHARY (Katwa): They are reduced to a minority. (Interruptions).

SHRI TARUN KANTI GHOSH: Out of 34 Congress-I MLAs in Nagaland, if 13 have defected, can you say that they have the right to change the wish of the people when we are functioning under democracy?

SHRI SATYAGOPAL MISRA: You are functioning under a minority vote.

SHRI BASUDEB ACHARIA: What Shri Bhajanlal did in Haryana?

SHRI TARUN KANTI GHOSH: So, to instal an anti-Congress Government would absolutely go against the wishes of the people. My fundamental question is this that if we are functioning as a democracy, then these 13 Members whatever may be their number, they should have resigned and gone to the people and sought a new mandate, come back to the Assembly and if they are in majority, they can form the Government. But the peoples' verdict is still there. I feel that there is no power on earth which can change the verdict of the people in a democracy.

SHRI BASUDEB ACHARIA: What is the percentage of votes the Congress-I got there?

SHRI SAIFUDDIN CHOWDHARY: Mr. Rajesh Pilot is here standing. Can he give statistics of what is the percentage of votes polled by Cong(I) in Nagaland? Is it more than 50%? You did not enjoy the support of the majority of the people. What you talk of morality and this and that?

SHRI TARUN KANTI GHOSH: We have got 60% (Interruptions).

MR. DEPUTY SPEAKER: Not allowed. Please. take your seat.

SHRI SAIFUDDIN CHOWDHARY: Majority of the people rejected it. They did not vote for it.

SHRI INDRAJIT GUPTA: Mr. Jamir, being a Member of the Congress party, was allowed to express his views. I hope the same facility will be given to Mr. Swell.

MR. DEPUTY SPEAKER: I will see that when time permits.

SHRI INDRAJIT GUPTA: Mr. Jamir was allowed to speak in the House. Why not Mr. Swell?

SHRI SONTOSH MOHAN DEV: It should be decided by our party, not by them.

SHRI G.G. SWELL: Nagaland has no M.P. in the Lok Sabha. (*Interruptions*).

MR. DEPUTY SPEAKER: Why are you supporting? When time permits, I will allow him. He is not willing. You cannot substitute that. There is no time at all now. (*Interruptions*). I have reserved time in the beginning itself. There is no time now. Time is already over. If he is not willing to speak, I will call the next Member to speak. (*Interruptions*). You can allot him time outside the House but not here.

[*Translation*]

SHRI RAM NARAIN SINGH (Bhiwani): Mr. Deputy Speaker, Sir it is a matter of deep regret that President's rule has been imposed in Nagaland and this has been done by violating all the rules and regulations and the democracy as well as the constitution was subverted. I want to say that you should have taken action in accordance with the rules. All of you are very learned persons. Today, even the rickshaw puller and tongawalla' says that President rule has been imposed in Nagaland by violating the law. This is the view of common man, and it does not improve the image of Congress Government rather it makes it worse. First of all, according to the defection law, the defection of 13 members was legal and the party was split. If this is immoral, then the ruling party should amend the Anti-Defection Act to this effect that if any person or number of persons, will defect from the party on whose ticket he/they had won the elections, then

he/they will no longer remain a Member. You should amend the law to this effect. When it has been provided in the law that if one-third members defect the party, then the party will split and those members can join any other party. So, the defection of those 13 Members was legal and Mr. Speaker accepted their party and they are in majority. After that the Governor should have called the opposition leader and asked him to form a Government. That was the proper thing to do, but it was totally ignored and the Governor went underground. Have you ever heard in the history of 40 years that the Governor went underground. When the delegation of Opposition leaders met the President, then they found that he was present there. After that two Central Ministers arrived there. It was their duty to persuade their party members. Nothing happened but there was rumour in the press and country that they were threatened that the Governor's rule will be imposed and in no circumstances they will be allowed to form a Government. This is undemocratic and wrong. After that the report of the Governor was received. Article 356 has been invoked 78 times but such a report has never been seen as the present one. It appears that it was written at the instance of Congress leaders. This is very bad. The Governor would have allowed the opposition to form a Government in accordance with the rules, then the whole country would have appreciated it. Had that Government been proved corrupt or had there been mal-administration, then you would have removed it. But you did not allow them to form their Government and said that it is immoral to form defectors Government. But you formed defectors Government in Andhara Pradesh and Kashmir and also joined the Government. After that, when you found heavy corruption and there was mis-rule then you have to dismiss it and those defectors earned bad name and not a single person stood for the next elections because public was against them. Had those 13 people committed any wrong, then they would have been punished by the people in next elections. What was the need of your giving punishment. The public would have said that this Government is no good and the elections would have been

[Shri Ram Narain Singh]

held within one or two months. President's rule was imposed in Punjab and Tamil Nadu for six months, but the elections have not been held so far. The Congress holds elections when conditions are favourable for the party. This spoils the image of the party and it is detrimental to the institution of democracy. This is not proper.

The Sarkaria Commission has said that Article 356 has been misused a number of times. When this Article was initially framed for the constitution, Dr. Ambedkar thought that this Article would not be misused. This Article has been used 78 times out of which 52 times it has been misused in an unwarranted manner.

13.00 hrs.

The Sarkaria Commission Report says that Article 356 should be used only when there is no other alternative. In spite of that, this Article has been misused in Nagaland. Even though other parties commanded a majority over there, they were not allowed to form a Government. Instead President's rule was imposed in the State. So I request that such a step should not be taken in future.

I do not know much about Nagaland nor have any hon. Members visited that State. Professor Swell belongs to that area and is a representative of its 10 lakh population. He is of the opinion that this proclamation is not in the interest of the nation. Under this Act, Article 356 has also been misused. This action adds another chapter to the saga of misdeeds of the Congress Government. The population of the areas has turned against the Congress party due to such actions. Professor Swell has also been saying the same thing. He is a representative of that area and an hon. Member of the Congress (I). He knows all these things. According to him, issuing of Proclamation was not a right step and it will alienate the people who had joined the mainstream.

Another important point is the issuance of the Proclamation without first discussing

it in the Parliament. The Government's report should have been presented to Parliament, discussed and only then a proclamation should have been issued if need be. Instead of doing this, the Proclamation was issued amounting to insult to the institution of Parliament. If the Parliament had not been in session, it would have been a different matter. Therefore, I oppose it.

[English]

PROF. MEIJINLUNG KAMSON (Outer Manipur): Mr. Deputy-Speaker, Sir, we have been discussing about Nagaland. I would like to tell you that I am the only Naga Member here, that means, a Member in this House belonging to the Naga tribe. So, I feel very happy when hon. Members are taking interest in Nagaland. I represent Outer Manipur, I represent the hill areas of Manipur, the whole range contiguous to Nagaland.

Before I come to the argument about the procedural matter as well as the spirit of the Constitution, I would like to express that my happiness and joy the Members from both sides of the House are appreciating the Naga people. Even in the report of the Governor, he mention about the noble character of the Naga people and their democratic traditions. From that side also, hon. Members like Prof. Madhu Dandavate and Shri Somanth Chatterjee were expressing their concern about the Naga people and were appreciating about their joining the mainstream of the people. I should express, on my own behalf and on behalf of the people from that area, out thankfulness and appreciation for the expressions used by Members belonging to both sides of the House and for the understanding shown by the hon. Members about the grievances of the people in the remote part of the country.

I do not wish to go into the argument about the constitutional procedure, this thing and that thing. I think, from both sides enough has been said about it. Maybe, some Members have tried to point out that the Governor or the Home Ministry has done something which is outside the Constitution, and from the other side it has been defended well or justified well.

But what I would like to point out here is that the conflict at the moment in Nagaland is not between the Congress and any other opposition party of that State. But it is a question, an issue between those persons who stand for national integration and those who stand for separatist idea of the area because you know very well that in that part of the country, people coming towards the national mainstream is slowly developing. That means, it is a process of Indianisation; because those who have got some idea of the Nagaland history or the history of the Naga people, not only of the Naga people but of the whole North-East, will understand that the Indian Government of the British time could not do anything to have that experience of the people that they are under the Government of India. But only after Independence, slowly the Government here in India have been trying to bring something to them and also to have some understanding between these two societies, so to say, because they have been cut off geographically and for other reasons. Therefore, if we go by the year 1951-52, you will understand how the whole Naga people of that area have expressed through referendum under the leadership of Mr. Phizo, who is the Naga leader for independence movement, that 99.99 per cent - I should not say hundred per cent because sometimes you may mistake it - of people of Nagaland signed for Naga independence including illiterate tribes or educated whatever may be. That was the situation in 1951-52 just before the General Elections of India under the new Constitution of India. That was the situation from which we have come to this stage that now there come two groups of ideas having different opinion, one going to the national mainstream and the other having in the inner part of their heart of a feeling nurturing about separatist and secessionist movement. Now this separatist and secessionist movement is represented by those regional parties. I would have to appreciate the situation in a different way; if the present conflict were between the Congress Party and the other national party like CPI, CPM or Janata or whatever may be in the opposition, I should appreciate that matter in a different angle. But the problem at the moment is not between the

CPI or Congress or not between the Janata or Congress. Nothing like that. But it is between two forces who stand for the national mainstream and separatism. I don't infer here to make you to think that only the Congress is always standing for national mainstream in the whole of India.

SHRI PIYUS TIRAKY: That means 13 Members were also in the Congress. *(Interruptions)*

PROF. MEIJINLUNG KAMSON : I tell you if you go through the details of their past history, past history means their political history, I do not know their personal history - you will find that these 13 Members most of them will be found that they were under the NNDP. This NNDP led by Mr. Vamuzo is known for its connection with separatist and secessionist movement. Therefore, in the last election also, the eastern most two constituencies where Mr. Vamuzo resided... *(Interruptions)*

SHRI PIYUS TIRAKY: Which means, in the Congress itself, this separatist and secessionist movement started.

SHRI MEIJINLUNG KAMSON : That is not the conclusion. I am coming to that point. These 13 Members they wanted to come to the mainstream. Whether it is a fact or not you know already. We cannot predict the life of every person. But from their conduct, when they were in Congress they thought that they were coming to the mainstream. Now it is for you to understand. *(Interruptions)* It is for you to draw conclusion. I am not telling that they are on that side. What I want to tell is, that the conflict is not between parties for this election purposes only. It is between two forces one for national mainstream and integration and the other for separatism. Being myself a Congress Member, I should say fortunately, this group who happened to be in the Congress Party in Nagaland represents - the forces for national mainstream. For example, Mr. Sema. In his political life of about 30 years he has been one of those leaders from the north-eastern area who can be called nationalist leaders with nationalism in their hearts. If you want to find out two-three leaders like

[Prof. Meijinlung Kamson]

that, then Mr. Sema is definitely one. I cannot say absolutely because you don't know everything of everybody. But so far as we know from the history and from his actions, he is one of them. Therefore, this group of Mr. Sema and other party members are always for bringing people into the national mainstream. I am not defending Mr. Sema personally; but I am defending the ideal for which he stands. They are fighting for that.

Moreover, the NNDP--I won't predict their future course and I cannot predict now--always represented the separatist and secessionist ideas. The Hon. Members from that side of the House may kindly note it down whether they will be able to control them as a partner in their political aspirations. In the near future you will see what will happen.

In 1980 there was a split in the underground Nagas between the groups of the former leader Mr. Phizo and that of Mr. T.H. Muivah under the organisation called NSCN which was earlier known as NNC led by Mr. A.Z. Phizo.

The NSCN which has got a link with Chinese organisations. This NSCN party has another split recently in last April. A lot of reports have come to the papers and you might have read about it. There have been splits. There has been a downtrend of insurgency movement in the eastern border of India as well as in the adjoining Burmese area where the Naga movement is having its headquarters and is spearheading its activity. There has been a split again. Therefore, the downtrend of insurgency movement is there at this moment also.

I must refer to the para eight of the Governor's Report in which he has spoken about the insurgency movement and to that extent I think he has given the right picture of this situation. How can any Member say that this defection movement is not for that purpose, that means to check that trend also? Nobody can answer these things. Only time can prove it. What

am appealing to the Opposition Members myself not as a Congressman but as an ordinary member - who are representing different parts of this country and who also are thinking for the national integration and unity is that we must look from a broader angle, although there may be some differences among the parties. I cannot say anything about the Governor's conduct because Members have defended all these matters and you are going on arguing about it. I won't put more things to it and take the time of the House.

But I should say that what the Governor has reported as well as what the Home Ministry has done is in the spirit of the national unity. Therefore, the letter of the Constitution, the procedure and the constitutional process sometimes may mislead us so that the spirit of the Constitution is killed and the spirit of national unity is put in danger. Therefore, my appeal is that the present proclamation of President's rule is good where you can have a fresh rethinking. Therefore, I shall support it. The Home Ministry has acted rightly to proclaim the President's rule for some time and see that the people give their fresh verdict. If the people think that it is a good for them to support the NNDP, let them support. Let us see what will happen. If the people think that Congress is better than NNDP, let us also see that. And if the people think that a new party, the National Front in which so many Hon. Members from that side are showing interest, is good for them, the National Front can also come there. Let us see. But every fight must be a fight within the Constitutional framework and for the sake of national integrity and to bring people to the mainstream. The difference between the north-east and other provinces of the country is that whereas these Naga people are coming into the mainstream--I call it Indigenisation not in the sense of religion but in the sense of ideology, in the sense of the spirit of living together...

Whereas if you take the example of Punjab it is de-Indianisation because Punjab has been in India for many years culturally and otherwise. If they want to go back

it is de-Indianisation. It is a negative step. Whereas if something happens in Nagaland it is not going back but it is a re-thinking by the people themselves and we who are the representatives of the people should think it from a broader perspective. Therefore this matter should not be discussed from the procedural angle alone. The important aspect, namely, national integration should not be forgotten. If we forget that then the very purpose for which we are sitting here will get defeated. So I support the motion.

SHRI PIYUS TIRAKY (Alipurduars): Mr. Deputy Speaker, Sir, I oppose this motion because Government has dis-regarded the entire tribal people of India by taking this action. The present Prime Minister is very much taking interest about the tribal people of India. He is moving all over India to see how these people have been neglected politically, economically and socially even after forty years of Independence. Perhaps, I think, the Prime Minister is not happy with the action that the Governor has taken in this regard because it seems what has been done is done out of sycophancy to please the master. The master is not pleased because as the tale goes the sycophancy ape to please his master extraordinarily cut his leg in driving out the fly.

The present Governor is an in-experienced person. He should have taken the advice of the Governor of Assam, Shri Bhishm Narain Singh who is an experienced man. He has been there for a longer period.

SHRI SOMNATH CHATTERJEE : He would have consulted Mr. Rajesh Pilot.

SHRI PIYUS TIRAKY : Governor is thinking how to please the master. So hurriedly it has been done. You will have to repent for this action for years. You have displeased the entire tribal people of India because you think the tribals cannot run the Government.

The 13 members that have resigned there have done so because of your incapability and the prevalence of corruption

there. Corruption is going on there. During the elections in Nagaland and elsewhere we have seen that it was not an election but a grand festival. Lot of drinking, money and everything is produced to get the votes of the tribal people. It is not only in Meghalaya but everywhere because you are thinking these people are still sub-human.

Their votes are needed and they should not join the mainstream. The stand of the Congress government is that these people are still sub-human and they should not be allowed to rule themselves but should be ruled by others.

They had the government. They had a right to split. When there is a provision in the Constitution, according to that, they had done this. You should have tested in the Assembly who was having the majority. You have been doing that in other States of our country. Why haven't you done so in the case of Nagaland? You ignored this area. You knew that it was a tribal area. It is a very sensitive area too. Sir, this sycophancy will lead this country to a very bad situation. *(Interruptions)*

SHRI G.C. SWELL : I can teach you a number of times. You have yet to learn how to speak, my dear.

SHRI PIYUS TIRAKY : I want to say how the Congress government got an alliance in Tripura. What actually has this Government got in forming the Government in Jammu and Kashmir? It is the thinking of the Congress people that Congress party alone can rule over India, which is not at all true. The people of India have already known its intentions. Even the tribal people are knowing that this Government is not at all in favour of the tribals. And they want to exploit the tribals for another hundred years.

Sir, even the British Government, which was more prudent than your government, had some scheduled areas for these people. They had not annoyed the tribal people. But you are going to annoy these people from all aspects - administratively, socially, economically or politically. I appeal to the Government to stop all this and see that they do not become a source of humour. They can teach you a lesson. They

[Shri Piyus Tiraky]

too can be the rulers of India. You cannot suppress the tribals. You should stop suppressing them. They have been suppressed even from religion point of view. What have you called these people in 'Ramayana'? There was no Hanuman to find out the Sita in Sri Lanka. You call them Hanuman.

[Translation]

Your wife and the children also have become Hanuman.

[English]

You are spoiling these people. You have no regard for these people. The tribals all over India are very much aggrieved over this action. In the next elections, you will find that the tribals are not with you.

In Tripura, there are about 50,000 tribals. What have you done for them?

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : They have voted for us.

SHRI SOMNATH CHATTERJEE : Tribals have not voted for you.

SHRI PIYUS TIRAKY : What are you doing there. What type of action, your administration and security forces have taken for the tribals? It is only out of sycophancy that you have done something. India is a country with different cultures, several language and castes. All the people want to live like brothers and sisters. But you are going to divide them for which you will have to repent.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : Mr. Deputy Speaker, Sir, we had been discussing a very sensitive subject. Yesterday also, during the discussion, got up twice and I requested the Opposition Members that Nagaland is a very sensitive State. And the affairs of Nagaland must be discussed in the same seriousness

because it is a border State. Everyone is praising and talking about the tribals in the same language. They are touching the sentiments of the tribals.

I do not think that tribals are such a cheap commodity that they can be purchased, can be bought. If the Opposition Members have this feeling in their mind, they can go and try in any tribal State. Tribal people are very straightforward, very clear in their thinking and they are not the political commodity which Opposition people feel. I think you will agree with that that tribal people are very straightforward. (Interruptions)

SHRI G.M. BANATWALLA : The Governor will take this recommendation...

SHRI G.G. SWELL : I said 'not purchasable'. (Interruptions)

SHRI RAJESH PILOT : I said the same thing. I oppose anybody who has said this. It is certainly touching the sentiments of tribals and this hon. House should not touch the sentiments of the tribals. I would request the Opposition people... (Interruptions)

SHRI SOMNATH CHATTERJEE : How can you say that they have been purchased?

SHRI RAJESH PILOT : I will come back to that. I have heard most of the Opposition Members talking about very brave words. I want to know from this House that how many Opposition leaders, how many Opposition parties have talked against insurgency in Nagaland. It is the Congress man who has talked against insurgency in Nagaland. How many people have gone there? How many people talked about the regional feelings in Nagaland? When I was talking yesterday, Mr. Indrajit Gupta said that Congress (I) is the mainstream. I did not mean that. What I meant was that there was an election fought in November, 1987 on two ideologies, the regional forces and the nationalist forces. These were the two platforms. NNDP fought openly on regional forces supported by various regional

parties. I am happy that not many of the national parties went and supported that. It is clear cut ideological election in Nagaland. This is the first time, if you see the history from the statehood onwards, that the people of Nagaland voted for a national stream on national ideology. Whether you agree with it or not, it was fought in the elections. I say this with responsibility because I was involved from the party side in the Nagaland elections. There was a talk

Should we go for the regional forces or should we join the mainstream and see that we catch up with our development? It was the platform by which we came to power. This was the platform from where we fought the elections. It is not a platform of slogans on which we have fought. But it is our responsibility, our duty to keep the promise that we have set in the election manifesto. If you see the complete background today, we are being talked that we are not keen for stability. And Congress is not keen for peace. I want to tell the hon. Members of the Opposition that Congress is for stability and has sacrificed power. We were in power in Assam in 1983 to have stability and peace. We were thrown out of power and gave the power because peace is more important than power. Do you want to blame us that we were for power? In Mizoram, we have done that. *(Interruptions)*

SHRI BASUDEB ACHARIA : You have lost your elections. *(Interruptions)*

SHRI RAJESH PILOT: When were we defeated? We returned first. *(Interruptions)*

SHRI RAJESH PILOT : Listen to me. I am ready to answer your question. In 1985, we had absolute majority in Assam. We were running a majority Government in Assam. We agreed for peace, for stability. *(Interruptions)*

SHRI SAIFUDDIN CHOWDHARY : Do you think that peace has come? You cannot purchase peace like that. *(Interruptions)*

MR. SPEAKER : Order please.

SHRI RAJESH PILOT : You ask Mr Goswami who is here whether it is not

peaceful. I am trying to inform the House that Congress is not for power. It is not power hungry.

SHRI BASUDEB ACHARIA : Congress is always for power.

SHRI RAJESH PILOT : This is my right to speak. I am just quoting an example which is available in the whole country that in Assam, we were in majority to have peace and stability. We sacrificed power. We went for the fresh elections. In Mizoram, we were in power. We had a majority with us. We went in for elections only to have peace and stability.

SHRI BASUDEB ACHARIA: You lost in the elections. *(Interruptions)*

MR. DEPUTY SPEAKER: Mr. Acharia, please keep quiet.

SHRI RAJESH PILOT: At what stage? .....*(Interruptions)* I want to bring to the knowledge of this House that Congress was never for power. Yes, We are a political party. We will certainly fight for our rights but we never sacrificed peace and stability for power.

Now, I will go to the previous history of Nagaland. In 25 years of statehood, there were eleven Governments and for two years, we had the President's rule between 1975 and 1977. How the Governments have been changing most of the Members are aware of that. That is what was worrying the Central Government because with great efforts of 25 years of the Central Government and the help of the people of Nagaland, we could bring Nagaland to some extent in the mainstream of the country.

The last elections were fought in November, 1987. We had won thirty four seats, eighteen had gone to NNDP, seven to independent and one to NPP.

SHRI SAIFUDDIN CHOWDHARY: What is the voting percentage?

SHRI RAJESH PILOT: I will try to get for you. When we formed the Government, we had 34 Congress (I) members. Seven independent members also gave us in writing that they would support us, although it was a voluntary support. It was not needed by Congress (I). But they said, they liked our ideology and they would support us. We accepted that.

Now, the scenario changes. I will give you the total clear position on 30th July. Thirteen-member list was submitted by the dissident leader from our party Shri Chisi. You will be surprised, Sir, that out of 13 Members, one hon. Member was in Calcutta on that day. He was not there. He flew the next day by a civil flight and joined them on the 31st. But on 30th evening, they had claimed that they were 13. They could have said that they were 12. Also, if you see that letter, I wish, we could have produced that - I will ask the State Home Minister to get us that - you will know the position. The signatures had started sometime in March, May, June and July. But that is all right. In a democracy, they can do all that.... (Interruptions)

What I am saying is that the picture given to the country was that 13 Members had met the Speaker and the Speaker had physically verified the names and other things and recognized the split. It is certainly not a correct picture to be posed to the nation. They were twelve....(Interruptions).

There was another confusion. When these facts were pointed out to the Speaker by the Congress (I) whip, the Speaker said: "I have received these facts, I am examining and I will come back shortly with my decision" Still the Speaker is not saying: "You may say anything, I am right in my decision; I do not entertain any further facts". It means that the Speaker is not very clear, whether they were 12 or 13. It is here that the political instability starts.

As a Congress worker, I was asked by my party to go there, basically because I was associated there during the elections. It is the right of a Congress worker to talk to his party men. I went there and I talked

to them. They said that they were annoyed with the party for some implementation programmes and some policies. That is what the Members have pointed out here also. I also pointed out to them. I said: "Six of you were in the Cabinet. Why didn't you resign? You will be surprised that till the Assembly was dissolved, none of the Minister had resigned. They continued using the car, office facilities etc. That is bad on their part. If you resign from the party, or you have been recognized a separate group or there is split, you should do that....(Interruptions). On 30th, the split was recognized, they should have resigned from the Government. The Ministers should have sent their resignations to the Governor or the Chief Minister. None of them resigned.... (Interruptions).

Sir, it clearly shows that these members who were in our party did not have any intention to leave the party till the last day. Well, I really won't like to put on record what I have talked to them because that is totally a party affair.

SHRI INDRAJIT GUPTA: Why do you think they resigned?

SHRI RAJESH PILOT: These people have not resigned. They kept on saying "We are not Congressmen, we have left the party. We are a separate Congress (R) group." But still they were using the Government vehicles, flats and going to their offices, calling their P.As, dictating Letters to them and ordering them whatever they can do. Under these circumstances it appears that they were mentally still with the Congress because they did not say, "We are not with this party any more and so you can take away all the facilities given to us as a Member of this party: We are not the members of the party and so we do not have any moral right to remain as Minister in this Government." They should have said this. But none of them said this. So, after this what was the choice left with the Governor?

SHRI SAIFUDDIN CHOWDHARY: What about the Party?

SHRI RAJESH PILOT: Yes, about NNDP

have you read what appeared in the newspaper about six months back? There was a fight between Vizol and Vamuzo. There was a division in NNDP. Out of 17, there was a division of about 7 or 9. Do you expect the Governor to ignore all these facts? I say that the Nagaland Governor is not a normal Governor, he is a special Governor..

SHRI SAIFUDDIN CHOWDHARY: He is a super Governor.

SHRI RAJESH PILOT: I won't call him a super Governor. But being a border State, the Governor of Meghalaya, Assam, Nagaland, Manipur and Tripura has special powers and has special duty.

SHRI SAIFUDDIN CHOWDHARY: He should have been more sensible.

SHRI RAJESH PILOT: So, Sir, under these circumstances, the normal citizen staying in Nagaland felt that the political instability is there and these people do not subscribe to any ideology. It is a fact, as the Governor said, that they were held up in a tourists lodge, which is a Government building, guarded by not less than hundred guards, maybe even more. They were guarding the building with guns in their hands and they were all in plain clothes. When the Government said that it is not correct and that they should be freed, you will be surprised to know that one of the wives of MLA rang up and said, "Can you please help me to trace my husband?".

SHRI SAIFUDDIN CHOWDHARY: Do you want to say that they did not quit?

SHRI RAJESH PILOT: So, they went to that extent. These are the facts. It is not that I am saying all these things from my own side, and it is not something which is not known to the Members of the Opposition.

SHRI SAIFUDDIN CHOWDHARY: Whether they quit the party or not?

SHRI RAJESH PILOT: As far as the Nagaland is concerned...

SHRI INDRAJIT GUPTA: You must clarify his statement. He has said that they have not actually left the Congress. Have they left the party or not?

SHRI RAJESH PILOT: I am saying mentally..

SHRI SAIFUDDIN CHOWDHARY: What is mentally? (Interruptions)

SHRI RAJESH PILOT: Since they had left the Congress, do not you think that they have the moral duty to resign from the Ministry?

SHRI INDRAJIT GUPTA: Was not the oath administered to them by the Governor when they became the Ministers. So, even after resigning when they were using the Government flats, vehicles and all, that, why did not the Governor haul them up and dismiss them?

SHRI RAJESH PILOT: As a politician, must say that it is the moral duty of the Ministers to have resigned. Do you expect the Governor to run...

SHRI INDRAJIT GUPTA: What was the duty of the Governor?

SHRI SAIFUDDIN CHOWDHARY: Why did not you expel them from your party?

SHRI RAJESH PILOT: Mr. Gupta, this is your view that the Governor should have dismissed them.

SHRI INDRAJIT GUPTA: They did not want to leave your party mentally, as you said, and you also mentally did not want them to be out of your party and wanted them to hang on in the party. Why did not you allow them to leave the party, or expel them?

SHRI SAIFUDDIN CHOWDHARY: Why did not you expel them?

SHRI RAJESH PILOT: I will repeat what I have said. I said that on 30th they had gone to the Speaker with a list of 13 members. To begin with that was wrong because they were not 13 but only 12. Any-

[Shri Rajesh Pilot]

way 12 is also of 34 and there is not much difference whether it is 13 or 12. They had gone and resigned from the Congress (I) and submitted a written letter in which they had asked for setting up of a separate group called National Congress (R) So, was it not their moral duty to resign from the Government of that party which they were leaving? Do you agree with me or not?

SHRI G.G. SWELL: It is the Constitutional duty of the Governor to dismiss them.

SHRI BASUDEB ACHARIA: Why did not you expel them? (*Interruptions*)

SHRI DINESH GOSWAMI: Mr. Pilot, before the President's Rule was proclaimed, Mr. Hokishe Sema was the Chief Minister. So, why did he not withdraw all these facilities which they were enjoying as the members of his party?

SHRI G.G. SWELL: And why did not dismiss them?

SHRI RAJESH PILOT: They were not allowed to come out of the tourists lodge, not even the Ministers. (*Interruptions*)

MR. DEPUTY SPEAKER: I have not allowed him.

(*Interruptions*)\*\*

SHRI SAIFUDDIN CHOWDHARY: That means the Ministry was not reduced to a minority. Is that your contention? (*Interruptions*)

SHRI G.G. SWELL: They were not allowed to come out of the tourist lodge.....(*Interruptions*)

SHRI INDRAJIT GUPTA: They resigned only from the Congress (I); and they did not, according to you, resign from the Ministry. Then why have you brought in the President's rule? You still have got a

majority; why have you imposed the Governor's rule?

SHRI RAJESH PILOT: Mr. Indrajit Gupta, please do not twist the language. What I am saying is this. I am talking about the political morality of those people who say that they do not believe in this party, and were resigning from it. (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY: That is your party matter. (*Interruptions*)

SHRI RAJESH PILOT: You are talking about the numerical strength, viz. that if those ministers are still in the Ministry, our strength is still Okay. I am not saying that. What I am asking is a simple question, viz. that when they have resigned from the party, and they are recognized as a regional group, is it not their moral duty, if they are talking about morality in politics and blaming the Congress Government, that they should have resigned from the Government? Yet they continued as Ministers. (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY: They should not.

SHRI RAJESH PILOT: That is what I am saying. (*Interruptions*)

SHRI INDRAJIT GUPTA: What was Mr. Hokishe Sema doing? Was he also in the tourist lodge? (*Interruptions*)

SHRI RAJESH PILOT: I am coming to that; listen to me.

SHRI G.G. SWELL: If those people were all in a tourist lodge and were not allowed to come out, how were they running about in cars, and flying the flags? (*Interruptions*)

SHRI BASUDEB ACHARIA: If they were kept in a tourist lodge and not allowed to come out, how could they use their cars?

SHRI RAJESH PILOT: Actually, Mr. Swell has been the Deputy Speaker. He knows how to misuse that also.

SHRI C.G.SWELL: I never misused things.

SHRI RAJESH PILOT: I am going to tell you this. Let us talk about this. If you want to bring out the ideology, I would like to say that on the 29th they had sent their resignations. On the 30th the split had taken place. For 3 or 4 days they continued using the benefits of the Ministry; and till the dissolution of the Assembly which was done by the President, they had not resigned from their posts till that time. So, I am saying that it was certainly not in line with the ideology which they are speaking about, as a plea to leave the Congress. That is what I am trying to tell the House. (Interruptions)

As far as Nagaland is concerned, hon.Members who have visited Nagaland, would all know the efforts of the Congress and the special attention of the Central Government and especially the involvement from the first Prime Minister onwards, from the late Pandit Nehru to MRs Indira Gandhi to Mr Rajiv Gandhi; how much of effort we have made to develop Nagaland. You can see the allocations themselves: how much increment has taken place in each five-year Plan and how much of effort we have made to bring them into the mainstream. Rs. 400 crores is the allocation for the 7th Plan. In 1988-89 we have Rs. 107 crores, which is nearly 17% more than the previous figure. The House will be happy to know that from the point of view of development.

It was very nice to hear yesterday Mr Indrajit Gupta telling stories about those in Nagaland still being in the jungles. I do agree, but what is the percentage? If you visit Nagaland now, there is a change. I would say I have been visiting there for 7 or 8 years. Every year I find a change--change in the living of the people, living styles, progress, development, roads, electricity and water. If you go to the huts there, you will find that the electric bulb is available there.

That is why I am saying that we are unhappy that this pace of development which

is coming up, has been subjected to the hurdle of political instability. I must tell the House that we are unhappy about this situation in Nagaland. But keeping the sensitive nature of that area, knowing very well that this is a very sensitive State and having our previous experience especially with the threat of insurgency, we know what efforts have been made, how we have progressed. Having kept these factors in mind, I think Government has no other alternative except to go in for Governor's recommendations, and to have President's rule there, so that the pace of development could continue, the stability of this sensitive area could continue, and our efforts to bring there people into the mainstream could also continue.

Yesterday, a question was raised by one of the hon.Members from the Opposition, that with this President's rule we will be forcing them to go away from the mainstream. I do not say this with full authority, but I must say this with my little experience in that area of roughly 23 years--some period in the Air Force and some period of my political activity in that area: with this action, I am hopeful and I am very confident that we will not be cutting off the people from the mainstream, but we shall be able to bring them more close to the mainstream. My colleague from this side has said that thirteen people cannot represent the wishes of the whole people.

13 people cannot decide the wishes of the Nagaland people who have been voted to join the mainstream. On that promise and on that view, we have gone in for the President's Rule. We have assured the House that we will make best efforts to bring them to the mainstream and continue our efforts to bring Nagaland to a development stage... I hope the opposition members will not take this on political lines, because there are some decisions which have to be above politics, which have to be above political thinking; it has to be in the national interest and not in the political interest.

With these words, I support it and I hope the opposition members will have the same views and same feelings for this sensitive State.

SHRI G. M. BANATWALLA (Ponnani): Mr. Deputy Speaker, Sir, I am sorry I cannot support the Motion for the approval of the proclamation of President's Rule in Nagaland. You know that this government has done a lot for Nagaland; its record is commendable. Crores of rupees were spent for the development of Nagaland.

The same policy, a wise policy, a good policy, a farsighted policy was adopted to see that insurgency comes to an end in Nagaland. Indeed a good work was being done in Nagaland. I express my apprehension and concern that by denying constitutional rights, all the good work done in Nagaland is being wasted and watered down. There is a reversal of the policy over there; that is the main thing with which we must be concerned.

This proclamation is not merely an agnising abuse of power, but in the context of Nagaland, it is a constitutional disaster. Indeed Article 356 gives the power to impose the President's Rule, but this power has to be used with great restraint; this power is an emergency power to be used under conditions of emergency; this is power to be used in the last resort, when all other devices, constitutional devices have been exhausted. I am quoting here from this book entitled "President's Rule in the States" prepared by the Indian Law Institute in Delhi. On page 181, it reads as follows:

"Government cannot stiffe parliamentary democracy in the States. Coalition and Minority Ministries must be given a chance to form a government."

The emphasis is on their constitutional rights to form a government and they must be given a chance; that is the grand rule of our parliamentary democracy; that is the governing principle of our Constitution. It further reads as follows.

"It would be inexpedient to treat this as anything other than the governing

principle. Even so to use this a governing principle requires a great deal of courage and sensitivity on the part of those who are Governors of the Indian States."

It is this sensitivity; it is this courage, that has been lacking in the case of Nagaland.

Let us come to the Governor's report. I was just hearing the hon. Minister with rapt attention. He has added more to the confusion, blowing hot and cold in the same breath. With respect to the 13 persons there, the MLAs, he says, and he takes objection at some having said that they were being lured to money and other temptations. He says, that the Nagas are not a purchasable commodity. I respect these sentiments and it is the respect to these sentiments which would have led to the rejection of the Governor's report, because the Governor's report says that there would be instability in Nagaland because there would be horse trading. There is therefore this blowing hot and cold.

Look at this report and you will find that the report is a disgrace to constitutional and parliamentary practice. It is devoid of all ethics or Parliamentary and constitutional ethics. Intentions of the members of the Legislative Assembly are challenged, insinuations and aspersions are cast and even the Speaker, and the institution of Speaker is held to contempt.

must say that the attitude of the Governor smacks of an imperial Raj following a colonial policy.

SHRI G.G. SWELL: He is a \*\* of the Government.

SHRI G.M. BANATWALLA: An imperial Raj following a colonial policy, saying that "No, I do not think any common good will be served by the alternative government, if it comes to power. Who is the Governor to decide that point? What a ridiculous attitude taken by the Governor! He says, that he was not provided with a copy of the

\*\* Expunged as ordered by the Chair.

constitution of the newly-formed Congress (R). What a disgrace to the constitutional and parliamentary practice in our country! He says--the Governor comes to the conclusion in his report--that there were no substantial grounds for the split.

SHRI G.G. SWELL: He does not know what he is talking.

SHRI G.M. BANATWALLA: How is he to decide whether the grounds were substantial or not? He has only to see whether the fact of the split exists or not. Therefore, I say that this Governor sitting there, declaring that he has not received the constitution of this newly-formed party, declaring that there was no substantial grounds for the split, declaring that it was an alliance of convenience unlikely to serve the people, this Governor, there, I say, smacks of an imperial Raj with a colonial policy and does not befit the constitutional and parliamentary practice in our country.

SHRI PIYUS TIRAKY: It is most unfortunate that this Government have accepted this report.

SHRI SOMNATH CHATTERJEE: The Government has prepared the report.

SHRI G. M. BANATWALLA: What is the basis of the report? What is the basis of the Governor's report? All the facts and the institution of Speaker, they are not being relied upon. Everywhere in the report, he says, his "reliable sources have told me". What are those reliable sources? *(Interruptions)*

Everywhere in the report, reference has been made to reliable sources. It is on the basis of the reliable sources having filled something into his ears, he comes to certain conclusion disregarding even the actions that have emanated from the institution of the Speaker of the Nagaland Assembly...*(Interruptions)* He says, the reports indicate, I underline the word 'reports', that there is a great role of money and lure of office. Which report? Whose report? Here, the Minister says Nagas are very honourable people and we respect what he says. He says that they are unpur-

chasable, commodity and we agree with him. Here the Governor says that he had reports--he does not say even reliable reports--which indicate role of money and lure of office. This sentence appears at page four of the Governor's report. Then, at page five, he says, there are reports from several reliable sources to the effect that some Members of the Legislative Assembly were being held under forcible confinement. What sources are these? Just now, the hon. Minister told us that even after forming the new Government, some of these MLAs were running in cars, attending offices without having the normal sense of resigning from them. How can you say, on the one hand they are under forcible confinement and on the other hand, they are misusing cars and offices. Then the Governor says.... *(Interruptions)*.

SHRI RAJESH PILOT: I have said the facts of the situation. Do you know how they were misusing it? They have been misusing the Government vehicles to pick guards from one place to another. Their PAs are operating from their homes. This is what I meant. *(Interruptions)*.

MR. DEPUTY SPEAKER: Order. Order.

SHRI G.M. BANATWALLA: Then the Governor says that these are the reliable sources. Again at Page six, the Governor says that he has learnt from reliable sources that Mr. Vamuzo has threatened the use of violence. This report is based on total hearsay, some reliable sources, some reports, and then a decision has been taken--a flagrant violation of constitutional norms, an arbitrary manner of functioning in our democratic country.

Mr. Deputy-Speaker Sir, I would like to ask the Government one specific question. Why did the Governor not return to the spot for nearly one week in spite of the difficult situation there? Let us be convinced Even a man with common sense would have rushed over there. Here the Governor with special powers and so many other things sleeps. He does not come back. Why?...*(Interruptions)*. When the first report says of these things of the difficulties

[Shri G.M. Banatwalla]

and turmoil in Nagaland, he ought to have reported to duty. What should be the punishment for those who have deserted their post? This Government owes it to the nation to explain why the Governor did not return to the capital of Nagaland in spite of the difficult situation over there.

14.00 hrs.

We are told that all these 13 also who were a party to the split, were elected on Congress (I) ticket. That is correct. They were elected on Congress (I) ticket. There was a mandate also for the Congress (I) to rule—a correct and good mandate, I say. But how do you then reconcile this particular fact that your own laws, your own rules, say that where there is a split, that split can be recognised? Do you mean to say that once the people give the mandate to a party, the Governors will always uphold that mandate, whatever facts of the situation be? That cannot be. There are certain ground rules; there are certain governing principles of our Constitution and there can be no compromise on those governing principles. What is lacking today is the federal spirit. What is wanted is the respect for the principles of federalism. And I quote from the same book 'President's rule in the States' prepared by the Indian Law Institute, page 108. Here a very common sense point and a very basic point has been brought about federalism and the respect for federalism.

"Any analysis or interpretation of the circumstances when President's rule can be imposed must take into account the fact that the states were intended to work as decentralised political units with parliamentary governments of their own operating within the conspectus of a federal system. The phrase 'failure in the constitutional machinery of the state' must also be interpreted in this light."

It is this particular federal spirit that is today lacking. It is this respect for the prin-

ciples of federalism that are today lacking. I appeal to the Government and to the House not to treat this as a mere party issue. We have to rise above our parties. We have to see that we are not swayed by party considerations. These party considerations have already created a lot of problems in the functioning of our democracy. Even in the opposition here, they are not saints. They have also grossly at times misused and abused the power under article 356 when they were in power. During the Janata rule, there was a total and gross misuse of an unparalleled nature when 9 states Assemblies were dissolved and the President's rule was imposed. Later on, when the Congress (I) came to power, they also followed. This shows how those in power, whether it is the Congress (I) or the opposition, grossly misuse the power under article 356. Let not opposition today come forward as great defenders of the Constitution and of the principles of federalism and federal spirit. When they were in power they also did the same thing. But then thus far and no further. Let us not further spoil the whole situation. Let us see that this rape on the Constitution comes to an end. This is the thing. We have to rise above party considerations and see that the constitutional and the democratic framework of our country is upheld.

I agree, Nagaland is a sensitive place. Therefore, a greater caution was needed. But here every caution has been thrown to winds. I am afraid, the dental of democratic rights might lead to unfortunate repercussions. It is this concern because of which I have risen to oppose this motion for the approval of the Proclamation imposing President's rule.

Sir, the manner in which this President's Rule has been imposed is in total disregard, as I said, of all ground rules and the governing principles of these ground rules have been compromised. I must conclude by saying that it is most unfortunate that today we are planning for the future of the country in a very impatient and short-sighted manner. There is time even now though this House goes into action only after the event has already taken

place. But then let us realise that no injustice is done and that constitutional and the parliamentary practices are not violated in such a flagrant manner, specially in a sensitive place like Nagaland.

PROF. N. G. RANGA (Cuntur): Mr. Deputy-Speaker, Sir, about the rights and wrongs, what has happened is one matter. The other thing is: what is happening and what is likely to happen? I am glad that this stage has been reached. How it has been reached is another matter. But the baby is there with us. There is an opportunity to the people of Nagaland as well as the people of this whole country and Parliament to re-think about the whole affair whether this kind of system of one in power and another party in opposition is suitable at all, to these areas, border areas, tribal areas, small population but troublesome population? Therefore, it is high time for us to re-think about it and then plan as to how democracy in the manner in which it is being practised in Switzerland, in Denmark, in Netherland and many of those small countries in Europe is suitable for us. There, not one party Government but multiparty Government, all-party Government, by consensus had been tried for more than a century with great success. There are books in our Library; some of them were reviewed by myself. My hon. friend has spoken so many things about Meghalaya. He wanted separation from Assam. Why did he want any separation at all? All these States have come out of Assam. Let him have patience here. Why did they come out? Because they wanted to have decentralisation. For whom? It was for the tribal people who have had their own social hegemony, who have had their own social democracy; they wanted decentralisation. Village by village they were having, between one village and another, they were fighting. My dear friend does not realise, does not remember, it may suit his purpose not to remember, but not so long before those people from one village were not prepared to sit across the table with the people of another village and argue there. We are accepting different people of different cultures, of different traditions to come and sit here and stand here also in this

House and argue patiently. The hon. friend, Shri Banatwalla wants the Government to be patient. Here the Government has got an excellent opportunity, thanks to the courage of the Governor, now to think about how best it can possibly bring the leaders, chosen leaders, trusted leaders of all the most important tribals in that area, Nagaland, how they can be brought together into an all-party Government, to sit together round the table, not across the table, make their own decision, in a conscientious manner, not unanimous manner but in a conscientious manner. My hon. friend, although he went along with the whole stream of criticism and condemnation of the Government in the usual parliamentary manner that we have got used to here, Indrajit Gupta made a constructive suggestion yesterday. We must apply this western course of so-called parliamentary democracy and discussion in the light of the social atmosphere that we have there. It is a tribal atmosphere, not this kind of an Indian atmosphere, which is something new. Theirs is something special. They are intolerant people and at the same time highly democratic among themselves in their own groups. Between one group and another they are extremely intolerant and impatient with each other. They will take a lot more time than we are taking. Not that we are very demonstrative. In the Question Hour we know the kind of democracy that we are able to display for the whole of the world. My dear friend, we are all educated people, experienced people and aged people, yet we behave not in that manner during the Zero Hour. There is difficulty in that area, throughout the day of parliamentary life, therefore, they have got to be helped patiently just as our Speaker helps us to somehow or other to transact business, and for that reason I welcome this opportunity the Governor has given to the Government through the President, and I welcome our Central Government's courage also to have come over here in spite of all those objections my hon. friend, Mr. Dandavate was raising, was voicing again and again saying, 'Oh, this is unparliamentary and unseemly'. They should have come first to this House instead of publishing it. All these are pi-falls, small details, right or wrong. But

[Prof. N.G. Ranga]

the most important thing is, this opportunity that the Nagaland people are given through this action of the Governor to re-think about how they would like to, or they would manage to live together. How? They have managed it very badly. There, people gave them a mandate--my hon. friend, Banatwalla, was talking about the minority, but was that a minority which wanted to treat you and their majority as -- "you Indians" --whereas the overwhelming majority of the people wanted to be Indians. They voted for that Ministry. 'Once they have voted, are they to be there for five years?' he asked. They need not be, but they have again got the opportunity today. Let the people of Nagaland be given an opportunity. Somebody was saying, it should be the shortest possible duration of President's Rule. I would like it to be six months, I would like it to be one year and I would like to be patient, I would like the country itself to be patient with this Government as well as the Nagaland people so that it would be possible for them to have a Government in which the major tribes have the fullest opportunity to play their own democratic role.

Thank you, Sir.

[Translation]

SHRI SHANKAR LAL (Pali): I support the Presidential Proclamation for dissolving the Nagaland State Assembly. This is a most justiciable, democratic and constitutional step taken by the Hon'ble President of India. Hon. Members of the Opposition raised the matter of formation of Government by parties enjoying majority....

14.15 hrs.

[SHRI SOMNATH RATH *in the Chair*]

The country's affairs are being governed in accordance to the constitutional provisions. There are many articles in the Constitution. Before taking any step we should correctly interpret what the constitutional provisions intend to convey. His excellency, the President of India has issued a Proclamation to dissolve the Nagaland

State Assembly under Article 356 of the constitution which reads as under:

[English]

"The President, on receipt of report from the Governor of a State or otherwise..."<sup>2</sup>

[Translation]

It is a different matter that the Presidential Proclamation to dissolve the State Assembly was issued on the basis of the Governor's report. The President is empowered to do so even on his own if he is satisfied that imposition of President's rule is necessary in view of no party being in a position to form a Government in the State. Even without the Governor's Report, we were having fresh reports everyday regarding the situation of instability in the State. Even on the basis of this information alone, the President could have imposed President's Rule in the State. In the existing circumstances the dissolution of the Nagaland State Assembly and imposition of President's Rule was absolutely justified.

The reason, I want to highlight this provision of the Constitution is because it clearly states that we have to act in a democratic way. It also provides for political justice. In the very beginning it has been stated that to run a State administration people will elect their representatives to the State Legislative Assembly through elections. Then a Government would be formed by the majority party.

If later on, some of the elected representatives try to form a Government after defecting to some other party, there are separate provisions for the same. We should make a clear distinction between the two situations.

Unfortunately, I was not a Member of this august House. When the Anti-Defection Bill was passed. But the provisions of this law surprise me because defection of one or two Members is considered a punishable offence but defection of 1/3rd of the party's strength has been merely termed as a 'split', which will not

invite any punishment. Legally speaking, if five or more persons defect it is called an 'unlawful assembly'. But the Anti-Defection Law sees 'group defection' as proper. I fail to see any justification in it. I request that this provision should be given re-consideration. Group defection should also be termed as an offence and be liable to punishment.

So far as political justice is concerned, our hon. Member Prof. Dandavate of the Opposition has just said that defection in the State was due to corruption rampant in the Government. He gave an example of misuse of foodgrains sent as a relief measure by the Centre to Nagaland. May I know whether an enquiry was conducted to find out the facts regarding the use or misuse of the foodgrains supplied by the Centre to that State Government. Is there any justification in levelling charges against a Government without even conducting an enquiry into it? Nobody can approve of it.

Mr. Chairman, Sir, as it has been stated by the Chief Minister that all legislators wanted to become Minister there. News to this effect has been reported in today's Newspaper also. But the Chief Minister cannot satisfy all of them in this regard. So the charges of corruption levelled by the opposition members is unfounded. Such charges should not be levelled unless an enquiry is instituted & the charges are substantiated. Their charge of indulgence in horse trading is totally baseless & improper. Our party was already in majority there. Why should a party having a majority in the House indulge in horse-trading? Our party had already formed Government there. If the members of opposition can accuse our party for indulging in horse trading and encouraging defection we can also blame them for trying to topple a popular Government duly formed after getting public mandate.

Mr. Chairman, Sir, when we talk about the terms such as political justice, unity and integrity contained in our constitution, we should not take only the literal meaning of these terms, rather we should act according to the spirit enshrined in these terms. The strength of democracy lies in the peo-

ple. Did the Government formed after getting public mandate take any step contrary to the public sentiment? In fact, they have not done anything like this. On the contrary, it is those who crossed the floor have violated the public mandate. Did they seek public mandate for their action? The fact is that those who crossed the floor have done a very undemocratic work.

Mr. Chairman, Sir, democratic work is that which is accomplished with public consent. But they did not seek the permission of electorate before defecting, so it is they who can be blamed for doing a thing prejudicial to the society. The members of opposition may ask for holding early elections there and this thing can be discussed in the House. But it is not proper to challenge the propriety of dissolution of the Legislative Assembly and to say that it was a wrong step. If the Assembly had not been dissolved in the prevailing circumstances, it would have encouraged defection and other immoral deeds. So it became necessary to dissolve the Assembly and impose President rule. We should oppose evil practices like defection tooth & nail. We expected the same thing from the members of opposition also. But they belied our hope by opposing the dissolution of the Assembly. In support of their argument, they quoted the provisions of the Constitution. But I do not go merely by the literal meaning of the words of the constitution. I would like to go by the spirit of those words. The articles of constitution of a country which tread upon the path of moral values, will have to be interpreted in the context of moral values only. So, Mr. Chairman, Sir, I support the proclamation issued by the President to dissolve the Legislative Assembly.

SHRI MANOJ PANDEY (Bettiah): Mr. Chairman, Sir, I support the resolution moved by hon. Shri Buta Singh.

Sir, I had got an opportunity to stay in Nagaland for 20 days 'during an election campaign. We lived even in the remotest villages of Nagaland. Tipri is a small village along the border of Burma. We tried to gather extensive information about Nagaland during our stay there.

[Shri Manoj Pandey]

Sir, the Congress Party won 34 out of 60 seats in the elections and thus formed its Government there. The Congress Government faced two major problems in the beginning. The foremost of them was the insurgency of the underground Nagas, a problem which has not been solved since long. The other important issue was to find out an appropriate solution to the boundary dispute between Assam and Nagaland. All of us agree that the Chief Minister of that State Shri Hokishe Sema has been a great nationalist and efforts were made under his able leadership to find out a solution to the problem.

I would like to mention the sequence of events here. The Government of Nagaland held about 10-12 meetings during the months from January to March, in order to find out the solution to the problems of underground Nagas. The Chief Minister announced that the foremost duty of the Government would be to hold discussions with those who oppose insurgency. Our Hon. Prime Minister has, a number of times, stated in this House and outside as to how this problem could be solved by sitting together. It resulted in signing a number of accords, Congress Party has always adopted the policy to discuss various issues across the table. When these problems were solved, people became aware about it. I would also like to speak a few words about border dispute with Assam. As it has already been reported in the press that the Assam police entered into the territory of Nagaland and committed many atrocities there, due to which tension grew in both states and it has not subsided as yet. When efforts were made to solve these major problems facing the state under a popular Government, a conspiracy was hatched to overthrow the Government within 10 months of its installation.

Much has been said here about the Constitution. I had never been a student of constitution and I do not have deep knowledge of it. But I would like to emphasise that the constitution has been formed for the sake of people which inherit

social, economic and political problems. How do these 13 persons suddenly begin to feel after 10 months that the Government is not functioning properly, it is a bad Government and so this Government should not be allowed to continue? We have to see as to who are the persons behind such thing.

The constitution can be protected only when genuine efforts are made to understand the human feelings. No doubt, the members of opposition have said many things, but why efforts were made to destabilise the state government when it was trying to solve the problem of Nagaland. Is it not really a process of destabilisation? Whenever a Government wanted to do some good work, people of vested interests always oppose it. Out of these 13 persons, 6 were Ministers and Chairmen of different bodies who were in the Government which was trying to find out a solution to the problem during all this period of 10 months. Now what transpired which led to change their mind that the Government was not functioning properly. As hon. Minister Shri Rajesh Pilot has also stated that Nagaland is a sensitive state, I would like to ask from our opposition parties how suddenly those 13 persons arrived at a conclusion on the night of 30th July that the Government of Nagaland has changed into a very bad Government. What I mean to say that such vested interest are found in each and every party who try to topple the Government.

The anti-defection law has been enacted and there are some provisions also in it. Constitutionally, a number of steps are taken, but the Government has been trying its best to carry out its responsibilities. On the basis of the press reports of the last 10 months, we can say that the Government were seized of these two problems. Such reports have appeared in the press also. How can we agree that the Government is worthless just because of the behaviour of only 13 persons. It is unfortunate. I agree that the imposition of President's rule is a bitter pill to swallow but this is not a new thing. President's rule has been imposed many times in the past also. Hon'ble Members of our Opposition are using the

report of the Sarkaria Commission as the Gita, the Bible and the Kuraan. Have they ever tried to know, who had constituted the Sarkaria Commission? Only the Congress had constituted it. Sir, through you, I would like to request the Government that a full discussion should be held on the report of the Sarkaria Commission in the House. Then, we shall also have the opportunity to highlight the weaknesses of the State Governments ruled by the opposition parties. I want to say this thing because many leaders of the opposition parties are not present here. This is unfortunate that they are not present here. I would like to tell them that the things being said about the Governor are not proper. The Governor has taken this decision on the basis of his own sensibilities and these sensibilities cannot be challenged by sitting here.

Sir, there are many ways of asking for the report and it is not necessary for us to know what report the Government has got and from what source has he got? Would they like to see all the details in the House? Is it necessary to show in this House the details of the official work done in Government offices. From whatever source, the Governor has asked for the report, but if he is satisfied that no political party would be able to provide popular administration to the State then it becomes the duty of the Governor to write about this and send his report to the Central Government that it is a fact that it is not possible to form any popular Government here and therefore, the President's rule may be imposed there under Article 356 of the Constitution. What is wrong in it?

Yesterday one of my hon. colleagues was reading out some sentences of the Government's report. I feel that if the Governor had consulted him, he might have prepared a better draft and could have used very good English. I agree that my hon. colleague has a very good knowledge of English, and he can draft better. It may have been in any form but the result would have been the same. I am to say that you cannot agree with all the recommendations made in the Governor's report, and when one makes up his mind not to accept any-

thing then logic has no place in such a situation. When we become prejudiced and do not want to be convinced then nobody, no logic can make us agree. Our colleagues sitting on the opposition benches have become biased and have decided not to agree. In spite of our repeated requests they would not agree. I have observed since yesterday that they are totally biased. Shri Madhu Dandavate was saying yesterday that allocation of rice has been increased from 5 thousand tonnes to 9 thousand tonnes. What can be the objection in it? If the Central Government have increased the allocation of rice to Nagaland from 3000 tonnes to 9000 tonnes then what is objectionable in it. He has also alleged that someone has sold 5000 tonnes of rice and someone has received illegal gratification, such type of allegations are being made.

There are so many things to say. But I am to say that the Central Government have imposed President's rule on the basis of the recommendations of the Governor. The Governor has recommended whatever he felt in the present situation of State and because the House is in session, therefore, it has been placed on the Table of the House and now it is being discussed. Then, now the question arises that the Government did not inform the House earlier. Do you know in advance that the Government of any particular state is to be toppled and the President's rule is to be imposed? Such type of arguments have no value, no amount of logic could make them agree.

In my opinion, the President's rule imposed in Nagaland is absolutely justified and I would like to thank Hon. Prime Minister and the Central Government for this.

[English]

SHRI N. V. N. SOMU (Madras North): Mr. Chairman, Sir, at the outset on behalf of my DMK party, I oppose this President's rule in Nagaland. This Government is heading for a platinum jubilee with the imposition of President's rule in Nagaland. How does the Governor come to a conclusion that the constitutional machinery in

[Shri N.V.N. Somu]

the State has failed when he was away from the capital since the Congress Ministry in Nagaland was reduced to a minority? The Governor ought to have gone there but did not go to Kohima. But instead Mr. Buta Singh and Mr. Rajesh Pilot went there with...\*(*Interruptions*)

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT): He must withdraw all his words. It should not go on record. You cannot give a freedom of speech to that extent that he can speak what he feels right. It should not go on record.

MR. CHAIRMAN: It will not go on record. (*Interruptions*)

[*Translation*]

SHRI R.S. KHIRHAR (Sitamarhi): You are not speaking outside, it is Parliament. There is no evidence. One should not do anything unconstitutional.

[*English*]

SHRI RAJESH PILOT: Chairman, the Hon. Member must say sorry for it. When have spoken as a Member of this House, still I am being accused. (*Interruptions*)

SHRI N. V. N. SOMU: Mr. Rajesh Pilot is reported to have told: "I have been invited for a dinner by the 13 MLAs where free and frank discussion would continue and I am sure an amicable solution would be found at the dinner." It appeared in the newspaper. (*Interruptions*)

SHRI RAJESH PILOT: Does it say that I carried money with me at the dinner? (*Interruptions*)

SHRI N.V.N. SOMU: It is the manoeuvring of the Congress Party. What does it mean? It is manoeuvring.

SHRI RAJESH PILOT: That is very bad. (*Interruptions*)

SHRI N.V.N. SOMU: And thereafter, only after the explorations of Mr. Buta Singh and Mr. Rajesh Pilot failed and a favourable solution was not found to the Congress Party, the Governor has recommended for the dissolution of the Assembly and the imposition of the President's rule. Even the 13 MLAs were threatened to the extent that the Centre would impose President's rule if they did not return to the Congress fold. That was certainly given to them. What else you want to prove when you are using President's rule to suit only the Congress Party's design.

want to bring another point to your notice. When the defection is into the Congress fold, they call it 'home-coming' Shrimati Nandini Satpathy, Sharad Pawar, Chandrajit Yadav and so on they call it 'home-coming'. But when the defection is from the Congress, they call it defection, destabilisation, anti-national, foreign hand and so on. You must appreciate this. (*Interruptions*)

SHRI VIR SEN (Khurja): The Hon. Member must know that the defection applies to the Members of the legislature and to the Members of Parliament.

SHRI N.V.N. SOMU: Our Prime Minister is touring all over India accusing the non-Congress Governments as unclean. But under Mr. Clean's leadership, the Congress Chief Minister in Nagaland is accused of corruption and diverting the funds to his personal ends.

One Hon. Congress Member argued here that the Governor of Nagaland is also the Governor of Manipur. But is it not the duty of the Governor to rush to Kohima when things developed to this kind of a situation there? I want to ask the Government through you. Not only that, the Governor has not given an opportunity to other democratic rival claims to form the Government. He should have given an opportunity to other parties to form the Govern-

ment. The Governor should act not on apprehensions; but on the basis of the concrete situation and find a solution.

Thiru Madhav Reddi, the leader of the Telugu Desam Party, has rightly pointed out that the Report of the Governor is no less than a report of the State Congress President. For him the survival of the Congress Party and the stand of the Chief Minister heading a minority government were supreme in comparison to the interests of the Naga people. Nagas are brave people, they are politically conscious people and they will have their day of deliverance. The Report of the Governor is an attack on the Naga nationalism, Naga culture and their sentiments. Therefore, the Governor should forthwith be dismissed, I demand from this august House. *(Interruptions)*

PROF. MADHU DANDAVATE: You give me the authority, I will do it within 24 hours! *(Interruptions)*

SHRI N.V.N. SOMU: With much agony I want to say that the Governors are acting like the agents of the Congress Party. They are just like glorified errand boys of the Central Government.

Even in Andhra Pradesh when the Governor is away for a long time, the Andhra Pradesh Chief Justice was not asked to act as the Governor; but the Tamil Nadu Governor Mr. Alexander was given the additional charge, extending the jurisdiction of the Congress agency to Andhra also. Why not the Chief Justice was asked to act as Governor there? In 1969 Mr. Hidayatulla, the then Chief Justice of the Supreme Court acted as the President of India when both the President and the Vice-President were not available, when they went abroad.

I want to quote what Dr. K. Subha Rao said:

“Unless the party that happens to be in power in the Centre develop conventions to shed its party affiliations in the matter of relations with the States, the federal character

cannot effectively function in our country.”

It is only the Congress Party which is the root cause for all the confusions which are prevalent in the country now. Please note, the imposition of President's rule is in infectious disease emanating from the Centre spreading all over the country like the Cholera in Delhi. It is high time we have checked it. This is an insult to the people of the Nagaland who are deprived of their democratic rights. People's verdict cannot be sabotaged in the Raj Bhawan by the persons who have no status in the State except that they have been appointed by the Centre.

Article 356 is always misused by the Congress Party to suit its whims and fancies. The need of the hour is, either Article 356 should be suitably amended to prevent the Congress onslaught on the non-Congress parties or it has to be scrapped once and for all.

The famous jurist Palkiwala said:

“The survival of our democracy and the unity and integrity of the nation depend upon the realisation that constitutional morality is no less essential than constitutional legality.”

As I have already protested against the extension of President's rule in Tamil Nadu, I sympathise with the great people of Nagaland. I strongly oppose the President's rule and I demand its immediate revocation.

*[Translation]*

SHRI K. D. SULTANPURI (Simla): Mr. Chairman, Sir, I support the report submitted by the Governor for the imposition of President's rule in Nagaland. First of all, I am to say that all the facts mentioned in the report are absolutely correct. The Congress Party won 34 seats in the last Assembly elections and on the basis of its majority Congress party formed its Government. Now, the opposition parties have

[Shri K.D. Sultanpuri]

alleged that the democracy has been murdered and the constitutional provisions have been thrown to winds. The people who are talking like this, do they not know that not even a single candidate of their parties was elected in those elections. The fact is that the Governor came to know that 13 persons had been kept in wrongful confinement in the same way in which, in Andhra Pradesh, some Legislators were first taken to Cinema Hall or to any other place and then paraded before the Governor to save their Government. When the opposition can do such things then it becomes amply clear that who were the people behind this wrongful confinement and were misleading these 13 Members of the Legislature Assembly. I openly charge that they are Members of Opposition parties who were behind this because they can never think of winning any election there. They accept their leader whosoever defects from the Congress party. They have no principles and they follow no rules. In the terms of law they do not think that the person belonging to other faction has joined them. The persons, who talk like this cannot keep the unity and integrity of the nation. They are constituting a morcha on all India basis. The people who cannot contest the election for the post of Pradhan of a Panchayat in that State are alleging that democracy has been murdered there. In my opinion, the step taken by the Governor is fully justified because had he not taken this step, the riots would have started there. The villagers of tribal areas are revolutionaries and one of their distinctive quality is that they give special attention to this that their representative whom they have voted will have to remain in the same political party on the ticket of which he had been elected. That is why the Governor has taken this decision and Hon. President of India has accepted his recommendations. I would like to congratulate him for this and say that a very good and appropriate decision has been taken, otherwise as Shri Ranga has said, riots might have taken place. Shri Ranga is an old person and he has passed all his life here.

You can see what happens in Parlia-

ment. If someone has to say something or to raise a question, all the opposition Members stand on their legs and do not allow to continue the proceeding of the House. Is this the democratic way? If you do not allow any other Member, to speak who is also elected like you, then that is not the democracy. If the Government functions according to the provisions of the Constitution, even then just for the sake of criticism, the Opposition Members say that injustice is being done. I think that the people of that State would make progress under President's rule. Some persons belonging to our party are also opposing President's rule. I think that they are also trying to defect from Congress. If they want to go, they may go. We do not bother about them. Had a large number of our partymen not defected in 1977? But when Shrimati Indira Gandhi came to power, those very persons again defected from those parties to join Congress. The people of this country know which party can rule properly. It is only the Congress which has strengthened the nation. The persons who prove to be the champion to the cause of democracy actually do not believe in this. Several lame persons, say 10 or 20 can not become a complete person. Similarly, 10 one one eyed men cannot become a complete person. I think these people who were recently talking about forming a new party will do no work irrespective of the number of people they include in their party. Whoever defects from the Congress, becomes their leader.

You do not see whether it has any impact or not. There are so many parties here, even comprising only two members. I agree that there should be two-party system in the country but I think that with the existing set of parties in the country we cannot have that system. The two party-system cannot be evolved with the help of the people who are at the helm of these parties.

I agree that Communist Party and the CPM are strong enough and they do not behave like other parties. They talk sense. But sometimes they too are influenced by these and are misled. All this was done to throw the democratically elected Government in Nagaland out of power.

They say that this was done when the Governor and the Chief Minister were out of the State. If they had gone out who had gone there to mislead the MLAs? Could not Rajesh Pilot call the Congress MLAs? Could he not know about their grievances? The Opposition is making a lot of hue and cry here and talking about Hokishesema. He has been the Governor of Himachal Pradesh. He is an honest man. I have met him when he was a member of the Estimates Committee. Shri Madhu Dandavate of the opposition who was a Minister those days, has also met him along with us. Now they are talking about the same Hokishe Sema. So far he is concerned he was made the Governor of Punjab for some time and then of Himachal Pradesh. He wanted to function in a democratic way in Nagaland. I would like to submit that elections would take place and you would see which political parties would fight elections in Nagaland. Even if they are in the fray, they would lose their existence. There the Congress Party would fight elections and win all the seats and form the Government. All of you who are sitting here, will see it.

I would like to submit to those who are jeering at us that the tribals are very honest people. They feel that our Government has done the right thing to save democracy there. This is the only way to save democracy in the hill areas. If horse trading continues democracy cannot be safeguarded. If dissidents are made leaders it would not be in the interest of the democracy. Today the opposition feels that every person in the ruling party is dishonest. I would urge them to peep into their own hearts and see who is dishonest. They will have to see how far they are honest to the nation and where do they want to take the nation.

They have declared 71 point programme. But how many parties do they have? Would one point suffice for each party? They do not have a clear picture of the nation nor do they want to work for national interests. Proclamation of Presidents' Rule in Nagaland by the President and the Governor is a good step. I support it and reject whatever the opposition has said about it.

[English]

SHRI BRAJAMOHAN MOHANTY (Puri): Sir, I agree with Shri Banatwalla that Article 356 is an intrusion into the federal structure of our country. But why has it been tolerated? Sir, when the Forty-fourth Amendment to the Constitution was brought forward in this House, the Congress party was not in power but some other political forces were in power. They thought that, in reality, such an article should be there in the Constitution. There have been allegations and counter-allegations that, on some occasions, Article 356 has not been properly used. But still it is there in the Constitution.

My submission now is that a new proposal has come from Sarkana Commission which has to be considered by the Government and the nation, that is, so far as this notification, dissolution of the Assembly is concerned, unless it is done in the Parliament, the Assembly will be prorogued. That is the recommendation of the Sarkaria Commission which is under consideration. Under the existing Constitutional arrangement, it is the prerogative of the Government, it is both subjective and objective to come to a conclusion whether the Government or the State can be carried on with the provisions of the Constitution. That prerogative must be remembered when we are examining the report of the Governor. I do not want to reduce the sanctity of the report of the Governor because he is the person on the spot. He is the Constitutional Authority to take a decision and to make a recommendation... (Interruptions).... Do not try to disturb me. Why do you provoke me when I am not inclined to attack anybody? A number of friends from the other side have said and argued very forcibly, very emphatically that the matter should have been referred to the Assembly because the Assembly was summoned on 23rd August. That is definite. Some Members, some responsible and leading Members of the Opposition demanded that let there be an assurance from the Government where the question of number is in controversy, the Floor of the Assembly is the place where it can be decided. I agree with that. But in this case,

[Shri Brajamohan Mohanty]

there was no question of number, there was no question of minority or majority. Governor's report does not say that the Congress Government which was presided by Hokishe sema commanded the majority and had he not resigned; he would have been dismissed. Of course, he said that some Member has put the signature in the presence of the Speaker but as a matter of fact, he was in Calcutta. I am not giving any importance to it but the fact remains that the Congress was not in majority at that point of time and the Congress Government deserved to be dismissed, had he not resigned. The Congress Government which resigned, submitted an advice to the Governor that the Assembly be dissolved but the Governor has not taken notice of that advice. As a matter of fact, a minority Government as such cannot advise a Governor for dissolution. So, the Governor has not taken notice of that part. Now, the Governor's responsibility is to see whether any alternative stable Government can be formed in the State or not. His view is there that an alternative Government cannot be formed because he has quoted a number of instances. He said that some of the Members of the Assembly, those who have formed the party, joined the Opposition, have defected a number of times. In that background, he has come to the conclusion that because there was horse trading--horse trading has not originally started in Nagaland. 'Aaya Ram Gaya Ram' is not from Nagaland. It is from somewhere else. I do not say that it is from Haryana. It is also in Orissa. But it has not generated from Eastern India. We apprehend that there would be horse trading frequently and the flexibility in the political sphere and we find in that background that it is not possible for a suitable Government to be formed. That is why he has recommended for dissolution. That is the only point in the whole of the matter. Of course, he says that so far as this exercise, movement of the MLAs is concerned, a delegation of Opposition Members who met him promised that they would allow freedom. But they did not. I say that so far as Governor is concerned, it is the Army's

background, and I am sure, that he cannot be a man of political manipulation.

15.00 hrs.

It is a straightforward report. Of course, he could have drafted it in a much better way. If there was a political element in it, the drafting would have been different. But the fact remains that the situation was unstable. He believes that it is the call of the conscience that a stable Government cannot function in Nagaland in the present circumstances. It is in this background that the Governor recommended for the dissolution of the Assembly.

One important thing to consider is whether this action has alienated the Nagaland people. There can be two or even three opinions about it. He says that some M.L.As were linked with insurgency. We all know that we cannot call upon the Government to place the sources of information. Even the courts cannot call upon him to do so. It is a subjective satisfaction. This is the prerogative given to him under the Constitution. In that background, he says that if the other party had been allowed to form the alternative Government, there might have been a lot of problems of law and order and encouragement to the insurgency. That is what he says. I am not a man on the spot. I have very little acquaintance with the Naga politics, although I have visited that State for some times. Whatever may be the report, there was a positive opinion of the Governor that there was no other alternative.

Prof. Dandavate spoke about an episode yesterday that took place in U.K. when the Macmillan Government had to resign. I remember those days.... (*Interruptions*). I recall the historic speech of Sir Winston Churchill after the Dunkirk defeat. I remember those words-it is a colossal military disaster. Chamberlain was responsible for the policy of appeasement. 35 lakhs of people were thrown into the English Channel. That was the background. In that background the only consideration was to save the United Kingdom. From that no conclusion should be drawn that the

Members of political party will vote against it. That is never condoned by the democratic party. Everybody has a right to form association. In Soviet Union also this right is there but that does not mean that you resign from the party and when you are outside the party you continue in the same party. That is not endorsed anywhere. Thank you very much.

MR. CHAIRMAN: Yes, Mr. Minister.

PROF. MADHU DANDAVATE: Sir, I have one suggestion to make. Those who are coming from the north-eastern States must be given the priority to speak.

SHRI PIYUS TIRAKY: Yes, Mr. Minister why do not you allow the members coming from the north-eastern states to speak?

SHRI SONTOSH MOHAN DEV: Don't try to dictate us. Leave it to us. (Interruptions)

PROF. MADHU DANDAVATE: I am just requesting you.

SHRI INDRAJIT GUPTA: Why did you allow Mr. Jamir to speak in the other House?

SHRI SONTOSH MOHAN DEV: He is a Congress Member.

SHRI INDRAJIT GUPTA: Mr. Swell is also a Congress Member

SHRI SONTOSH MOHAN DEV: No, he has broken the discipline of the Party. He went to tour with the... (Interruptions)

MR. CHAIRMAN: Nothing will go on record. I have called the Minister.

(Interruptions)\*\*

SHRI SONTOSH MOHAN DEV: At least don't allow such an indiscipline here.

(Interruptions)\*\*

MR. CHAIRMAN: I have called the Minister. What the other hon. Members say without my permission will not go on record.

(Interruptions)\*

SHRI SONTOSH MOHAN DEV: Sir, if he does not want to speak, we cannot force him to speak.

MR. CHAIRMAN: Nothing will go on record.

(Interruptions)\*

MR. CHAIRMAN: I have not allowed anybody. Except the Minister nothing will go on record. Please proceed, Mr. Minister.

SHRI SONTOSH MOHAN DEV: Mr. Chairman, Sir, I have heard with rapt attention the speeches made by the Members both from the treasury benches and the opposition benches. During the course of discussion a question was raised by various Members as to why the Parliament was not taken into confidence and why was it done at a time when the Parliament was not sitting. Sir, the President's proclamation can be made at any time. It was made on a day which was a holiday, i.e. on Sunday. We came to the Parliament at the first available opportunity and laid the Proclamation. There is no question of avoiding the Parliament.

SHRI SOMNATH CHATTERJEE: You are \*\*

SHRI SONTOSH MOHAN DEV: Those who are ..... are shouting here. I have not shouted at any time and they are shouting over here.

(Interruptions)

SHRI PIYUS TIRAKY: You are '.....' Your Government is '.....' (Interruptions)

You did not allow the Member to speak. (Interruptions)

\* Not recorded.

\*\* Expunged as ordered by the Chair.

MR. CHAIRMAN: Mr. Minister, you please proceed.

PROF. N.G. RANGA: Sir, he cannot hold the House to ransom. He cannot dictate to the House. *(Interruptions)*

This Member has got to be named. *(Interruptions)*.

MR. CHAIRMAN: The word '.....' is unparliamentary. It is expunged from the record.

*(Interruptions)*

SHRI PIYUS TIRAKY: What is unparliamentary?

MR. CHAIRMAN: Please take your seat. I have given the ruling. Yes, Minister you please proceed.

*(Interruptions)*

SHRI THAMPAN THOMAS: You did not allow Mr. Swell to speak.

MR. CHAIRMAN: You are not to dictate whom shall I call.

*(Interruptions)*

MR. CHAIRMAN: I do not want to be dictated by you. You please listen to me. If a Member wants to speak he could have requested me but not you.

*(Interruptions)*

PROF. G.C. SWELL: I have given my name. *(Interruptions)*

MR. CHAIRMAN: I have already called the Minister. You may please proceed.

*(Interruptions)*

MR. CHAIRMAN: The Member must request to me and not to you.

SHRI SONTOSH MOHAN DEV: I would like to submit, Sir....

*(Interruptions)* \*\*

MR. CHAIRMAN: Nothing will go on record.

*(Interruptions)* \*\*

SHRI SOMNATH CHATTERJEE: How else can he indicate his eagerness or willingness to speak except to write to the Chair? That is what he has done. How can you say that he is not willing to speak?

MR. CHAIRMAN: It is over-ruled. Please proceed Mr. Minister.

*(Interruptions)*

SHRI SOMNATH CHATTERJEE: Why is it over-ruled? What is the criterion? *(Interruptions)*

SHRI SONTOSH MOHAN DEV: I have listened to the criticism made by some hon. Members here. *(Interruptions)*

MR. CHAIRMAN: You please proceed.

*(Interruptions)*

SHRI SONTOSH MOHAN DEV: We must realise that criticism of the Governor's action in recommending imposition of the President's Rule is misplaced. We would do well to remind ourselves of what Dr. Ambedkar, one of our foremost constitution makers had to say on this point. Prof. Madhu Dandavate and other members too quoted him. I would like to submit what Dr. Ambedkar had to say on this particular, issue regarding Article 356. Dr. Ambedkar said:

"Such a report by a Governor can hardly be made on the advice of his Ministers, for if the Governor is to act on their advice in the matter of suspension of the operation of the Constitution, the Ministers will never advise him to take such an action which would put an end to their administration."

This clearly shows that in making a report to the President under article 356 of the Constitution, the Governor has to act on his judgment. And the Governor has given his report according to his own judgment.

Now, it has been questioned by many of the members here as to why the Governor has not gone to Kohima. The Governor was not supposed to know that certain members would be defecting on a particular day. He is Governor of not only Nagaland; he is the Governor of Manipur and Tripura also. If he was in Manipur at that time, there was absolutely nothing wrong in that fact. Apart from that, on the day of 30th, when these members had taken their letters to the Speaker, the Speaker gave them the recognition. These members contacted the Governor at Imphal and the Governor gave them time and they went there on 4th and spoke to the Governor. The Governor has stated in his report that he was getting definite information that many of the members of the Assembly had been kept in wrongful confinement and he advised them to ensure that those members should be allowed to move freely. But unfortunately, the Governor's advice was not at all honoured....(Interruptions)

15.12 hrs.

[SHRI ZAINUL BASHER in the Chair]

SHRI SOMNATH CHATTERJEE: Sir, I am on a point of order.

MR. CHAIRMAN: The Minister is not yielding. I cannot allow you. Please sit down.

SHRI SONTOSH MOHAN DEV: The action of the Governor is fully in consonance with the constitutional propriety and his discretion and judgment in the matter should not be questioned. After all, in a democracy, the final verdict always lies with the people and going to the people again, by no stretch of imagination can be termed as an undemocratic act. Since the Assembly has been dissolved, as soon as the situation comes back to normal in the

State, elections will be held and it is upto the Governor and his administration there to take a decision about it.

Sir, one question has been asked as to why those members were not called to test their strength in the House. Here I would like to remind the hon. members including Prof. Madhu Dandavate, who was a Minister in the Janata Government about one incident. They alleged that there was no basis for coming to the conclusion which the Governor did, as the trial of strength was not done on the floor of the House. I would like to remind the august House of the precedent to this effect in Karnataka when the Governor of that State had recommended dissolution of the Assembly under Article 356 of the Constitution on 31.12.1977 without testing the strength of the then Ministry of Shri Devraj Urs on the floor of the House. One of the grounds adduced for imposition of President's Rule in this case was vitiation of political atmosphere in the State by undue influence bribery and intimidation and expression of grave apprehensions whether the proceedings in the Assembly would be free and orderly. Sir, at that time Prof. Madhu Dandavate was a Minister in the Central Cabinet. (Interruptions)

. He then as a Minister in the Council recommended it to the President. It was then a virtue. Now he is saying that the Governor has done a wrong thing. It is absolutely wrong. I do not think that the Governor has any intention to question the authority of the Speaker. As my colleague Shri Rajesh Pilot has rightly said, because of the situation, the promptness with which he has given the consent and the fact that it was brought to the notice of the Governor, one of the signatories was not available at the time because the matter....

SHRI SOMNATH CHATTERJEE: How does he know?

SHRI SONTOSH MOHAN DEV: I know very well. I am telling you. Listen to me. (Interruptions)

SHRI SOMNATH CHATTERJEE: Did you advise the Governor? Did the Governor consult you while writing his report? *(Interruptions)*

SHRI SONTOSH MOHAN DEV: This particular Member was in Calcutta. He travelled along with Mr. Jamir the next day to Kohima and Mr. Jamir is a Member. The Speaker, I would not say, has done intentionally. I would not say that the Speaker had done anything wrong but he was misled by Mr. Vamuzo and by his Secretary. This was a fact. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: I am on a point of order. Can the hon. Minister supplement the Governor's Report? The Governor has given.....*(Interruptions)*

SHRI SONTOSH MOHAN DEV: I am not yielding. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: He says, I know.

SHRI RAJESH PILOT: He is not supplementing it.

SHRI SOMNATH CHATTERJEE: Who has prepared this Report? He must answer this. *(Interruptions)*

SHRI SONTOSH MOHAN DEV: They themselves questioned how the Governor has mentioned the Speaker in this Report. I will tell you. *(Interruptions)*

SHRI SONTOSH MOHAN DEV: I think, they don't want the answer. *(Interruptions)*

MR. CHAIRMAN: Please listen to him. There is no point of order. Why are you standing? Can't you take your seat? This is not the way. You should hear him. When you spoke, he was hearing you. Why are you not hearing him?

*(Interruptions)*

SHRI SOMNATH CHATTERJEE: I am on a point of order. Under the constitutional provision, he has made a report. How is the Minister supplementing that report?

SHRI SONTOSH MOHAN DEV: I am not supplementing it.

SHRI SOMNATH CHATTERJEE: You are supplementing it.

SHRI SONTOSH MOHAN DEV: You are misleading the House. *(Interruptions)*

In this Report the Governor has mentioned about two Members who were not present. *(Interruptions)*

SHRI SAIFUDDIN CHOWDHARY: You said that the signatures are forged.

SHRI SONTOSH MOHAN DEV: Who said that?

SHRI SAIFUDDIN CHOWDHARY: You said that.

SHRI SONTOSH MOHAN DEV: Sir, he is putting words into my mouth. Mr. Saifuddin kindly take your seat. You go through the record. If he can prove it, I will resign.

MR. CHAIRMAN: There is no substance in any point of order.

SHRI SONTOSH MOHAN DEV: I said that the Speaker might have been misled.

SHRI RAJESH PILOT: The Minister said that those two Members were not present. *(Interruptions)* *(Interruptions)*

SHRI DINESH GOSWAMI: I am on a point of order.

MR. CHAIRMAN: Under what Rule?

*(Interruptions)*

SHRI DINESH GOSWAMI: Under Rule 376.

SHRI SONTOSH MOHAN DEV: When I have not yielded, how can you allow him to raise the point of order? *(Interruptions)*

MR. CHAIRMAN: Which rule you have been referring to? Why are you pressing? You please quote the rules. I am not going to listen. You cannot intimidate me. You

can not defy me. I am not going to recognise all these things. No point order.

*(Interruptions)*

SHRI DINESH GOSWAMI: The point of order I am raising is...

MR. CHAIRMAN: Under what rule?

SHRI DINESH GOSWAMI: Under rule 376.

MR. CHAIRMAN: There is a procedure for raising a point of order. That rule has to be seen.

SHRI DINESH GOSWAMI: Please listen to me.

MR. CHAIRMAN: There is a procedure for raising a point of order. That rule has to be seen.

SHRI DINESH GOSWAMI: Please listen to me.

MR. CHAIRMAN: Why should I listen to you? You please quote the rules. This is not the way. I am not going to listen. You cannot dictate to me. I am not going to listen like this.

SHRI DINESH GOSWAMI: I am raising a point of order.

MR. CHAIRMAN: Under what rule are you raising the point of order? There is a procedure for the points of order.

SHRI DINESH GOSWAMI: Under Article 356....

MR. CHAIRMAN: No point of order. Nothing. Mr. Minister, you continue.

SHRI DINESH GOSWAMI: What is this, Sir?

MR. CHAIRMAN: You continue, Mr. Dev. I am not going to allow like this. Mr. Goswami, you must be specific and quote the rules. This is not the way to raise a point of order.

PROF. MADHU DANDAVATE: Sir, he speaks under rule 376, about a misinterpretation of Article 357 of the Constitution.

MR. CHAIRMAN: Prof. Dandavate, there is no misinterpretation.

SHRI DINESH GOSWAMI: I have a right to raise a point of order.

MR. CHAIRMAN: You have a right, but under certain rules. You are not quoting any rules. There is no point of order. You are quoting only the procedure. *(Interruptions)* There is no rule. No. Nothing like that. The Minister may continue his speech. *(Interruptions)*

SHRI SONTOSH MOHAN DEV: Mr. Dinesh Goswami has stated...*(Interruptions)*

MR. CHAIRMAN: There is no point of order. He has to quote the rules.

*(Interruptions)*

SHRI DINESH GOSWAMI: Which is Mr. Sontosh Mohan Dev's reliable source on the basis of which he has given the information to the Governor. Now he is giving this information. If that is so, the report is vitiated. That is my point of order, on which I want a ruling.

SHRI SAIFUDDIN CHOWDHARY: I am on a point of order, under rule 356. *(Interruptions)* What is your ruling on Mr. Goswami's point of order, Sir?

Mr. Chairman: No point of order; no ruling. There is no point of order.

*(Interruptions)*

SHRI SONTOSH MOHAN DEV: My friend has quoted from the Sarkaria Commission...*(Interruptions)*

SHRI SAIFUDDIN CHOWDHARY: I am raising a point of order.

MR. CHAIRMAN: Under what rule?

SHRI SAIFUDDIN CHOWDHARY: Just now I said something, under rule 356.

MR. CHAIRMAN: Under what rule are you making a point of order?

MR. CHAIRMAN: Under what rule?

SHRI SAIFUDDIN CHOWDHARY: I raise a point of order. My question will be in relation to Article 356. *(Interruptions)* You are allowing, Sir? What I now say has been proved by the Minister's statement. He says that the Speaker was misled. What I said was this. He alleged that one of the signatures was forged. What else did I say?

SHRI RAJESH PILOT: No.

SHRI SAIFUDDIN CHOWDHARY: If that is not the case, what is the meaning of the Minister's saying that the Speaker was misled? *(Interruptions)* No; that is what you contradicted. He said that the Speaker was misled.

MR. CHAIRMAN: He has contradicted it.

SHRI SAIFUDDIN CHOWDHARY: I want to know how the Speaker was misled.

MR. CHAIRMAN: He has already contradicted it, on the floor of the House.

SHRI SAIFUDDIN CHOWDHARY: All the signatures are true signatures.

SHRI SONTOSH MOHAN DEV: What I have said will be on record--if that is the thing. I must finish. I am not going to reply to you, Mr. Chowdhary. If you think I have done anything wrong, you can bring a Motion against me. *(Interruptions)*

SHRI PIYUS TIRAKY: My point of order is this. *(Interruptions)*

MR. CHAIRMAN: Under what rule?

SHRI PIYUS TIRAKY: Mr. G. G. Swell is an hon. Member of Parliament....

MR. CHAIRMAN: Under what rule are you raising a point of order?

SHRI PIYUS TIRAKY:- Mr. Swell is a

Member of Parliament; he has got a right to speak in Parliament. *(Interruptions)*

MR. CHAIRMAN: Please take your seat. *(Interruptions)*

SHRI SONTOSH MOHAN DEV: Mr. Dinesh Goswami and some other hon. Members have mentioned about Sarkaria Commission, but they have mentioned only one side of that Commission's report. *(Interruptions)*

SHRI PIYUS TIRAKY: Let me finish.

SHRI SONTOSH MOHAN DEV: What my friend has not quoted is there in Sarkaria Commission's recommendations. It is in paragraph 4.11.5 of its report, which is very relevant to the issue under discussion. I quote from Justice Sarkaria Commission's report. It says in this paragraph.

"...defections were at one time a major cause of instability which often led to proclamation of President's rule as no viable Ministry could be formed, the incorporation of the anti-defection provisions in the Constitution by the 52nd amendment, instability should be significantly reduced..."

That part of the Sarkaria Commission's report Mr. Dinesh Goswami did not quote. He only quoted that portion which suited him. But even then, the Sarkaria Commission's report will be discussed in both the Houses of Parliament.

We have given a letter. That apart, this particular point can be discussed. The report of the Governor has been discussed here. I say the Governor of Nagaland has got certain special powers.

SHRI SOMNATH CHATTERJEE: Certain powers to mislead.

SHRI SONTOSH MOHAN DEV: No, definitely not. On the law and order situation, under Article 371(b), the Governor has special powers which other Governors have not. In this particular instance, according to the Governor's Report, a threat

was given by certain leaders that in Nagaland the law and order situation will be going out of control. This has also come out in the national Press. The Speaker, Mr. Reddi, himself said about the insurgency situation in Nagaland. When this particular Government under Mr. Hokishe Sema was there, there was a sense of security. Not only that, there was some dialogue also with the underground Nagas and things were moving in the right direction. We do not know what circumstances led to this defection because the Governor's Report is being questioned here. My friend, Mr. Rajesh Pilot, had gone there. He is being questioned. When Mr. Dandavate goes to Karnataka to discuss his party matter, it is not being questioned; it is beyond question; it cannot be questioned. Agreed.

I think, on every Saturday, Mr. Somnath Chatterjee can go to Calcutta and discuss his party matter; Mr. Saifuddin can go to Calcutta and discuss his party matter. Why Rajesh Pilot cannot go? He was the main architect of bringing the Congress-I Government there. He was in charge of election. *(Interruptions)* Now, a question has been raised why he has gone there? I think, he has got every right to go and discuss with Congress members of the Assembly. He had met the existing members. But I do not want to question the honesty, integrity of any member of the Assembly; this is not my area of discussion. But all that I can say is that the House is divided into two. Some members are saying that there was a horse-trading; some are saying, no. The fact remains that when the Chief Minister was out, the mandate of the people which was given in November election and 34 Congress-I MLAs were elected and they formed a government, at no stage, this government of Nagaland could be destabilised in the manner in which it has been done. Now, this is an assessment of the Governor. Few Members have not agreed to that. As I said, Nagaland has a special law and order situation. The whole north eastern region as such is affected by terrorist activities. Many members have taken the monopoly of saying only about the tribals. I also hail from north eastern region. We were there for four generations.

My father was a Minister in the Assam Assembly. He was an MLA for a long time the opportunity to stay in Shillong for 12 years. I had an opportunity to tour various parts of the north eastern region. Now it is divided; at that time, it was undivided Assam. I had the pleasure of going to Nagaland, Arunachal Pradesh and Meghalaya. It is Pandit Nehru who had the wisdom of bringing Nagaland and all other north-eastern States into the mainstream.

Step-by-step we have brought Nagaland to this situation. I do not disagree with some members of our party when they say that this act has been done with an idea to see that Nagaland does not go the way it was 20 years before. Men like Prof. Dandavate, Shri Indrajit Gupta and opposition members have differed on it. They say, "By doing so, you are taking these people towards extremism sentiments." That will be a matter of debate in the coming election in Nagaland. The people of Nagaland will have a chance to give a verdict on it. *(Interruptions)* This is not in my jurisdiction to say when election will be held; election will be held by the Election Commission; election will be held on the basis of the Governor's Report. A few minutes ago, you said that I should not speak about the Governor. Now you are asking a question which the Governor should answer. How can I answer it? *(Interruptions)* Just now you have said about it. Now, it is under President's rule. If you want me to tell you about it, you give me time.

SHRI INDRAJIT GUPTA: The Governor does not decide when elections are to be held.

SHRI SONTOSH MOHAN DEV: Yes. He has to give a report under the President's Rule. Mr. Indrajit Gupta, you are a senior member of the House. I may be wrong. You correct me. But when there is President's Rule, the Governor has to give a report about the convenient time. If I am wrong, correct me. *(Interruptions)* No. Both of you are senior members. If you correct me, I will stand corrected. But am I wrong in saying so? I don't think I am wrong. Opposition members want to put certain words into our mouth.

SHRI SOMNATH CHATTERJEE: He is mere a delegate of the President. You read the Constitution. *(Interruptions)*

SHRI SONTOSH MOHAN DEV: There is another opinion why the Governor has taken the advice of the outgoing Chief Minister. Many members have spoken about it. Before the President's Rule was imposed there and before Hokishe Sema Ministry submitted their resignation, the Chief Minister was there as the authority and hence he had the authority to inform the Governor about the law and order situation or any other situation arising in Nagaland. I don't think the Governor has done anything wrong. But, at the same time, he has also give a patient hearing to Vamuzo and Chishi. They have met him for two hours at Imphal; they discussed about it. In the Report, the Governor has said, "I have requested them so that all the MLAs who are under confinement in a particular place should be allowed to go." Not only that, he has also said that the government has been instructed to give them proper security from the government side. Now, as per the Governor's Report, till the report was sent by him, it was not done. Now, a question has been raised why the test of strength was not done on the Floor of the Assembly. As per the Governor's Report, at no stage, this 13 plus 17 plus 4 had start demanded from the Governor that the Assembly Session should be called. Their only demand was that they should be asked to form a government. Vamuzo was their leader and he should be invited to form a government. The Governor, in his wisdom thought that this was not the proper time and he had recommended the dissolution of the Assembly. Now this is being discussed in this House and outside. I don't think in any state at any time, whether it is Congress Government or non-Congress Government, the action of the Governor was accepted without criticism in the House. It is always questioned and it will be questioned in future. So, I don't want to go into the merit and demerit from the point of view whether the Governor was correct or not. As I said, in Nagaland special situation exists and Nagaland has to be brought into the national mainstream. In

the next election people will give a verdict. We have to accept it. In the past, we had accepted it. I have read today's paper. Mr. Vamuzo himself has said that traditionally in Nagaland when there is a defection, the leader of the defectors is always invited to become the Chief Minister. So, he thought that the experience would help him. At least a new message would go to Nagaland people who had thought of coming into the mainstream; and for coming into the mainstream, they have not accepted terrorism as one of the ways of their living. I think this message which has gone from here will do a lot of good to the Nagaland people; not only to Nagaland but to the whole north eastern States where certain elements are working to create instability.

Many members have questioned about development. Mr. Rajesh Pilot has said about allocation of funds. I can assure you that whatever might be the government there, the effort of the Central Government to develop the north-eastern region will continue. And especially about Nagaland, there will be no stepdown in the activities for the economic development of that area.

We will send more rice, if necessary more salt and more sugar. I do not want to ...*(Interruptions)*

PROF. MADHU DANDAVATE: A little wisdom also, if possible.

SHRI DINESH GOSWAMI: More election funds.

SHRI SONTOSH MOHAN DEV: I do not want to enter into any controversy and all that I will request the Hon. Member is, if he has got a source of information, when it is under President's Rule, if he gives me in writing, I will take action against the erring officials or the Ministers. *(Interruptions)* I will request him to do so instead of saying it here.

I fail to reconcile this situation, that a State which was given a mandate, when the Chief Minister was outside the State there was defection at the instance of some people whether of our party or the other

party, the people who spoke about morals on the Bofors and ONGC and other things, how can they support such a move? I cannot reconcile.

SHRI DINESH GOSWAMI: Defection!

SHRI SONTOSH MOHAND DEV: It is not a defection or a split. I am not going into this. That is an issue to be decided by the Governor. I do not want to go into that. He has done his duty. (Interruptions)

SHRI BASUDEB ACHARIA (Bankura): It is a split.

SHRI SONTOSH MOHAN DEV: I have said, I do not want to go into this. But I cannot reconcile to this situation that a member like Shri Somnath Chatterjee or Prof. Madhu Dandavate, supporting this move by those people who have been elected only in the month of November, 1987. To this, I think, I cannot reconcile. (Interruptions) This have questioned the information of the Governor who is only five hours away from Kohima. Sitting here, the information they had given, that is all correct! Governor's information is incorrect!

SHRI DINESH GOSWAMI: We are relying on the Speaker's report.

SHRI SONTOSH MOHAN DEV: You are relying on the Speaker's report. The Speaker is one of the persons who has given a report, and I say that the Governor has no intention to question the Speaker's prerogative. No. He has no intention, but the circumstances under which he has done, I have explained to you. I do not want to go into the details because Shri Rajesh Pilot has said that the Speaker has subsequently written a letter to Mr. S. Sema, the Chief Whip of the party. I do not want to bring it in the House again. They said, why did you bring it? Because, the Speaker's right will be questioned. But, that very Speaker, that very night wrote another letter to Mr. Sema, that I am having a re-thinking on what I have done.

SHRI SOMNATH CHATTERJEE: It is under pressure.

SHRI SONTOSH MOHAN DEV: That is understood, That cannot be done. (Interruptions) It was not under pressure. Lastly, some hon. Member has questioned, why Mr. Buta Singh has visited. Shri Buta Singh had his programme before. He had a meeting with the officials there and also the security of the people regarding law and order. Apart from that when he was there, Mr. Chishi wanted to meet him. He had a discussion with Mr. Chishi. At no stage has he threatened about the President's Rule. I deny it. It is absolutely a concocted story. It is up to the Members there to decide and the Governor to decide. He was there to assess law and order situation. As a party member, he met people. Anything which comes out in the papers if you believe, then it will be a very sorry matter. I am not saying, but a section of the Press has carried the concocted story. (Interruptions)

With these words I request that the Proclamation may be accepted by the House.

MR. CHAIRMAN: The question is:

"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 motion was adopted.*

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15.40 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL OF ARMS (AMENDMENT) ORDINANCE, 1988  
AND  
ARMS (AMENDMENT) BILL (Contd.)

[English]

MR. CHAIRMAN: Now, we will take up item nos. 8 & 9. Shri Indrajit Gupta, please continue.

(Interruptions)