

That the Bill be passed."

0 The question is:

*The Motion was Adopted.*

MR. CHAIRMAN: Now we will take up the next item.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD): We will first take up the Statutory Resolutions. It will then be followed by the Constitution (Amendment) Bill.

MR. CHAIRMAN: Is it the consent of the House that we take up those items as prescribed by the Minister of Parliamentary Affairs?

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: Shri S.B. Chavan to move the statutory resolutions.

STATUTORY RESOLUTIONS RE: APPROVAL OF PROCLAMATIONS IN RELATION TO THE STATES OF UTTAR PRADESH, MADHYA PRADESH, HIMACHAL PRADESH AND RAJASTHAN.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): I beg to move:

"That this House approves the Proclamation issued by the President on the 6th December, 1992 under article 356 of the Constitution in relation to the State of Uttar Pradesh."

"That this House approves the Proclamation issued by the President on the 15th December, 1992 under article 356

of the Constitution in relation to the State of Madhya Pradesh."

"That this House approves the Proclamation issued by the President on the 15th December, 1992 under article 356 of the Constitution in relation to the State of Himachal Pradesh."

"That this House approves the proclamation issued by the President on the 15th December, 1992 under article 356 of the Constitution in relation to the State of Rajasthan."

MR. CHAIRMAN: Motions moved:

"That this House approves the Proclamation issued by the President on the 6th December, 1992 under article 356 of the Constitution in relation to the State of Uttar Pradesh."

"That this House approves the Proclamation issued by the President on the 15th December, 1992 under article 356 of the Constitution in relation to the State of Madhya Pradesh."

"That this House approves the Proclamation issued by the President on the 15th December, 1992 under article 356 of the Constitution in relation to the State of Himachal Pradesh."

"That this House approves the Proclamation issued by the President on the 15th December, 1992 under article 356 of the Constitution in relation to the State of Rajasthan"

[Translation]

SHRI GUMAN MAL LODHA (Pali): Mr. Chairman, Sir I strongly oppose and condemn the resolution moved by the hon. Minister regarding the black proclamation dis-

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missing the four constitutionally and duly elected State Governments. These proclamations are a murderous attack on democracy and a rape on the Constitution in the history of constitution.

Mr. Chairman, Sir, in the present world we talk of federal State. The founders of the constitution, who were great thinkers had emphasised not once but many times that Article 356 in the constitution would never be called into operation. I would like to quote from the historical speech of Dr. Ambedkar which he delivered at the time when all the Members of the Constituent Assembly including the great leaders of Congress Party had opposed this Article. At that time Dr. Ambedkar had said'

[English]

I quote

"I share the sentiments that such articles will never be called into operation and that they remain a dead letter. If at all they are brought into operation, I hope the President who is endowed with these powers will take proper precaution before actually suspending the administration of the Provinces. I hope the first thing he will do would be to issue a mere warning to a Province that has erred that things were not happening in the way they were intended to happen in the Constitution.

If that warning fails, the second thing for him to do will be to order an election allowing the people of the Province to settle matters by themselves. It is only when these two remedies fail that he should resort to this Article."

[Translation]

I would like to ask the hon. Ministers who from morning till eve swear in the name

of Dr. Ambedkar and the great Constitution founded by him, whether his soul would not be pained to see that the constitution has been murdered and the Article 356 has been misused.

Mr. Chairman, Sir, I would also like to submit that our Government had set up Sarkaria Commission to examine the Centre-State relations. The Commission sought the opinion of all the political parties in regard to the Article 356. You will be surprised to know the reply which the hon. Members sitting on this side gave at that time, in regard to Article 356 under which the Governments of Rajasthan, Madhya Pradesh, Himachal Pradesh and Uttar Pradesh have been dismissed. Sir, I would like to quote the views expressed by Communist Party of West Bengal in response to the enquiry made by Sarkaria Commission vide page No. 9 of its report. I would like my friends to point out, if they find any exaggeration or incorrectness in my submission or they should decide themselves their course of action.

[English]

To cut one's nose to give a bad omen to the neighbour.

[Translation]

Do not dare to cut one's nose to give a bad omen to the neighbour.

Sir, CPI West Bengal in reply to the query sought by Sarkaria Commission vide page No.9, wrote-

[English]

"That Article and the consequential Article 357 should be drastically amended to prevent their misuse. The wide powers given to the President under Article 356 should be deleted."

[Translation]

Sir, I am quoting this from page 636 of Part-II of the report of Sarkaria Commission on which the reply given by C.P.I. has been recorded. Similar statement has been recorded at page 646.

[English]

Article 356 should be deleted.

[Translation]

Sir, not only this, the recommendations made by the Sarkaria Commission on the basis of opinions it received in response to its queries on page 9 have been referred to in detail at page 178, 179 and 180 of Part-I of its report. But I would like to quote only the following lines-

[English]

"We have carefully considered the above suggestions. We have emphasised the need to exhaust all possible alternative courses of action to resolve the crisis before resorting to the provisions of Article 356....."

[Translation]

Similarly they have given the following recommendations in Para 6.707, 6.708 and 6.709.

[English]

Article 356 was amended by the Constitution (Fourth-Fourth Amendment) Act. Clause (5) of Article 356 so amended, provides that a resolution with respect to the continuance in force of a proclamation for any period beyond one year from the date of issue of such proclamation shall not be passed by either House of Parliament unless two conditions are satisfied....."

[Translation]

Alongwith this, they have given following recommendation at page 179.

[English]

I am quoting from para 6.8.01 of the Sarkaria Commission's Report:

"Article 356 should be used very sparingly, in extreme cases, as a measure of last resort, when all available alternatives fail to prevent or rectify a break-down of constitutional machinery in the State. All attempts should be to resolve the crisis at the State level before taking recourse to the provisions of Article 356. The availability and choice of these alternatives will depend on the nature of the constitutional crisis."

[Translation]

Sir, prior to this, they have suggested all the possible alternatives and the precautions to be taken. they have suggested as to how the warning should be issued and reasons should be given before the imposition of President's Rule. At the same time, as per the principle of natural justice, the so called notice should be issued. In regard to Article 356, though Dr. Ambedkar had said that it would remain a dead letter in the constitution, yet the Congress party has misused it most frequently just to attain its political motive and to form Governments of its choice in States by totally ignoring the popular mandate and election results. They did not go by the recommendations of Sarkaria Commission nor did they go by views of Pt. Jawharlal Nehru, Sardar Patel and Shri Aiyangar and the other great thinkers who contributed a lot in the Constituent Assembly.

It will be a surprise to note if the accounts of what has been done in the country

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by the Government is presented. It was responsible for toppling the Government of Punjab on 21.1.51, of Patiala on 4.3.53, of Andhra Pradesh on 5.11.54 and the Communist Government of Travancore, Cochin and Kéral on 23.3.56 and 31.7.59 respectively with the help of which the Government is now trying to resist its political opponent the Bhartiya Janata Party. The same was repeated in Orissa in 1962, in Kerala in 1966 and again in Punjab in 1967. Reacting to their action, the people of the country overthrew such a Government from the centre. During that time Article 356 of the Constitution.....

*(Interruptions)*

[English]

SHRI TESINGH RAO BHONSLE  
(Ramtek): I am on a point of order.

MR. CHAIRMAN: Under what rule?

SHRI TEJSINGHRAO BHONSLE: It is a point of informaton.

MR. CHAIRMAN: No. Please sit down.

*(Interruptions)*

[Translation]

SHRI GUMAN MAL LODHA: With the overthrowing of the Congress Party from the centre the sworn in Janata Party Government dismissed nine State Governments in 1977. I have always been opposing such a move of the then Union Government and I still oppose that. The mistake of the Janata Party Government Committed in 1977 was very much of the same nature which had ever been committed by the Congress Government in the past. Ever since the 44th amendment was brought about, the ques-

tion of dismissing the State Government under the provisions of the Constitution again became justiceable. During the year 1982 the Supreme Court stated while hearing the case of A.K.Ray that it was objective rather than subjective and hence the State Governments could not be dismissed on that account.

Governors of the States have been reduced to the status of puppets playing in the hands of the Central Government which uses them to serve its own vested political ends and to let them act against the will of the public.

It must have been marked as to how our Communist colleagues behaved with Mr. Dharmvir in the West Bengal. Similarly, when a majority Government came to power in our State of Rajasthan in 1967, the then Governor Shri Sampurnand tried to topple that Government and thereby invited a bloodbath which ultimately took the toll of seven lives in Jauhari Bazar. The way Shri Dharamvir, Dr. Gopal Reddy, Shri P-awate, Shri Ram Lal, Shri Venkat Subbhैया, Shri Krishna Rao etc. have played as puppets in the hands of the Congress Government disregarding the instruments of democracy can be seen in the obnoxious results following the report of the Governor of Rajasthan which is not in keeping with the provisions of the Constitution. I would like to tell the hon. Minister of Home Affairs that he cannot be absolved of the responsibility only by making a statement in the Rajya Sabha that the mistake would not be repeated in future..

HON. MINISTER OF HOME AFFAIRS  
(SHRI S.B. CHAVAN): I never told like that.

[English]

THE MINISTER OF DEFENCE (SHRI SHARAD PAWAR): Please do not speak untruth.



[Translation]

SHRIGUMAN MAL LODHA: It is written in article 356 of the Constitution that-

[English]

"If the President on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution.."

[Translation]

Here instead of a letter being written by the hon. President it is written by the Governor of Rajasthan Dr. N. Chenna Reddy. I am holding the authentic copy of the letter which has been circulated to all the hon. Members by Shri Chavan. He writes-'My dear Narsimha Rao'. The point is since when Mr. Narsimha Rao has become the President of India. It is a novel news for the House. The fact remains that Mr. Narsimha Rao is not the President. No letter, no copy of this letter, nothing like that was sent to the hon. President of India. The hon. President's writes in his order sheet that he, Dr. Shankar Dayal Sharma the President of India has received a report from the Governor of Rajasthan and on the basis of that report along with the information reached to him from other sources, it has been found that the political situation has taken such a shape in the State that the State Government cannot function under the provisions of the Constitution. Here, I would like to submit that the very background of the said notification is unconstitutional. No such letter was written to the President's at all. No copy of that letter was sent to the hon. President of India. The President acted in response to such a letter which

was not sent to him at all. It was stated in the reports of the Sarkaria Commission as also stated by Dr. Ambedkar that if any such report is sent to the hon. President from the Governor, then the hon. President will write back to the Governor, and to the hon. Chief Minister of the State as well. Besides, there are alternative provisions like issuing warning and issuing show cause notice which is based on the principles of natural justice. Now-a-days things have been changed. Wireless and FAX messages are sent to the hon. Prime Minister and in response to that a message for the office of the Prime Minister is sent to the President House and on the basis of the same message actions are taken.

What I intend to submit is that is an unconstitutional notification. The notification is not in keeping with the spirit of the article 356 of the constitution and keeping in view the constitutional provisions, it is only imperative that actions should be taken in compliance with the provisions of the Constitution, constitution is, say a holy document which is there to run the country. If the Governors of the State are not well versed with the provisions of the Constitution, then, I would say, whether they do have any right to be there on those posts. Notwithstanding, if they allow the blatant violation of the provisions of the Constitution deliberately even then they are not at all fit to be there on their posts. If a Governor writes a letter to Shri Narasimha Rao, he violates his right and power as Governor. With all humility, I would like to state that under the article 356 of the constitution, this is only a waste paper, which has no ground for any action to be taken against the State Government. It cannot be made the basis for initiating action. Will the hon. Minister of Home Affairs explain as to what is the basis to initiate any action? When this letter cannot be made a basis for initiating any action how then a State Government can be dismissed particular when it enjoys

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the mandate of the people. The hon. Minister of Home Affairs should explain."

[English]

SHRI PAWAN KUMAR BANSAL (Chandigarh): You do not refer to the proceedings of the other House in this way. My hon. friend is a learned Member; he knows this.

MR. CHAIRMAN: Please do not refer to this.

[Translation]

SHRI GUMAN MALLODHA: No problem, let there be no reference to this.

[English]

MR. CHAIRMAN LAL: It will not form part of the record.

[Translation]

SHRI GUMAN MAL LODHA: But the question is how will you remove this unconstitutional letter from the record? How will you manage or manipulate? It is a waste paper. If the hon. President puts his signature on something unconstitutional done by the hon. Governor then the very notification becomes unconstitutional. Sir, four notifications have lately been issued from the office of the President. So far as the matters of other states are concerned, there are my colleagues who will provide facts about there. I will be strictly confined to the affairs of Rajasthan.

Sir, on the one hand the media of India, the Press and the intellectuals of the country have condemned

*In unison the dismissal of the Government of three States.*

The headlines of the newspapers read like - 'Political Blunder', 'Assault on its Constitution' the Delhi edition of the Indian Express writes in its editorial 'Political Nihilism'. Likewise, you can see the expression of all the Newspapers of India. The Delhi edition of The Times of India which had so far been supporting the policies of the Hon. Prime Minister has written - "Cold blooded murder of democracy" What has been written there is the statement of Shri Rajeshwar Rao that followed the report of the Sarkaria Commission. I was just telling that. The C.P.I. has gone to the extent of giving in writing to the Sarkaria Commission..

[English]

SHRI TARIT BARAN TOPDAR (Baraokpore): We still stand for that

[Translation]

SHRI GUMAN MAL LODHA: Well, now he have every right to change his stand but I would like to submit that what he is stating and what I am reporting is to cut one's own nose for giving bad omen to neighbour. He easily forgets that he hold it highly objectionable when the President rule had to be imposed twice in Kerala. He foregets that his secret alliance might be shaken in regard to Darjeeling. He should realise that someday they may also loose their own Government there. He should not foreget tht in democracy he owns a natural responsibility to save the Constitutional traditions in the country. Not to go by that will amount to the murder of the democracy itself.

Sir, now I would like to give you other figures. Those should also be noted. It has been said that the Governor of Rajasthan has mentioned in his report that the State

Government failed to control the riots there. The hon. Members from Bengal, Maharashtra and Gujarat are also sitting here. I would like to cite some figures which are self explanatory and tell the situation in different States. I have not collected these figures from any news paper but these figures are given by the Government in reply to the Starred Question No. 385 on 21 December, 1992 in the Rajya Sabha. According to these figures the highest number of killings which have taken place are in Maharashtra 259. 208 persons were killed in Gujarat. I would like to ask the hon. Minister of Home Affairs as to which party the Chief Ministers of Maharashtra and Gujarat belong.

You have visited Maharashtra and also delivered a speech there. You, yourself went to take stock of the situation there and you were told by the people that the police personnels have been killed. A police constable and a sub-inspector was killed. I would not go into detail in this regard whether the killers belonged to Minority community or majority community. All of you know it well and I would not discuss that matter here. The Maharashtra police is more alert than the police of other States. The Police administration of the State is regarded better than any other. Recently in an interview in Bombay I said that the Chief Commissioner of Police of that state should at least be given the Governors's award. Had he not taken it timely action the entire Bombay would have been burnt. because anti-social elements were more active there, who have been instrument in engineering such riots in the country from time to time. They burnt the whole market there and started killings. According to Government's figures 259 persons have been killed in Gujarat. In comparison to Maharashtra and Gujarat 94 persons have also been killed there and 208 persons have been killed Assam, where also the Congress is ruling. Along with this 40 persons have been killed in riots in Bihar, where our friends are ruling. I would like to ask which party is ruling

in Karnatak whether it is B.J.P. or Shiv Sena. I have the reply given by the Government in Rajya Sabha to the starred question No. 385 on 21 Dec., 1992 asked by Shri Vithal Bhari Patel and Ram Naresh Yadav regarding loss of life and property in the riots. According to that reply 40 in Bihar, 208 in Gujarat and 71 persons in Karnataka have been killed in the recent riots. Along with this the loss to the property has been upto Rs. 5.97 crore. Rs. 7.25 crores in Gujarat, Rs. 3.9 crore in Maharashtra where 259 persons have been killed and Rs. 6 lakh in Orissa.

In comparison to these figures if you see the figures of Himachal Pradesh you will find that no riots have taken place there and our friends from other side will tell you about this who have visited Himachal Pradesh that whether any riots occurred there or not. Rajasthan has not suffered even one fourth of the total loss suffered by Maharashtra. 259 persons have been killed in Maharashtra while this number is 49 in respect of Rajasthan. Then on which grounds you have dismissed the Government of Rajasthan.

I would like to know whether there are two types of constitutions followed in our country and whether there are two types of judicaries in our country. Whether we have two different view points and our Home Minister has two different see the things because somewhere he regards human life very precious and somewhere he takes it in a very casual manner and gives no importance to the killings of human beings.

I would like to say that 27 persons have been killed in West Bengal where communit parties are in power, whereas no persons has been killed in Himachal Pradesh. You have not dismissed the Chief Minister of West Bengal Shri Jyoti Basu nor have demanded for that. Though, 8 persons were riddled with never demanded for the dismissal of that Government have dismissed the Rajasthan Government. Sir, you cannot

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find any such example in the history. You can go through the Sarkaria Commission's Report judgement given by Justice Bhagwati in 1977 of Justice A.K. Roy's judgement of 1982. You will not find any such example, it is just because there is the Government of other party and it believe in the mandate given by the people an excuse has been found with the political motive in mind to dismiss that Government. This excuse will never stand the test of the justice.

The Government has started this process. It has dismissed Meghalaya Government. What the Assam High court has done, it struck down that. In this way the Government has misused the Article 356 in the whole of eastern region. It has dismissed the Governments of Meghalaya, Tripura and Manipur. The High Court of that State has given stay order on that but by ironing that order you are doing it from here. The Government is misusing Article 356 and it is the murder of the Constitution, Therefore, I would like to state that this House can never give its approval to it. I would also like to state that the excuse given for it does also not stand to any reasons. If at all you want to justify your stand then you will have to dismiss at least 10-12 State Governments under the Article 356.

Sir, now the other reason has been given by the government that Kar Sevaks were sent from there.

*(Interruptions)*

SHRI AYUB KHAN (Jhunjhunu): Mr. Chairman, Sir, he had been the justice of the High Court of a State and if he has such views then what sort of justice he would have given to people..... *[Interruptions]*

SHRI GUMAN LAL LODOHA: Ayub saheb is my hon. Friend. I wanted to give

reply to his query but he spoke in such an excited mood that I could not understand.

If anything is asked with politeness modesty, simplicity and in a proper way, I will certainly reply to that with due courtesy and humility.

Now I would like to draw your attention to the ground or reason given by the Government. It is ridiculous, unconstitutional, illegal and cannot stand to reasons. He writes that a Minister in Rajasthan resigned from the Government had participated in the Kar Seva. It should have actually been appreciated as to how useful was the hon. Chief Minister Shri Bhairon Singh Shekhawat who in spite of his old relations did tell the supporters of the B.J.P. and other people clearly that they would not be allowed to participate in the Kar Seva so long as they are in his Government. Shri Lalit Kumar Chaturvedi should also be appreciated who relinquished the office of the Minister to take part in Ram-Janam Bhoomi Kar Seva. But the hon. Home Minister views all these things through some other angle.

Mr. Chairman Sir, I would like to quote a couplet in this connection-

"DASHAT ME HAR CHESS ULTA  
NAZR AATA HAI MAJNU NAZAR AATI HAI  
LAILA NAZR AATA HAI."

They view everything from the opposite angle. Instead of praising the Bhairon Singh Shekhawat Government, they have dismissed it. I would like to make a submission to you in this regard. The Supreme Court is the apex court of our country. The Supreme Court as well as the High Court have passed orders that necessary arrangements to allow the *darsghan* of the ideals of Ram Lal would be made but the hon. Home Minister has stopped it. He has deployed para mili-

tary forces there. Today, no one can go there for the *darshan*. Sir, this practice has been going on there since 1972 and then hon. Prime Minister is committing a contempt of court by ignoring the orders of the Supreme Court, the High Court and the Munsif Court. (Interruptions) I would like to commend the hon. Prime Minister for taking precautionary measures. Unlike Shri Mulayam Singh, he did not do a thing to tamish his own image. He has said that even though there is President's Rule, there are two lakh Kar Sevaks'. He asked them to disperse peacefully. He did not give firing orders and cause bloodshed. Narasimha Rao ji did not cause bloodshed in Uttar Pradesh like Mulayam Singh. I would like to commend him for it although some of his colleagues are casting aspersions on him for his modesty (Interruptions).

SHRI CHOTEY SINGH YADAV (Kanauj): Mr. Chairman Sir, I am on a point of order. The person, Shri Mulayam Singh, about whom he is saying, is not present in this House. Firing was made during his tenure but he protected the mosque. The death toll was not more than 12. But without firing these people killed two thousand people and the mosque was also demolished (Interruptions)

SHRI GUMAN MAL LODHA: It is not true. They are not ready to listen when a reference is made to Shri Mulayam Singh. I praised Narasimha Rao ji for not causing bloodshed and for handling the matter conscientiously. Later under the pressures of his political colleagues he went against the orders of the Supreme Court and the High Court. The courts had ordered that the idols of Ram Lal would be worshipped uninterruptedly, because it has been going on since 1952. What right do they have to stop it by deploying para-military forces. Aren't they committing contempt of court by doing so? Now

they are making an outcry for the contempt of Court. They try to accuse Mr. Kalyan Singh of contempt of Court. Then, please tell me why Shri Chavan should not be charged with contempt of Court. Who authorised the Government to defy Court orders? Who authorised the Government to make an announcement to the effect that the mosque could be rebuilt? No administrative officer is authorised to do the same without High Court or Supreme Court orders.

When the matter is subjudice in the Supreme Court and when orders have not been passed we should wait. Let the law take its own course and nobody should be allowed to take the law into his hands.

It has been alleged here that the Kar Sevak, who were going for the *darshan* of Ram Lal to Ram Janambhoomi, were given royal welcome and reception. Chavan Sahib should make it clear here whether it is not a fact that the Supreme Court had authorised that everyone is free to go there for Kar Seva. The right to perform Kar Seva to Kar Sevaks was not given at Government's mercy but it was given by the apex court of the country i.e. the Supreme Court. (Interruptions)

I would like to know whether Gandhi ji had sought permission to launch the Quit India Movement and did Aruna Asaf Ali, Jaiprakash Narayan and Achut Patwardhan give a call to revolt against the British Raj with prior permission. Many English people were killed and Government buildings were set ablaze. Did Subash Chandra Bose seek permission to go to Japan and give a call from there, you give me blood and I will give you freedom." Should they be called traitors? My submission is that the Government should ponder over it calmly. Should a popular Government be dismissed only because some of the Ministers participated in welcome, without mentioning by any name.

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17.00 hrs

[English]

Some high ups in the ruling party gae welcome and some high ups gave see off.

[Translation]

Is seeing off an offence. Please tell me in which Article has it been written? The Kar sevaks went with the permission of the Supreme court to the place where the puja of the idols of Ram Lala had been going on continuously. Is it a crime to see them off? They were sent off on 4th. Was it a crime to do so? Three to four lakhs people had gone there from Rajasthan and if some members of Bhartiya Janta Party had gone somewhere in some states to welcome them, there was nothing wrong in it. The Sarkaria Commission and our friends from the Communist Party have said that an elected Government should be allowed to run at last for four months. This is what Shri Rameshwar Rao wrote to Sarkaria Commission in his report. Our friends from the Communist party endorsed his report. Our friends from the Communist party endorsed his view. In the meantime Elections could be held. The people will decide whom they want. I know that the Government will go for the elections, I know that they are afraid of the people, I know that they do not want the mandate of the people, I know that they do not want the mandate of the people (*interruptions*) Please come forward. It is my challenge. There are four Ministers from Rajasthan here. I am ready to consent them. Let them contest from any field or any Parliamentary Constituency. Leave the case of prominent personalities, Leave the case of Shekhawat ji Leave the case of our other leaders. Let them hold elections and see the results. They are afraid of going to people's Court.

Now I am going to make a submission of a historical importance. Yesterday our hon. Prime Minister said

[English]

'Article 356 requires a new outlook. Article 356 require a change.'

[Translation]

By 'change' he did not mean deletion. He wanted a change from some other angle. My hon. friends sitting this side should think over it as to what is going to take place in the country. Since the time of Dr. Ambedkar till date it was said that Article 356 would remain ineffective, but it has been misused for more than 100 times. People sitting here know well as to how it was done in Punjab and other States (*Interruptions*) I would like to say one thing about what the hon. Prime Minister said. He wanted a change in it. I say that if he wants a change let him delete it. Let the democracy flow as usual. This is what I wanted to submit.

[English]

SHRIPAWAN KUMAR BANSAL (Chandigarh): Mr. Chairman Sir, over the years, our friends, finding themselves often overtaken by a feeling of paranoia as also of claustrophobia, have been participating in a clohony of our dichotomy about the powers of the President under Article 356 to issue a proclamation assuming to himself the functions of the State Government and declaring that the functions of the State Legislature shall be exercisable by the Parliament.

Sir, the latest developments beginning with the black day of our history, that is, the 6th of December, 1992, have once again reasserted the wisdom and foresight of our founding fathers when they visualised that a situation can arise when the Government of

According to the constitutional provisions and it would become, in those circumstances, the bounder duty of the Union to take over the functions of the State Government. To call it, our learned Shri Guman Mal Lodha did an aberration of the constitutional powers an onslaught on constitution. I would submit with utmost humility, is a travesty of truth, because this provision is intended primarily to uphold democracy and to prevent it from deteriorating to a weapon of self destruction. Our concept of secularism, that is, positive respect for all religions, was enunciated and has been reiterated over the years by the tenet "Sarva Dharma Sambhav" It is manifested by what India has always stood for. Ever the painful acceptance of partition did not us, though over the years we have found that our friends there for narrow political ends, have from time to time, tried to arouse communal passion.

The most shameful day for the nation of course was the 6th December, 1992. That was the day when the communal frenzy built up systematically over the years by the RSS, VHP, Bajrang Dal combine was unleashed to demolish the 450-year old Masjid at Ayodhya. That day, certainly but unfortunately will go down as the blackest day in the history of contemporary India. It requires no strenuous effort to conclude that the demolition was the result of a concerted, a pre-planned conspiracy, the magnitude, and the consequences of which could not have been felt before the actual results thereof on that fateful day, which shook the entire world.

With the fall of Masjid at Ayodhya our prestige dipped and the diabolical designs of the Sangh Parivar to turn India into a theocratic state were exposed. The solemn affidavits filed by the then Chief Minister of Uttar Pradesh, Shri Kalyan Singh and some holy men turned politicians in the Supreme Court turned out to be a ploy to fob, to treacherously betray the apex court, Parliament, the Constitution and the nation.

The Prime Minister, Shri P.V. Narasimha Rao, committed as he was to his approach of consensus to national issues, stickler as he is to the rules of the game, to constitutional and moral propriety and a believer as he is in the solemn assurances given by honourable men, resisted the demand for the dismissal of the U.P. Government at that stage. But the events that unfolded after that day, unambiguously proved that the BJP Government in U.P. had forfeited its right, and the moral authority to stay in Government even for a second longer. In all fairness I would say that Shri Atal Bihari Vajpayee, when he was initiating the debate on the No-Confidence Motion the other day, was candid enough to accept this fact. And he went a step forward to pose a question to the Government as to why the U.P. Government was not dismissed earlier. Now for our friends to rise from the other side to find fault with that, it is nothing but double talk and it is hypocrisy.

Sir, I know of the legal attainments of the learned and hon. Member Shri Lodha. I would not really enter into much of a debate on those. But I would like to make a humble submission that Article 355 of the Constitution places an onerous responsibility on the Centre inter alia to protect every State from external aggression, from internal disturbances and to ensure these are the words I would like to underline that the Government of every State is carried out in accordance with the provisions of the Constitution. This Article has to be read in conjunction with Article 356. While interpreting these provisions, we cannot be hyper-technical or pedantic in our approach. With utmost respect, I would like to submit to Shri Lodha that we are in the court of the people and we are here to see, to watch the interest of the people, the agony which the people had to undergo and what responses of the Government have to be there in future.



Sir, I humbly submit that if it transpires that the Government of a State is not-I want to again underline the word 'is' because one can definitely interpret 'cannot' as 'is not' - being carried out in accordance with the provisions of the Constitution or that those holding the reins of the Government are flouting the the Constitution, then it becomes the bounden duty of the Union/Government to act.

Sir, such a situation unfortunately did prevail in Rajasthan, in Madhya Pradesh, and in Himachal Pradesh when the President issued proclamations under Article 356 with respect to these States on 15th December 1992.

Sir, the jubilation, the spontaneous jubilation, and show of unbounded joy on the fall of the Masjid at Ayodhya, the glorification of and warm receptions to the so-called kar dewaks accorded by the BJP cadres including even Ministers, to those marauders-permit me to use that word-who had attacked Ayodhya under the guise of holy kar sewaks to those self-professed Ram Bhagats who show utter contempt for teachings of Bhagwan Ram, amply demonstrated the "Dr. Jekyll and Mr. Hyde, psyche of our friends on the other side. Sir, that is the characteristic of the BJP. And faced with that situation, it was the bounden duty - I repeat - of the Union Government to act and the Government did that act.

In the wake of Ayodhya tragedy, the Perpetrators thereof, that is, VHP RSS and Bajrang Dal combine were declared unlawful along with two Muslim communal organisations. After this ban under the Unlawful Activities (Prevention) Act, 1967, any person who is a member of any of these unlawful organisations or any person who associates himself with the activities of these organisations, takes part in the pro-

*H.P. and Rajasthan*  
ceedings of these organisations, is liable to punishment with imprisonment and this offence is a cognizable offence. I do not have to say that a cognizable offence is an offence for which the police officer can arrest the offender without warrant.

Sir, when the members of the State Governments openly professed the RSS-VHP ideology, there was no option left for the Government of India but to dismiss these State Governments.

Here it is pertinent to refer the reports received from the three honourable Governors. I would very briefly refer first to the report received from the Governor of Himachal Pradesh. The hon. Governor says that he had been keeping a close watch on the activities of the members of the BJP and its sister organisations like RSS and VHP after they made known their intention to participate in the Kar Sava. He says, "it not disputed that the Chief Minister and his council of Ministers have exhorted and instigated the Kar Sewaks from Himachal Pradesh to take part in the Kar seva on 6th December, 1992. One Member of the Vidhan Sabha has publically admitted that he participated in the actual demolition of the Babri Masjid and still they call it Kar seva. He participated in the actual demolition." The Chief Minister himself being a member of RSS would not be in a position to carry out these directions sincerely and effectively. When the Chief Minister and some of his colleagues belong to the banned RSS, it is not possible for the administrative machinery to implement the ban faithfully, particularly when these Ministers are openly criticising ban on these communal parties." This was the opinion and these were the remarks of the Governor of Himachal Pradesh. No fault can be found with that particularly because we also know the fact that it was the Chief Minister of Himachal Pradesh who has said that if RSS had to be banned, it would mean Shanta Kumar was directing the arrest of



Shanta Kumar. (Interruptions).

I would like to refer to some portions only from the final report of the Governor of Madhya Pradesh. He Says:

" the feeling of insecurity that has gripped the BHEL employees and their families because of the Lukewarm response of the administration to deal firmly with the rioters and the pressure brought on the administration to accommodate the so-called Kar Sewaks in BHEL are extremely serious developments."

Then he says referring to an incident between the army and some miscreants.

"the miscreants taking cover in the farm house exchanged fire with the army in which some of them were killed. This kind of happening strengthens my conviction that the spate of troubles leading to incalculable loss of life and property is the handiwork of well organised and well planned strategy by anti-national elements."

Further, the hon. Governor goes on to say:

" With the reported statement of the Chief Minister Shri Sunderlal Patwa that the decision of banning the RSS and VHP was unfortunate, the State Government's credibility to sincerely implement the Centre's directions in the matter is under a cloud Further from the response of the State Government so far, there is a question mark as to how BJP leaders like Shri Patwar who swore by the values and traditions of the RSS will be able to imple-

ment the ban both in letter and spirit."

The BJP's decision to observe December 13 as "Black Day" - very rarely we come across ruling party declaring black days; prevailed in Madhya Pradesh. The hon'ble Governor reports,

" The BJP's decision to observe december 13 as "Black Day" all over the country to protest against the above mentioned ban and its decision to observe protest week against these heinous laws from December 14 to 20 are moves fraught with danger, particularly in the present context. (Interruptions).

Further I quote from the Report:

" The outbreak of large scale violence was surely an act of well-planned strategy and deep-rooted conspiracy. The administration was a mute witness and abjectly failed in its primary duty to protect the life and property of the citizens."

These are the reports from the Governors and our hon. friend Sr. Lodha wants us to believe that article 356 is only supposed to be a dormant provision in the constitution of India.

To be fair to him, I would now refer to the report of the Governor of Rajasthan also. Admittedly, the Governor of Rajasthan addresses his communication to the prime Minister of India, but what he says further is very very important. He says:

" This ban is not being implemented at all" - Mr. Lodha leaves out that sentence - "One of the Ministers had resigned and he along with 22 MLAs apart from about 15,500 BJP workers had

[Sh. Pawan Kumar Bansal]

participated in the Kar seva at Ayodhya on 6th December, 1992. They were Given a royal send off and similarly a royal welcome when they returned, by influential people in the political set up running the Government."

That was the welcome being given, that was the reception being accorded to those people who were guilty of demolishing a place of worship at Ayodhya. It was in these circumstances that he said:

"I would, therefore, recommend to the Central Government for taking necessary action to dismiss the State Government."

The fault that Mr. Lodha has found with this communication is that it has been addressed to the President of India. I do not want to enter into arguments which are hyper-technical and do not want to be pedantic in my approach or enter into an exercise in semantics as to what the report means and what the president means. But I am sure, Mr. Lodha knows that it is article 74 of the Constitution of India which says that there shall be a Council of Ministers headed by the Prime Minister to aid and advise the president. articles 355 and 356 – and mind you, Sir, these articles come under the chapter dealing with Emergency provisions – give power to the Union Government to take such action as the situation may warrant, and in that event if the communication was addressed to the Prime Minister, by no stretch of imagination can we presume that it was not a report or a report which cognisance could not be taken by the President. And in these three cases we know – it was revealed on the floor of the House the other day – that after the reports were received, the Cabinet met, the Cabinet Committee on Political Affairs met,

a conscious decision was taken in view of what I have narrated earlier, and then one of the senior Ministers went the President with the recommendations of the CCPA, with the recommendations of the Government to president's rule was promulgated in these States.

[Translation]

SHRI NITISH KUMAR (Barh): Why did the decision finally carry it why into the Home Minister.

[English]

SHRI PAWAN KUMAR BANSAL: Those are not the pertinent questions... (Interruptions). With these reports from the Governments, and it is here that I would like to say that the Centre resisted a demand earlier. It was after these reports from three Governors who are not our appointees, that the Governments were dismissed. In doing so, the Union Government has only performed its constitutional duty.

Mr. Chairman, Sir, in this connection I would like to refer briefly or two points raised earlier by Shri Lodha. I do not want to go back to the entire history as to which state Government was dismissed by which Government after the Centre earlier. But I do want to remind him that in 1977 nine Governments, headed by the Congress in different States, were dismissed with one stroke of pen, only because they Centre. Shri Lodha referred to the events in Maharashtra now. In 1984 it was the Congress Government at the Centre which dismissed its own Government in Punjab, because we felt that some sort of extraordinary situation had developed which required an extraordinary situation had developed which required an extraordinary remedy.

When we take an action under Article

356 of the Constitution, we are not actuated by any personal consideration. We know what Justice Sarkaria has said. The hon. Home Minister has said in the Consultative Committee meetings and the Government is prepared for a discussion in this House here, provided our members give us time to discuss these important matters. It is just not enough to enhance parts of the report that read you and say that this is what Justice Sarkaria said. They enhance one part of it and they throw it at our face. That will not do.

I would say that Article 356 would require a serious consideration. As I began by saying, I would want that its scope is to be enlarged. You have got to say when the Government is not being carried out in accordance with constitutional article 356 can apply so that the legal luminaries like Shri Lodha are not able to find lacunae with small petty matters here and there in order to bring to a grinding halt the working of the Government. That is what a case has to be taken about.

When I was referring to the present action, with all humility I want to say that when we have taken this action, we have taken this action not for any self-glorification or any self-aggrandisement. We know the challenges that lie ahead of us when we dismissed the Governments. We know that the communal forces would re-group and there are reports about that. We know the challenges that lie ahead. But we are not deterred by those. We are prepared to face those challenges because the Congress has faced the challenges in the past. The Congress is prepared to face these challenges in the future. Please permit me to say that Congress is not just a political party but Congress has been a mass movement; Congress has been an ideology. (*Interruptions*) Today the country would say that there is a sort of confrontation. I say that it is confrontation of

ideology. We are not deterred by sort of onslaught that comes from the other side. We are prepared to take on all the subversive activities that will be launched by those organisations which have gone underground and the leaders of which now want the Government to give undertaking that they will not be arrested.

It is the clarion call of the nation today that has impelled us to take this step and we to do so and we did so, with resolute firmness to fight these obscurantist forces, to apply a healing touch to the people – Hindus, Muslims and others – whose hearts are bleeding today, to reaffirm the nation's faith in our time-tested values and to restore to India its pristine glory. We know that the dark forces of religious bigotry are arrayed against us. But at this critical juncture of India's history we have the support of right-thinking people of the country, the right-thinking people who are the true inheritors of India's spiritualism who refuse to be caged by the narrow walls of unguided communal madness, who accord priority human dignity and sensitivities, who have ingrained in their ethos the true essence of Hinduism itself.

As I said, when we took over the administration of these States, it was for no cause of self-glorification but to preserve all that India has stood for.

To conclude, I would only say, Sir, it is an extraordinary situation that prevails in the country today. This extraordinary situation did call for an extraordinary remedy and we had to take the step that we have taken.

Sir, the challenges I referred to are vast but we are not deterred by that. The nation today is in peril. The Prime Minister referred to it when he talked of 1962. The nation today is in peril. The people of the country would defend it with all their might.

[Sh. Pawan Kumar Bansal]

Thank You very much.

SHRI RUPCHAND PAL (Hooghly): Mr. Chairman, Sir, we are passing through a very extraordinary situation in the country. Never before since Independence of our country had been subjected to such a severe test. Our Constitution has been challenged, all the values our nation has been upholding have been challenged.

Sir, a full-fledged debate has already taken place on the occasion of the No-trust Motion, I do not want to repeat it. But how extraordinary the situation is had been made clear to the nation because what happened in Ayodhya on 6th December last was not only the demolition of a place of worship, but it was a pre-planned attack on the Constitution, on the judiciary, on the rule of law, on the age-old pluralist values of Hindu faith and for that matter, any religion worth the name.

Sir, it was religious terrorism bordering on religious fascism and it was built up... (Interruptions).

[Translation]

SHRI NETISH KUMAR: Can fascism be religious?

[English]

SHRI RUPCHAN PAL: It can be that is called Golwalkarism and what has been propagated now... (Interruptions).

The ped of bigotry and fanaticism and medieval barbarism are out to reverse the process of history, they are out to throw to the winds reason and rationality. Sir, this is an extraordinary situation. The Union Government, as we have earlier stated, has failed miserably to take timely action.

Had they intervened on time — they were armed with the NIC Resolution, and the support was given, whatever step necessary the Prime Minister Could take, but they hesitated, they dithered, and it was really a costly delay and the nation had to pay a heavy price.

Even after the grievous crime that was committed not only on the place of worship, but also on the constitution, some half-hearted action is being taken. How else could I describe that? The ban was announced and even after announcement, the action was belated and so, what happened in Delhi itself? The whole money belonging to a banned organisation was taken away. It was allowed to be done, it did not happen elsewhere, it did not happen in West Bengal.

Sir, the President's Rule in U. P. was a belated action. Too much trust that was reposed on the communal forces instead of listening to the voice of reason, caution and the warning of the National Integration Council and the secular forces had caused immense harm to the nation. A holocaust had followed and now the Union Government has come forward and dismissed those Governments and imposed the President's rule. There was no alternative left to it. As a last resort, the Government had to act in a very extraordinary situation. But, we have demanded that those who are a party to this demolition should have themselves taken the moral responsibility and given up their offices. They did not do that. Instead of that, they had been encouraging the vandals, they had been arranging reception to those vandals who had committed the gravest crime to the nation, to the Constitution and to our age-old values. Some of them were openly declaring about their association with these communal organisations.

Sir, these Governments have failed

miserably to protect the lives and the properties of the people over there, particularly belonging to the minority community. Still today, are they repentant? There is not the least repentance in them. They want to go further. Slogans have been raised even here saying:

\* yes to kewal Jhanki Hal,  
mathusa, kashi Balei Hal.

[English]

Someone else went even further. had been threatening that the Taj Mahal was a Hindu temple and they were seeking to destroy one of the seven wonders of the world. How else can we describe that except as 'religious terrorism'? They are out to destroy everything, they are out to destroy this country and they are out to destroy the unity and the integrity of the nation. We are passing through a curious situation. The people in their religious robe, in their saffron shirt, what do they want to do? Religious people should speak in a voice of compassion, in a voice of love and in voice of brotherhood, but they are all speaking in the language of violence. They are saying that night is right. There is no difference between what Hitler wanted to do and what these RSS and such other organisations want to perpetrate in our country.

Sir, we, the Left parties, particularly the CPI (M) had all along been opposing this provision of the Constitution of India, because we have ourselves been the worst victims of this Article. Eighty six times, perhaps, including the last four times, the extraordinary provisions of this Article have been used and mostly, it has been misused. During the days of Mrs. Indira Gandhi, it was misused for the largest number of times. we had been opposing it and still today, we oppose it. We had submitted a memorandum to the Sarkaria Commission; we had brought a Private Member's Bill here opposing it and still

today, we continue to oppose it. But, today we say, it is an extraordinary situation. What happened in the case of Punjab when the President's rule was imposed there? What did Mr. L. K. Advani, who was a Member of the Rajya Sabha at that time, do? He welcomed the President's rule because the nation was facing the worst sort of terrorism. Are we not facing a religious terrorism of a very worst type in our country today? So, we have no hesitation, we have no reservation in supporting that and we have risen to the occasion. While we continue to oppose the misuse of this Article for narrow partisan ends, today, we have no hesitation in saying that this Uttar Pradesh Government should have been dismissed even earlier and an earlier intervention could have saved the nation from the holocaust and the trauma that it had been subjected to.

Sir, we do also strongly believe that only administrative action will not do. It is a political problem and we have to face it politically. It requires political solution. For that, it requires determined will of the people, the unity of security forces. It should not be that there is some sort of understanding at the top level only but it should go to the grassroot level because this monster of communalism is trying to eat into the vitals of every cherished value that the people have been holding close to their hearts, values they have been upholding and the rights they have achieved through long struggle. A full-fledged discussion had taken place in this House. I do not want to repeat them.

But I have two points to add. One is regarding what the Prime Minister wanted to say regarding his comment on the need to review the provision of article 356. What he meant, we did not understand. Perhaps he wanted to mean that he could not intervene in J.P. because the Government of U.P. at no point of time had refused to take the Central help. They had been assuring the Central Government that nothing would happen to the structure.

[Sh. Rupchand Pal]

They were assuring the Supreme Court that Ramjanambhoomi—Babri masjid site would be protected. Because of this assurance and there is no such interpretation of article 356 that before things could take a worse turn, the Government could act, he said, he could not intervene earlier. In the case of such worse thing is likely to take place, the Government is authorised to act. That provision so far as I understand is required. But still today, while the provision that had been invoked, had it been invoked earlier, it would have saved the nation. Still today we say that this Government should desist from misusing the provision. Such steps are not curative. It will not cure the disease. It is a small palliative. It is a retrieve only. Political problem requires political solution and the secular forces of this country will have to fight against this monster of communalism which is out to destroy the country what is needed is, the unity of all the secular and democratic forces down to the grass-root level.

We do believe that whoever believes in secularism should come forward and do the urgent task of uniting the people at this critical juncture of the nation.

[Translation]

SHRI HARI KISHORE SINGH (Sheohar): Mr. Chairman, Sir, with great sorrow and pain I am taking part in today's debate on this issue. It seems as if there is no Government in the country today and all of us have forgotten in the country today and all of us have forgotten civilization and culture of this country. The incident of 6th December at Ayodhya is a slur on the civilization our country. Had there been any Government at the Centre this event would over. That is why I said that there was no Government at the Centre. If there was any Government in Delhi it must have been

hiding all the happenings, probably the Home Minister might have been watching C.N.N. and B.B. C. for the events taking place in Ayodhya. He was unaware of the happenings in Ayodhya at that time as well as the future happenings when the whole world knew it already that when people in such a large number were gathering there, they were bound to attempt to demolish the disputed structure. But the Government was unaware of it and took no action in this regard. That is why I said that no Government exists in the country.

The incident which took place in Ayodhya that day is a matter of shame for the country. Today, this is not the question that the Centre—state relations are affected, or we have been opposing the Article 356. This is also not the question that the recommendations of the Sarkaria Commission are being implemented. This is not a praise. This is being implemented like the recommendations of the Sarkaria Commission, this is also not a praise. What would be its effect on Centre—state relations as today the question is that whether this country can be governed under the constitution? Today the question is whether the orders of the courts will be complied with or not and if these are complied with then who will defy these orders? A Governments as well as a political party defy these orders?

Mr. Chairman, Sir, this is a very serious matter that the orders of the Court are dishonoured in the presence of a leader of the largest opposition party of this House. He was standing there. I do not have any hesitation in saying that had Shri Advaniji made some efforts. I know that it was not in his power to stop the demolition of that structure before such a frenzied crowd and such a large number of Kar Sevaks, but had he made some efforts then we could have shown to the country as well as the world that the leader of the opposition tried his best but his efforts turned futile.

Mr. Chairman, Sir, a Government time and again presents its affidavits before the Supreme court, Allahabad High Court and its Lucknow Bench to the effect that it will abide by the orders of the courts and just now Shri Lodha Ji was speaking in favour of that Government. We are unable to understand all this. Shri Lodha Ji is not only a honourable member of this House but he has also been a jurist and a Chief Justice of High Court (*Interruptions*)

Mr. Speaker, Sir, I am not speaking like a parrot. You are taught like a parrot. Your leaders have been to sitamarhi. I will tell you about them.

Mr. Chairman Sir, secularism is the legacy of our freedom movement and the basis of our constitution and is also a symbol of the unity and the political structure of this country. But what happened in Ayodhya on the 6th December was a blow on it. A structure and an old building was not demolished but it was a jolt to the Constitution on the basis of the constitution of this country and we would not be able to recover from this situation very soon.

Mr. Chairman, Sir, the Government of Kalyan Singh was there, Kalyan Singh was the Chief Minister of Uttar Pradesh. He was hesitant to accept Mahatma Gandhi as the father of the nation. I do not want to go in details about other things but I would like to ask my friends of B. J. P. whether they also have some reservations about accepting Mahatma Gandhi as father of the nation or whether it was only Shri Kalyan Singh who had certain reservations in this regard as he was given a responsibility of demolishing this structure in Ayodhya. Therefore it has become a major issue today. We are against imposing the Article 356. The Structure of our country is federal. We do not want a violent stroke on our constitution. But the prevailing situation is not an ordinary one. It is something extraordinary. Today a challenge is being posed to the history,

culture, legacy of the freedom movement, constitution and the rule of the law. This challenge must be accepted by the Government. I consider this Government as a worthless one which is unable to accept this challenge. It should tender its resignation. Owing the moral responsibility the Home Minister as well as the Prime Minister should have tendered their resignations on 6th instant.

There is a challenge and it is the duty of every citizen who believes in the sovereignty of the constitution of this country and have faith in the Government of the country and wants to strengthen the secular forces of this country to accept this challenge.

[*English*]

SHRI INDRAJIT GUPTA (Midnapore):  
Mr. Chairman, Sir, our support to the promulgation of president's Rule in these four States of Madhya Pradesh, Himachal Pradesh Rajasthan and Uttar Pradesh should not be taken to mean that we, of the Left, have basically changed our attitude to Article 356 of the Constitution. Article 356, I think, was never meant to be used in an arbitrary fashion. Unfortunately, in the past, on a large number of occasions, it has been used arbitrarily and subjectively and for political or party purposes. We, in West Bengal, have been at the receiving end of that also. All such cases, we have opposed stoutly. You know, one very normal way of doing this thing is to question whether the Government in power there continues to enjoy a majority or not — in the State Assembly. So many cases are there. You know also, Sir, in the North-Eastern States how many times it has happened where it has been announced that the Chief Minister has lost his majority but the Chief Minister says: "No, I have not lost my majority." The normal way as recommended by the Sarkaria Commission, also is that in all such cases who has a majority or who has lost the majority should always be tested on the floor of the House and not outside some-



[Sh. Indrajit Gupta]

where. It should not be tested in the drawing room of the Governor, in his residence. But so many cases are there where without resorting to this testing on the floor of the House, it has been arbitrarily declared that he has lost his majority and President's Rule in has been applied. Can we put such cases on par with the present case? So, we have always opposed in the past this misuse of Article 356 for purely party and political purpose - arbitrary misuse. But I am sorry to say that it has given us a great deal of concern and pain to come to this conclusion this time. We could easily have stuck to our old line and said: "Under no circumstance will we agree to the use of Article 356, not even in the present case." But on the facts of what happened before December 6th, on December 6th and just after December 6th, it becomes impossible not to justify the action of the Government in deciding to dismiss these Governments and replace them by President's Rule. I am not going by the reports which the Governors have sent. Those copies have been supplied to us, to all Members. I must say that they are not convincing at all - most of them. They seem to me to be the command performance by the Governors particularly in the case of Himachal Pradesh and even in the case of Madhya Pradesh. There is plenty of material and facts here in the Governors' report to show that normal conditions of law and order had broken down. Not in Himachal. But in Madhya Pradesh, certainly. In Uttar Pradesh, there is no need for me to describe what was happening.

On the grounds at maintaining communal harmony which I think, is the basic fundamental of the Constitution of our country. Article 51 (a) of the constitution talks about promoting harmony. This is the duty - what is called the Chapter on Fundamental Duties, Fundamental Duties of every citizen of this country and no

Minister, no party leader is above these fundamental Duties. He has to abide by that. It says:

to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities...

This is the Fundamental Duty which is wilfully being trapped upon by what happened there on the December 6th. (Interruptions)

SHRI RAM NAIK (Bombay North):  
When was this introduced?

SHRI INDRAJIT GUPTA: Let us not go into it. Whenever it was introduced, this is in force now. (Interruptions)

SHRI RAM NAIK: It was during emergency which you supported. (Interruptions)

SHRI K.P. UNNIKISHNAN (Badagara): Why did you not remove that in 1977?

SHRI INDRAJIT GUPTA: Why did you not remove that when you were in power?

SHRI K.P. UNNIKISHNAN: On the contrary your spokesman said, "you would not remove it." (Interruptions)

SHRI INDRAJIT GUPTA: Moreover, do you mean to say, when there is no emergency you can do things against the maintenance of communal harmony? It should be permitted! This is a very devious distorted kind of logic; I must say. Then there was wide-spread killings going on, arson going on, looting going on, rape of women going on, murder of innocent people going on. Those are all on record.



The other day the Minister of Defence here speaking in the debate mentioned an example. He talked about a communication between him and the then Chief Minister of Madhya Pradesh Mr. Patwa from Bhopal. He said about how Mr. Patwa had rung him up and said, "we are not able to control the situation. All this murder, loot and burning is going on." And he had asked the Defence Minister to give him some army help, the reinforcement. According to the Defence Minister, the army columns were sent there. They were kept near Bhopal, I presume. After that, reports continued about these killings and looting going on. He said, then he rang up to Mr. Patwa and said, "what is the matter? You asked for the army and I have sent the army. Why are you not using the army?" The army was not used. What is this? not a double dealing? It is like Mr. Kalyan Singh whose repeated assurances have been referred to so many times — assurances to the National Integration Council, assurances to the Prime Minister, assurances three times backed by affidavits before the Supreme Court — that no harm would be allowed to the structure. And then after that 110 companies of Central Security Force had been put aft his disposal by the Prime Minister. They were under the deployment of the Chief Minister at that time and they were never deployed to protect that structure. When they were ordered ultimately to move from Faizabad to that site, the road was blocked. The road blocks were put up on the road. Even then they were trying to advance. But the District Magistrate under whose command they were, ordered them to return. What was going on? The total anarchy and chaos, total break down of law and order and total over-riding total break down of law and order and total over-riding of all considerations of communal harmony. Therefore, in such conditions, this cannot be considered to be a normal condition. Under such conditions they have had to do it. (Interruptions)

You discuss with him about Kumari Mamata Banerjee outside in the lobby... (Interruptions)

[English]

Finally, I would say, the the question then also arose, after the Government decided to ban these communal organisations, whether such a Government remaining in power would really be able or would be willing to implement that ban.

[Translation]

SHRIMADAN LAL KHURANA (SOUTH DELHI): You should ask Kumari Mamata Banerjee.

SHRI INDRAJIT GUPTA: If you have so much affection for Kumari Mamata Banerjee, you take her to lobby and discuss with her. (Interruptions)

18.00 hrs

They would never be able to do it. Why should they do it when they themselves belong to those organizations? So, it was a very ridiculous situation. And, therefore, I think that in these circumstances, there was really no option. I am not holding a brief for what the Government has done before and during those days. I can well understand and sympathize with the Prime Minister for feeling that he has been betrayed and that he has been misled and all that by these people. It is for him to ponder over as to why he allowed himself to be misled and betrayed and why he was gullible as to follow everything that was said to him by Shri Kalyan Singh and by the leaders of this party. That is for him to think. He has got his own philosophy. He is welcome to have it, but, he landed the country in the first class major mess, such a mess as we have never faced before in our history.

Now we cannot say that because h-

[Sh. Indrajit Gupta]

made all these serious mistakes and since there are serious lapses on his part as Prime Minister, he should own up moral responsibility. And I am surprised that in his reply, yesterday, he did not utter a single word of regret. He may put the blame on anybody and that is up to him. But, honestly, I think he should utter a word of regret to the country saying "We, the Government had assured you that we would protect this structure but, I am very sorry, that we failed". He should say that much "We failed to do it", whatever may be the reasons, but he does not say a word. Therefore, this Government has so indirectly helped these people. Now, I want to say finally one thing. Can it be permitted to indulge in activities which will help and further fuel secessionist activities in other parts of the country? What will be the effect of the breaking up of this mosque on the country? What will be the effect of the breaking up of this mosque on the militants in Kashmir? What will be the effect on those people in Punjab who are demanding a separate State of Khalistan? What will be the effect on those elements in the North-Eastern States who are saying that they should get out of India? They all belong to minority communities, whether it is Muslims or Sikhs or Christians. And ten times now they will think as to how they remain as citizens in a country where the majority community is not prepared to tolerate the religious rights of the minorities and is bent upon destroying their religious institutions. I do not know whether you understand it or not, you are stoking the fires of secession and that is another reason why those Governments should not be permitted to continue because they are against the unity and integrity of this country and against the communal harmony.

Let me make it very clear that our opposition, in principal, to this imposition of Article 356 will continue. (*Interruptions*) We have no such hundred per cent pure people as all of you are. You stand always on your principles and then forget. We know. If you like, I can

speak on that.

I may explain why in this case we are supporting this proclamation. (*Interruptions*) They ought to draw some lessons from this, instead of going on shouting all the time. I know that Shri Khurana has got a loud voice. But it does not impress me at all.

Sir, we are supporting this proclamation because this is an extraordinary case and I am sure that this is not going to be allowed to be reported over and over again.

[*Translation*]

SHRI SHIVRAJ SINGH CHAUHAN (Vidisha): Mr. Chairman, Sir, the House has been discussing the No-confidence Motion for the last three days. I am a newly elected member of this House. I came to the House in the bye-elections held last year. I was of the view that ruling party gives point-wise replies to the issues raised in the House. But I was surprised and pained to hear the discussion on No-Confidence Motion.

The Prime Minister and his other colleagues of the Cabinet spoke on the no-confidence motion but they simply beat about the bush. The hon. Prime Minister and the other Ministers could not justify the dismissal of State Governments raised through No-Confidence Motion. I can understand the justification of imposing President's rule in Uttar Pradesh due to Ayodhya incident. But what was the justification behind dismissing the Legislative Assemblies of Himachal Pradesh, Rajasthan and Madhya Pradesh? These State Governments were discharging their constitutional duties. They were fully implementing the orders of the Central Government. The workers of banned organisations are being arrested. The offices of banned organisations are being sealed and closed. However, it is a different matter that the High Court has ordered to open several such offices. Out State Governments were following the directions issued by the Central Government. Hon. Bansalji has given unsound arguments and also referred to the

report sent by the Governor of Madhya Pradesh. He has stated in the report sent by the Government of Madhya Pradesh. He has stated in the report that the situation in Bhopal was beyond control even after the 10th instant. Riots were taking place in the B.H.E.L. Hon. Arjun Singhji has visited Bhopal. Not only Arjun Singhji, but 5-6 other Central Ministers also visited there. I would like to inform that no riot place in Bhopal after 9th. No significant took place there after the 9th. He has also stated that the ruling party had a proposal to observe a black day on 13th. It was quoted from the report submitted by the Governor that the ruling party was celebrating it a Black Day. I would like to point out that the CPI-M Government of West Bengal, have organised Bunds many times in West Bengal against the policies of Central Government. Agitations have been launched in West Bengal against the policies of Government of India time and again. If you justify the dismissal of the Government of Madhya Pradesh because of organising the Black Day, then why did you not dismiss the Government of West Bengal.

We were talking of riots. Reference has also been made to the riots that took place in Bhopal. Bansalji was saying that riots were pre-planned. I agree with him. But it were the Congress people who engineered riots. The Congress people incited the riots in a planned way. These people wanted to defame the B.J.P. Government of Madhya Pradesh. The Central Government wanted to provide a excuse for dismissing the Government of Madhya Pradesh. The M.L.A. of North Bhopal prepared a plan to instigate riots on 6th instant with the people of Congress. That M.L.A. as seen spearheading the rioters at many places on 7th. He was inciting the people looting the shops and putting the shops on fire. Our Government arrested that M.L.A. and sent to jail and he is still behind the bars. Hon. Arjun Singh was felt very disappointed on this. He was very distressed after the Bhopal, riots. He went to Bhopal by

air. He is very sensitive. But he informed the Doordarshan of his visit to Bhopal before leaving for Bhopal. He want to see riot-victims alwith the team o Doordarshan. He was much grieved to see the plight of riot-victims. He deemed to dismiss the State Government even in that State of Utter grief. No other thing came into his mind even at that time. It was not the first time when the people of Congress had demanded of dismissal of the Government of Madhya Pradesh. Since the very date of the B.J.P. Government coming into the power in Madhya Pradesh, the Congress people has been in power there for 40 years. They have a great yearning for the Chair or power. They consider themselves as the born rulers so they think. How can others rule the State? They have since been endeavouring to dilodge the B.J.P. Government of Madhya Pradesh. I would like to state when we came into power, there was an overdraft to the tune of Rs. 150 crore. The B.J.P. Government of Madhya Pradesh waive off the loans amounting to Rs. 714 crore. The people of the Congress Party has been alleging since then that it was a corrupt practice. They started saying that the B.J.P. Government has waived the loan of the few people. It should waive the loan of all the people. We had waived off the loan upto Rs. 10,000/-. They demanded to waive the entire amount of the loan of all people. When we went through the list of the persons against whom loans were outstanding we found that most of them were Congressmen. They had taken loan in their names and in the names of their wives, fathers and sons. it amounted to lakhs of rupees. They are demanding to waive off those loans.

They talk of maintaining law and order. They eyes of Shri Arjun Singh became wet with tears, after seeing the plight of riot victims. I would like to ask as to where was the sensitiveness of the Congress people when the minority people in Kashmir valley were being looted, ruined and fleeing. These uprooted people of Kashmir are facing hard-

[Sh. Shivraj Singh Chauhan]

ships here in Delhi. Had the Congress people visited the camps refugees of Kashmir? I would like to ask where does their sensitiveness go when the issue of Kashmir riot torn people arises, Delhi and the entire country witnessed riots in 1984 after the assassination of Indira Gandhi. Thousands of Sikhs were murdered and many Gurudwaras were damaged. The big leaders of the Congress party were leading the rioters, Chavan Saheb! at that time how many Governments were dismissed? How many people were arrested? Many leaders who led the rioters became Members of Parliament after getting the tickets from the Congress. I would like to ask whether they have taken any action against them. Madhya Pradesh has remained an island of peace for three years. Riots used to erupt frequently in Madhya Pradesh when the Congress was in power there. Riots in Bhopal, Bihar, Raisen and Indore were common. Bhopal usually witnessed riots almost for 15 days in a month. People belonging to minority community usually remained panicky. Ever since the Government of the Bharatiya Janata Party has come to office, not even a single incident of riot occurred in Madhya Pradesh except the incident of 6th December and it remained an island of peace. Id, Muharram, Dussehra and Diwali were observed peacefully and with the spirit of brotherhood. A confidence in the Bharatiya Janata Party was created among the minority community in Madhya Pradesh and several people belonging to minority community became members of the Bharatiya Janata Party.

Mr. Chairman, Sir, I would like to tell that anti-encroachment drive was launched during the rule of the Bharatiya Janata Party when Arjun Singhji was a member of the Legislative Assembly. Arjun Singhji tabled an adjournment motion on anti-encroachment drive. He submitted to the House that houses were being demolished. Mr. Chairman, Sir,

at that time I had gone through a list, senior leaders of the Congress were involved in the encroachment. Land Worth crores of rupees was encroached by Congressmen as well as anti-social elements. We launched this anti-encroachment drive and passed it. Arjun Singh Ji said that he would stand in front of the bulldozer and would not allow it to be used. At that time we said that even the palace of Arjun Singh Ji at Ketwa would be spared. This bulldozer of the B.J.P. will also run there. We had a complete list. The Congressmen had no answer, they said that jhuggis were being demolished. Of course, our Government, Sir, people living in those jhuggis were tenants. Each congressman had at least fifty jhuggis. Arjun Singh Ji had given lease to them and they used to rent out those jhuggis. When jhuggis were demolished, three Maruti cars were recovered from there and companions of Arjun Singh Ji were running away in those cars. Telephone poles were recovered from the houses of the Congress leaders, which were in their possession. We had certainly demolished jhuggis in Arinagar, Arjunnagar and hastnainagar but we had made a housing scheme sans jhuggis for those jhuggis-dwellers who were living in an unhygienic atmosphere on the bank of a dirty nullah. Under the scheme the Government had constructed some houses for them and at that time there was a scheme to allot houses to all the remaining jhuggis dwellers.

Mr. Chairman, Sir, I would like to submit that Shri Arjun Singh, Shri Moti Lal Vora and others happened to be Chief Ministers of Madhya Pradesh. But our Government had reorganised 16 new districts. The report of the District reorganisation Commission has been gathering dust since long. No Chief Minister of the Congress had the courage to implement the report of the District Reorganisation Commission. Perhaps, members from Bastar and Chhattisgarh, might not be present here nor Bhardwaj and Shri Arvind Netm are present here but all the people of Madhya Pradesh have welcomed those

decisions. Arjun Singhji boasts a lot of the welfare of adivasis. He is the hero of the Churhat hottary case and is also an expert at Tender leaf. Arjun Singh Ji used to boast a lot of the welfare of the labourers engaged in collecting Tendu leaf but when he was the Chief Minister. He fixed Rs. 12.50 for per hundred bundle of Tendu leaf. The B.J.P. government had started to give Rs. 25 in place of Rs. 12.50 for per hundred bundle of Tendu leaf. We brought prosperity to Advasis, Land was in the possession of several Advasis for years together but there were no trees... [ *Interruptions* ] There were no forests. Some Advasis were not getting lease-deeds due to the provisions of the Forest Conservation Act, 1980. We are thankful to the then Prime Minister Shri V.P. Singh, who had permitted us to grant lease and we had granted lease of land to three lakh Advasis. At that time, we constructed two lakh house under Ayodhya scheme and handed them over to Harijans. We dug 52 thousand wells under Jeewandhara scheme and given them to these people. No one but several welfare works were done by B.J.P. Government of Madhya Pradesh. We had eradicated corruption when the Congress was in power. (*Interruptions*)

Mr. Chairman, Sir, I will take 2-3 minutes more. Other members speak here four hours. I am a new Member, I will take a little time more. When the Congress was in power, people used to stand in the verandah of the Vallabh Bhawan, where the Secretariat of the Madhya Pradesh Government was housed, and whenever officials came there for seeking their transfers, these people demanded different rates for transfer of employees of different categories. For example, an inspector will have to pay this much amount, a sales-tax inspector will have to pay this much amount and the collectors and executive engineers will have to pay this much amount. People with money bags met the leaders of the Congress in the verandah of the Vallabh Bhawan. These people

had developed transfer as a business. Then a neo-business by the name of the transfer industry was prospering in Madhya Pradesh and several congress people got employment. When the BJP Government came to power, it did away with the transfer industry and we provided a clean administration, sans corruption, to Madhya Pradesh. The Member of the Congress had brought a no-confidence motion against the BJP Government of Madhya Pradesh during the last session of the Assembly. I am of saying so, newspapers of Madhya Pradesh may be consulted, they could not prove any allegation. Newspapers like "Nai Duniya", "Dainik Bhskar" and "Navbharat" raised questions in their comments whether the Congress had brought No-Confidence-Motion against the B.J.P. Government or the B.J.P. had brought it against the Congress. We had put them into dock. They could not prove any charge.

Mr. Chariman, Sir, I would like to submit that the BJP worked for the welfare of each and every community be they backward or down-trodden or exploited, be they supporters of the Mandal or the Mandir. We worked for the welfare of all and this is the reason that the congressmen felt that if the B.J.P. Government continued for full term of five years, the Congress would be swept out.

SHRI NITISH KUMAR (Barh): Say something about the charges levelled by Uma Bharti on Patwa.

SHRI SHIVRAJ SINGH CHAUHAN: Nitish Kumar ji, bear with us even for a short while. We do always bear with you. Mr. Chairman, Sir, even if drought conditions prevailed in Madhya Pradesh Janata Party Government should be dismissed. All the time they used to make this sort of demand. If there is drought or flood or if some one dies of cod congressmen would say that there is a hand of Bhartiya Janata Party in it. Once twins were born in the family of Congress

[Sh. Shivraj Singh Chauhan]

leader then one of his friends remarked that the Bhartiya Janata Party must be having hand in it. They would not say anything other than dismissing, the Bhartiya Janata Party. They knew it very well that if the Bartiya Janata Party Government remains in power for 5 years in Madhya Pradesh then none would be there to even take the name of Congress. As in the villages it was said that find out a case of small pox and get a prize of Rs. one thousand. In the same way, people would have said that "find out a Congressman and get rupees one thousand in prize". They had visualised that if the BJP Government remained in power for full five years then they would be of nowhere.

Therefore, Mr. Chairman, Sir, I would like to submit that Mr. Arjun Singh, who is at present at number two and is trying to be number one has said that the elections will be held within a year. I would like to ask as to who is M. Arjun Singh to declare that the elections would be conducted within a year. I may be having less experience and less, knowledge and younger in age but my general awareness says that if the Legislative Assembly has been dissolved then the elections should be conducted within six months. If there are some extra ordinary situation then with the permission of this House the President's Rule can be extended. But Mr. Arjun Singh is not talking of six months, he is saying that the elections will be conducted within a year. He knows it very well if the elections are conducted today then Congress will be washed out. In what capacity does Mr. Arjun Singh say that the elections will be conducted within a year.

Today, our workers and the former Ministers are being arrested. The Vice President of the State Unit of Bhartiya Janata Party has also been arrested. Sir, hon. Chavan Sahib is sitting here, he had assured that no ban will be imposed upon the routine

activities of the Bhartiya Janata Party and its workers will not be arrested. But Mr. Chavan Sahib, all the workers and leaders of the Bhartiya Janata Party in Madhya Pradesh are being arrested. We do not care for the arrested. You may go on arresting, and suppressing them but how far you will go? You may fill the jails with as many arrested as you can. But there will be no dearth of people in BJP who would come forward for the service of the nation. How long they will go on suppressing the people? We will come again with double strength. Sir I would like to warn that if they have got courage then they would conduct elections before February or March and face the people, the public will decide. The decision will be in the people's Court. Suppression and injustice will not last long.

"NOOR KE KE KIRAN JUIM PAR  
BHAARI HOGI,

RAAT INKI HAILEKIN SUBAA HNMARI  
HOGI"

[English]

DR. KARTIKESWAR PAATRA  
(Balasore): Mr. Chairman, I fully support the Statutory Resolution moved by the Home Minister. I would request the hon. Members, who are opposing it, to pass this Resolution.

Some hon. Members were stating a complete falsehood a complete illusion here. I will substantiate it. Every Member should appreciate, every Member of this House will appreciate the stand taken by the hon. Prime Minister. He has tolerated all the governments run by the parties other than the Congress in the States, since he came to power more than one year and four months. He has tolerated them though we have demanded here in this House and outside also to dismiss some of the State Governments which are doing nuisance in this country. But the hon. Prime Minister has every patiently toler-



ated them because he is a very democrat; he is a follower of the Father of the Nation, Mahatma Gandhi whose name some Members are taking in this House.

Einstein, the famous philosopher of the world said for Mahatma Gandhi that Generations to come would scarcely believe that a man like Mahatma Gandhi would ever tread this earth in flash and blood. One cannot believe that he has got tremendous tolerance.

Even Mr. P.V. Narasimha Rao showed his capability to be the rightful progeny, to be proper disciple of Mahatma Gandhi. Our Prime Minister has accepted the Governors - they are still continuing - who have been appointed during the regime of Janata Dal; some of the Governors are still there, who are diehard members of the Janata Party. Our Prime Minister uses to hear them because, he does not want to deal with them with political bias. That is the main reason.

Now, I want to give you some example. On April 30, 1977, the then Acting President, Mr. B.D. Jatti, proclaimed that nine States would be dismissed and the President's Rule would be promulgated there. At that time, he was under great pressure; he was compelled to proclaim President's Rule there. The Asian Recorder dated June 4, 1977, reads as follows:

Mr. Jatti had declined to sign the proclamations when they were presented to him because he wanted time to consider the Central Government's advice. He was reported to have sought detailed information about the reasons and circumstances calling for the dissolution, particularly when the concerned Governors had not reported to him any constitutional break-down in those States".

On August 3rd and 4th, 1949, Dr. Ambedkar categorically stated in the debates in the Constituent Assembly which was going on for drafting a Constitution how Article 277 and Article 278 should be there. He had referred to the duties of the Union Government to protect the States against external aggression and internal disturbances. In that he stated that after Article 277 the following new Article be inserted.

" 277 (a) It shall be the duty of the Union Government to protect every State against external aggression and internal disturbances and to ensure that the Government of the State is carried on in accordance with the provision of the Constitution".

One thing I want to state here. If we properly judge the debate started in this House, some Members demanding dismissal of this Government. It is very sad. They know that huge expenses are incurred on elections, they know it very well. There is no reason to dismiss this Government or to demand for the resignation of the Government. This Government is the saviour of the country now. Those who are demanding this, they are the saboteurs. They are sabotaging this country. I want to categorically state here that all Members have heard the voice of India through different medias. It has also been written in a newspaper in the form of the letter to the Editor that 'Shri Avani, have you heard the voice of India? What is India? I want to ask them.

I want to say in this House that Kalidas said:

" Astya Taaarasyaat Disho Devo  
Tatya Himalayo Nabho Nigdhirajo,  
Purvo Paro Taya Nidhi Bagahya  
Sthiti, Prithviya Iboman Dando:.

[Dr. Kartikeswar Paatra]

India is the epitome of the whole world. In the spiritual sphere tradition in respect of humanitarian ground, in respect of culture heritage and in every respect. Has BJP realised what they have done? They have betrayed the nation. They have betrayed the Constitution and its secularism. They have smashed the cultural heritage and a historical monument of India. They have smashed the reputation of India in the world.

I would also like to mention one thing in this context. Hon. Members have heard that Shrimati Benajir Bhutto, the ex-Prime Minister of Pakistan demanded the dismissal of Nawaz Government there because of demolition of 60 temples in Pakistan. Shri P.V. Narasimha Rao dismissed the UP Government for demolition of Babri Masjid. Similarly Shrimati Benajir Bhutto demanded the dismissal of Nawaz Government for demolition of 60 Temples in Pakistan.

I have heard all the hon. Members. Because stated the God faces the shrinketh from mankind. They are doing such things. They are the Meghnāaaaaads. They are stealing Ram and Lakhan from the people of India. What they are telling is all false. The time will come and will reveal the truth; what is right and what is wrong. everybody, every countryman is a silent spectator in this country. The Government stand is very clear.

Tulsidas has said:

\* Sandook Bhitr Paap Chhipo na, Neech Chhipo na Badpan Gai.

Sabha Ke bhitar Pandit Chhipo Na, Suraj Chhipo Na badal Chhai.

One cannot hide the truth for all the time to come. The activities of BJP can be revealed and it has been revealed also: the countrymen heaved a sigh of relief on the

night of 6th December when Shri P.V. Narasimha Rao declared the dismissal of UP Government and people of entire world praised it. The world is satisfied when the four Governments of BJP were dismissed by our hon. Prime Minister. I congratulate our hon. Prime Minister for this.

One more thing- I would categorically mention here and that is, Ram is the incarnation of tolerance.

Sir, Ram is the incarnation of tolerance. Ram is the incarnation of humanitarianism. I am used to pay respect to the very neglected person of the society. But, what B.J.P. people doing? In the name of Ram they are looting and they have gone to demolish a Masjid, an age-old epitaph, a historical monuments of India and somebody was telling that they have plans to demolish the Taj Mahal also. It is a shame for the nation, it is a shame for the country and a shame for the BJP people.

I used to demand that the BJP should be banned from this country. In the name of Ram — you will be astonished to know — they took lakhs of *Khadaus* (sandals) throughout the country in chariots saying that they were Ram's *Khadaus*. That is a hallucination. These are all Meghnath's activities. It should be banned properly.

With these words I request the hon. Members to support this Resolution in this House.

SHRI SOBHADREESWARA RAO VADDE (Vijayawada): Mr. Chairman, Sir, I rise to express our party's point of view on this important matter.

Sir, we do not approve of the action of the Central Government in dismissing the three State Governments in Madhya Pradesh, Rajasthan and Himachal Pradesh and dissolving the State Assemblies in those



three States. It is completely contrary to our constitutional provisions of democracy. Those three State Governments were elected for a period of five years. The reasons shown are that those three State Governments may not implement the ban orders that had been issued by the Union Government.

18.33 hrs

[MR. SPEAKER in the Chair]

Our party feels that it is a wrong step taken at a wrong time. The Government has not taken the right decision at the right time.

When the Government was fully aware that the Kalyan Singh Government was not at all going to give any instructions to stop the *kar sevaks* if they tried to construct something or demolish the structure that is there, how did this Government, how did the Home Minister have a faith that nothing would go wrong there? Does not the fault lie on the Government's part also?

Apart from that, the Kalyan Singh Government, immediately after taking oath, they went to Ayodhya and they had taken an oath there that they would construct a Ram temple.

They have deceived the Central Government, they have deceived the Supreme Court and other judicial institutions, they have deceived the people of this country. But the blame lies on the Central Government also, because it failed to protect the secular characteristic of our Constitution. [Interruptions]

MR. SPEAKER: We have discussed this matter for about 15 hours. There are many other items in the Agenda. Please conclude. Otherwise we would be required to sit very late tonight.

SHRI SOBHANADREESWARA RAO  
VADDE: Under the Constitution, there is a provision under Articles 352 and 353. If you

had imposed emergency in Faizabad district alone and taken upon the responsibility to protect the structure and seen that nothing happened contrary to the Supreme Court orders, then this calamity would not have taken place and the subsequent communal holocaust would not have taken place. That is how, you have failed to take a right step at the right time.

Now by dismissing three Governments, you are giving an opportunity to the Party to gain some sympathy from the people. You have gone against the Constitution. And the main damage is being derailed and they are getting an opportunity to gain sympathy.

MR. SPEAKER: You must help us. We have already spent fifteen hours on the same topic.

SHRI SOBHANADREESWARA RAO  
VADDE: Sir, I would like to make clear my Party's point of view on this.

MR. SPEAKER: You did that last time.

SHRI SOBHANADREESWARA RAO  
VADDE: Sir, yesterday we heard a great leader, Shri Vajpayee, who said that they have believed in Gandhiji. If they have any least respect to Gandhiji and believed that means are more important than ends then they would not have done this. Just few months back, the BJP has undertaken Ekta Yatra. What is the use of Ekta Yatra when you are dividing the people of this country on communal lines and driving wedge in the communal harmony? My submission to the Government is this. You fight it on political plane; you unmask the nefarious game of the BJP, VHP, RSS and other banned organisations; you isolate them and take it on a political plane as a challenge. Yesterday we heard the reply of the Prime Minister. We felt sorry - I fully agree with the views expressed by our revered leader Shri Indrajit Gupta - that after so much calamity has taken place

[Sh. Sobhanadreeswara Rao Vadde]

in this country, the Prime Minister has not tried to Justify the Government's stand and he has not said any words of repentance for all that had happened in Ayodhya. You have dismissed simply the three Governments which have nothing to do with the incident in Ayodhya. Why have you not dismissed the Government in Maharashtra? why have you not dismissed the Government in Gujarat? Why have you not dismissed the Governments in Assam and Karnataka? You are acting contrary to the provisions of the Constitution. So, Sir, we express our strong reservations over this measure. You could have taken this step after some time. These State Governments definitely would not have implemented the ban order. At that time, you can find fault with them, If they do not implement the ban orders then you can dismiss these State Governments and the people would support your action.

Sir, I express our strong reservations over the measures taken our strong reservations over the measures taken by the Government. Even now I urge upon the Government to fight these communal elements with all sincerity on a political plane. And in that respect we all will extend our helping hand.

[*Translation*]

PROF. PREMDHUMAL (Hamirpur): Mr. speaker, Sir, I rise to oppose the statutory resolution moved by the hon. Home Minister seeking approval to impose the President Rub after dismissed the four State Government ruled by the Bhartiya Janata Party.

Our friends need one or the other excuse to say something. After imposing ban on R.S.S., Vishwa Hindu Parishad and Bajrang Dal, the voice is now being raised to impose ban on the Bhartiya Janta Party. Who has stopped them from banning B.J.P.? Kansa had also thought in the same way. He

had thought that if he killed the offsprings of his sister he would become immortal but even then Krishna was born in jail and he brought an end to Kansa. So, if you are also going into the same direction may God grant you wisdom.

Sir, the circumstances are repeating themselves. During emergency congress had got the support of the leftists. At present also it has got their support. The repressive measures were taken during the emergency similarly bans are being imposed even today. Pawan Kumar Bansal ji has quoted from the report of the Government of the Himachal Pradesh but he has forgotten to quote from the second page. It is like the case of that bird which sees one thing and overlooks the other or is like that gentleman who sees one thing and overlooks the other. He has perhaps not read the second page of the report of the Governor's. He has forgotten to quote from that page. It has been clearly admitted by the Governor on that page that the hon. Chief Minister of Himachal Pradesh had met him and he had expressed his intention to impose a ban on the R.S.S., Vishwa Hindu Parishad, Bajrang Dal and other organisations and moreover he had passed the orders to this effect.

Sir, the Member of the Legislative Assembly who was alleged to have taken part in the Kar Seva, was arrested immediately after making a statement by him to that effect. He was a Member of the Bhartiya Janta Party but he was arrested just after his statement. He has read out only that portion of the report which suited his whims Mr. Bansal has ignored the main part of the report. He did not bother to read out the part which went against him.

Sir, no untoward incident took place in Himachal Pradesh before or after the 6th of December. Not even section 144 was imposed there then why was the Himachal Pradesh Government sacked?

Sir, in reply to a question in Rajya Sabha it has been stated that 20 persons were killed in Andhra Pradesh, 94 in Assam, 40 in Bihar, 15 in Delhi, 208 in Gujarat 78 in Karnataka, 259 in Maharashtra, 170 in Uttar Pradesh, and 27 in West Bengal. Not even a single person was killed in Himachal Pradesh, Then, why the Government of Himachal Pradesh was sacked? Why was the Government of West Bengal not dismissed? Why was the Government of Maharashtra not sacked? If you wanted to do justice and if Government wanted to use article 356 properly then it should have dismissed the Governments of all those states where the riots and the untoward incidents had taken place and the people were killed. But Government did not do so and under the pressure of its new friends it took this political decision. This decision would definitely prove costly to them. Now the Government will have to face the people.

Sir, when our hon. friend Shri Lodha ji quoted from the Indian Express, our friends that side felt very uneasy. They alleged that this newspaper was pro BJP. If Indian express is our friend or our supporter then what about their own newspaper, the Hindustan Times? what does it report about them? I would like to read it out :-

[English]

The dismissal of the B.J.P. Governments in Madhya Pradesh, Rajasthan and Himachal Pradesh is not only untenable but also a Narasimha Rao's Government."

[Translation]

What do you want to say about it? The hon. Prime Minister was saying in reply to the no-confidence motion that a detailed discussion should be held on article 356.

[English]

It requires a review.

[Translation]

It must be discussed in length. Sir, Article 356 must be reviewed. The opinion of some of the friends may be different. I would like to remind the House an incident of 1953 when the Pepsu Government was sacked in Voking the Article 356 and the President's Rule was imposed there, then Dr. Bhim Rao Ambedkar, the founder of our constitution had said at that-

[English]

"that the people had a very Legitimate ground for suspicion that the government is manipulating their own party in office in all parts of India. There is a rape of the Constitution."

[English]

And this rape of the Constitution has been carried out by you on the 15th of December night.

[Translation]

By not adhering to the provisions of the Constitution in dissolving the three State Legislative Assemblies. You have carried out the rape of the Constitution. You have dismissed those State Governments which enjoyed majority and these were dismissed for no fault of theirs. These were dismissed because those were ruled by the Bharatiya Janata Party. Those Governments were doing commendable work in their respective States. The performance of the Himachal Pradesh government was appreciated by the hon. Prime Minister, the President and the Vice-President also.

Drive for total literacy was launched in Himachal Pradesh. Its objective was to achieve full-literacy in the State by December, 1994. And certain districts had decided to attain this target of complete literacy by

[Prof. Prem Dhuma]

December, 1993 only. The 'Antyoday' programme in which we never thought of caste-discrimination was started and the poorest among poor were provided rations at cheap rates and free education and it was being appreciated everywhere.

I want to submit about hydroelectricity plans. The power-generating capacity in Himachal Pradesh was 20 thousand megawatt whereas only 273 megawatt could be produced in the last 40 to 45 years. The Himachal Government entered into an agreement with the Gujarat, Rajasthan, Haryana Governments and Union Territory Delhi to generate more than two thousand megawatt of electricity. All these works were being undertaken for the welfare of the people. There was no animosity or tangles. The Government was functioning very smoothly. But some people have played this mischief out of political vendetta and have dismissed the Governments. We oppose this move and would like to say that this decision should have been taken in the court of the people. Only people of this country are empowered to do this. Let there be elections at the earliest. The law and order situation is quite satisfactory in Himachal Pradesh. You need not to wait for till next year, hold elections in February and get the people's mandate. You will also come to know the opinion of the people.

It has been said just now that it was a matter of national shame of December 6. Don't you think that the slavery of thousand years is a matter of national shame? How many times the constitution of our country was disregarded. Was it not the matter of national shame when the verdict of the Supreme Court regarding Shahbano case was disregarded by the government and was thrown into the dust bin? Was it not a matter of shame for you when two lakh

Kashmir Hindus had to leave their homes and many temples were demolished there? You talk about only one community. Otherwise there are so many incidents in the annals of the history on which this country should feel ashamed and there are some people who even now do not want to learn anything from the history but the people who do not want to learn lesson from history as yet, will certainly feel ashamed in the coming time.

SHRI MOHAN SINGH (Deoria): Mr. Speaker, Sir, I want to express my views very precisely. We have always opposed the abuse of Article 356. But we have never opposed its proper use. I would like to remind Shri Vajpayee of his own saying. The Government of which Shri Vajpayee himself was a member had dismissed 9 State Governments in a single judgement and that too without getting the reports of the governors. *[Interruptions]*

SHRI RAM NAIK: They had completed five years.

SHRI MOHAN SINGH: Those governments did not complete five years. You may go through the history. You dismissed those Governments on the pretext that they did not get adequate mandate in those States in Lok Sabha elections and now the people do not like them. On this pretext the Governments were dismissed. *(Interruptions)*

We were there and Chaudhry Shaheb was also there who had initiated it and Chaudhary Shaheb himself was dismissed from the post of Chief Minister under this act. Then we had opposed it.

When this matter was being discussed in the Constituent Assembly, and this was the article which was discussed for a long time. Justice Lodha was referring to a debate on a particular issue in the Constituent As-

sembly. It is right. That time the architects of the Constitution said that it had become a dead letter. That time the Chairman of the Constitution Drafting Committee had given such assurances. Shri Hari Vishnu Kamath moved an amendment also and had warned that it would hinder relations between the centre and states. This is also a question that if the circumstances undergo any changes and on the one hand there is the issue of Centre-State relations, and on the other hand, the States are not functioning according to the Constitution, how the authority of the Centre should be enforced? I would like to remind that the erstwhile Bhartiya Jan Sangh always used to support the Unitary Constitution. These people now are in favour of Federal Constitution. But their history says that they were in favour of unitary Constitution in which most of the powers vested were in the Centre. The people present in this forum had pleaded for it. Therefore, I want to say that it dismissed the U.P. Government for specific reasons and I am ready to accept this justification that they did not oppose it. Was it the judgement of the Uttar Pradesh Government alone to protect and demolish the masjid in Uttar Pradesh. It was a part of an act of a political party which in Shri Vajpayee's words enjoyed mandate of the people. The party had obtained mandate of the people for constructing temple and if the State Government of the party could not safeguard the masjid, the constitution, the secularism, the country or honour the instructions of the Supreme Court. In that case the logic and propriety demand that all the links in the chain of conspiracy would be treated at par. Was the Chief Minister of Uttar Pradesh the only Chief Minister who boycotted the meeting of N.I.C? Did the hon. Chief Ministers of the other three States not boycott the meeting? This amply proves that the other three State Governments were also very much involved in this conspiracy. There was no other reason. What I, therefore, want to say is that if Uttar Pradesh was a pasture land for the communal forces then

they had their roots in those three States. So, it was not possible to destroy the pasture and keep the nests in tact. The Hon. Prime Minister did not reveal this fact while he was making a reply yesterday is conspicuous. Rather, he added fuel to the fire. The silence of the Hon. Prime Minister of course, has proved the allegations leveled against him by the Members of this side that the orders and instructions passed by the Hon. Prime Minister were not of his own, rather these orders and instructions passed by him were virtually of the persons surrounding him. He should not have maintained such silence. His decisions are in disregard of the joint responsibility of the Union Cabinet.

Besides, I would also like to put one more thing very briefly. The Uttar Pradesh Government was dismissed only after the resignation of the Chief Minister. The other three State Governments were of course dismissed. I would like to submit that election in those States should be held as soon as possible. I would like to remind you of the past. It was in 1959 that this Article was used for the first time for dismissing the Government of Kerala headed by Shri Namboodripad. It was said that it was a clear misuse of the provision of the Article. But when the elections were held Shri Namboodripad did not come back to power. There was a misuse of this Article once again in 1976 and this time the Government of Shri Karunanidhi was dismissed in Tamil Nadu on the ground that the orders of the Central government were not being fully implemented in the State during the emergency period. When the next time elections were held there, the people throughout the country voted against emergency but Shri Karunanidhi, however, did not come back to power and in place of his party Anna D.M.K. formed the Government. After that Shri Chandra Shekhar who was now looking much displeased at the misuse of this Article, himself dismissed the Government of Karunanidhi even without getting the report from the Governor of the State. The

[Sh. Mohan Singh]

Governor later on, resigned from his office as a mark of protest. Elections were again held there but Shri Karunanidhi could not come back to power. The people's court is above all other courts. Even this House, newspapers and journalists, High Court and the Supreme Court are not higher than the people's court. I can say it very firmly that whenever elections were held after dismissing the State Governments, the parties which were in power at the time of dismissal did not come to power again in those States. I am sure that the same thing will be repeated in these three States where the Governments have been dismissed.

With these words I conclude.

SHRIMATI SUMITRA MAHAJAN (Indore): Mr. Speaker, Sir, we are discussing the dismissal of three state governments in a wrong way. We are also discussing the misuse of Article 356.

Notwithstanding, yesterday even the Hon. Prime Minister did also accept the crude fact in different words. He has said that the Article 356 has also been shattered in its own way. We have to think about it. Several reasons are being given to justify the dismissal of the State Governments. Much has been said about it. And the decision of dismissing those State Governments may be absolutely right from every point of views. We see, there is violence, The violence that broke out after the 6th of December did a great deal of damage. Violence broke out in Andhra Pradesh as well as in Maharashtra. The situation deteriorated in Maharashtra so much so that two Ministers came to the point of internecine Squabbles. One of the two Ministers says that the killing was caused by frontal attacks, while the other Minister tries to do the patch work. This is their intern. bickering.

The Government does not propose to

take proper action in the States where violence has broken out. It is a pity that the government is taking stern action in a state like Madhya Pradesh where the B.J.P. Government was able to maintain peace and law and order situation by containing all sorts of disruptive activities for the last three years. Indore-the constituency which I represent, previously witnessed violence every year or every alternate year and all engineered by this very Congress Party. Violence was usually organised by the Congress and in such violence there used to be heavy loss of life and property. People were rendered unemployed. Gambling was rampant in the public places every where. But since the Bhartiya Janata Party came to power in Madhya Pradesh, Indore became a peaceful land. No ugly incident took place in Indore during the period of B.J.P. regime. But it is very much understandable that there are persons who are very much jealous of Bhartiya Janata Party for its good and constructive works being done in M.P. As Shri Shivrajsingh has admitted that he is not able to digest the good deeds done by the B.J.P. Government in the last three years.

Since the B.J.P. came into power, many good steps were taken, a number of good schemes were started which include 'Ayushmati' scheme, 'Vatsalya' scheme and 'Swayamsiddha' scheme. Such fairs were organised where the items made by women could be sold. But it is also true that when woman gets justice from the court then in order to secure their vote bank some people raise their voice against it and as a result a law is passed in the House which means denial of justice to Shabano. We cannot expect from Congress party such things that it would appreciate the gesture of a Government providing justice to the women and undertaking schemes for women's development.

They also cannot be pleased with a Government which has done a number of good works and not a single Minister of

which can be booked on the charges of corruption like one of the cabinet Minister of the Congress party, who has built a palace for him and started lotteries worth crore rupees in the names of his children which is an acknowledged Govt.

19.00 hrs.

Then how they will be pleased from such a cabinet. Even we cannot expect this from these people. How can a person, who distributes plots to the weaker sections of the society near the nullahs and in a filthy environment during his Chief Minister-ship, be pleased when the Government of B.J.P. thinks of uplifting these people by providing residential facilities. They have been adopting a policy of appeasement for the last forty years. I know that one should not speak at length in the prevailing circumstances but he gave an example and as I being a mother, would like to put things in the right perspective. He said that a mother has two sons, one of them is strong and another is disabled. The mother loves the disabled one and also carries him on her shoulders. This is very true. But it does not mean that you should ignore the strong one and disabled one, who is sitting on the shoulder of her mother, should start scratching his mother. In order to avoid this situation the mother should also snap him and put him down. This should be the attitude of a mother. But for the last forty years we did not adopt this attitude and as a result of which we are facing this situation.

Mr. Speaker, Sir, I have failed to understand one thing and that is quick action on the report of the Governor. I want that the Governor should not act like a puppet. Today, you are using this weapon against others but in the long run you will also have to face its ill effects. Report is asked within 24 hours and a quick action is taken on that and how much eager they are to dissolve the Government of Madhya Pradesh. At least five Cabinet Ministers are there in the Centre

who belong to Madhya Pradesh, but none of them has taken initiative for the development of Madhya Pradesh. Nobody bothered to get those schemes sanctioned which are laying pending here. I would like to ask why efforts were not made in this direction? Immediately, after the dissolution, under what rule a Cabinet Minister of the Centre goes to Bhopal to have deliberations with the Governor, because today Governor has replaced the Chief Minister and the three Secretaries are in charge of the affairs of the State in place of Ministers. He holds a meeting with the three Secretaries, they go to Ballabh Bhawan and go through the files there and this way interfere with the working of the State machinery. Under what rule he does so? I wish to ask you, but that is useless as you also do not know about rules. You do not want to rule democratically. You are a minority Government but you have dismissed the Governments which had two-third majority. Then how we shall expect justice from you. This is equivalent to the "Chirharan of Draupadi". The same is happening today. To get the justice in the House of the Kauravas is unexpected likewise.

I would like to make a point before the people sitting here. Today you are rejoicing the dissolution of the B.J.P. Governments in Uttar Pradesh, Madhya Pradesh and Himachal Pradesh and Article 356 has been honoured. Today, what has happened to us, can also be happen to J.D. Governments and Communist Governments. Although, I would not like to comment on them as whenever the Government crushes other parties during emergencies the communists have always supported that Government who resort to kind main. Other parties during emergency, the communists have always supported that Government who result to this kind each. They acted in this fashion during the emergency and now when you are thinking about an emergency then it is but natural to support the idea. I am not surprised.



[Smt. Sumitra Mahajan]

Mr. Speaker, Sir, regarding the dismissal of these Governments I would like to remind of this story of the wolf and the lamb that if you have not polluted the water then your feather must have done so. A ban has been imposed on the R.S.S. and the activities of the persons affiliated to it. When the ban has been imposed then it should not be debated upon in the House? In 1947, when the Kashmir was to be defended then the services of the R.S.S. were sought for the same. You probably are not aware that at that time they were truly nationalistic and thousands of the R.S.S. volunteers came forward to defend Kashmir. (Interruptions)

Mr. Speaker, Sir, I would like to make a submission to these people that they do not know the history. (Interruptions) One of the Central Ministers is out to prove Akbar to be a great patriot. If this thing continues then tomorrow Maharana Pratap will be called a traitor. This is their knowledge of History and similar is the case of the hon. Minister of Human Resources Development. He has announced that they are going to celebrate his centenary for his contributions. (Interruptions) We do not expect anything from them and how can we expect? I would like to just submit that in 1962 the services of the R.S.S. were sought. (Interruptions)

THE MINISTER OF HOME AFFAIRS  
(SHRI S.B. CHAVAN): Don't say it openly.  
(Interruptions)

SHRIMATI SUMITRA MAHAJAN: Why should we keep mum? we are only stating the facts. We are afraid of none. (Interruptions) We do not have to appease anyone for votes. You know little about Rani of Jhansi. Please keep quiet. You may not even be knowing about her. (Interruptions)

Mr. Speaker, Sir, it will take quite a long time if I tell them the whole history. What do

they know about all those who participated in the freedom struggle? They simply want to ignore them. Sir, why are they telling me about all those who participated in the freedom struggle? I would like to submit one thing that at the time of the Chinese aggression R.S.S. was taken into confidence and was consulted. Today the very organisation is being branded as anti-national. I would like to submit just one thing that the dismissal of the democratically elected majority Governments by the minority government is a blot on the democratic history of our country. I would like to tell all those who are blindly supporting the Government in the context of the wolf and the lamb story that after eating the lamb, when the wolf was venturing into the forest an elephant came his way and the wolf says to the elephant that I am the king of the jungle. But the elephant did not retort and simply throw the wolf away. This is their fate also. The people of the country viz the electorate will vote in a pattern similar to that of the post Emergency days of 1977, whenever the elections are conducted in future. Please keep it in mind that the elections are not going to be held on the advise of Shri Arjun Singh. Therefore, it is wrong on his part to say that within a year's time elections will be conducted. In democracy all this cannot be allowed to go on and tolerated and even if all this continues then a price is to be definitely paid.

That's why I appeal to you today that please be alert and cautious and learn the lesson from the history and do not repeat such things.

SHRI BHOGENDRA JHA (Madhuban): Mr. speaker, Sir, it is not a happy occasion for me to rise in support this statutory resolution. It has happened earlier also. Once 9 States were dismissed and second time in 7 States were dismissed, Shri Lodhaji was saying that nearly 100 State Governments have been dismissed by the use of this Article. No doubt Article 356 is an exception



[Sh. Bhogendra Jha]

and only under the special circumstances this Article can be invoked. Dismissal of the duty elected Governments is not a happy occasion for us.

Mr. Speaker, Sir, the question is that why are we supporting this resolution? I think that in view of the points discussed during the no-confidence motion moved by Shri Vajpayee that people went out of control and the reason given by Shri Kalyan Singh for tendering resignation that people could not be controlled, is a proof of the failure of law and order system. When a leader of any party states that the law and order situation went out of control in the State and when it is proved that the Law and order situation had gone out of control then invoking of Article 356 is very much justified.

PROF. PREM DHUMAL (Hamirpur): Why was it invoked in Himachal Pradesh, Rajasthan and Madhya Pradesh?

SHRI BHOGENDRA JHA: I am coming to that point also. In Uttar Pradesh, there was no option except to invoke Article 356 and later on it was invoked in three more States. It was unprecedented and was for the first time in the History of Indian democracy that thrice the wrong affidavits were filed before the Supreme Court and false assurances were given in the capacity of the Leader of the opposition Party.

PROF. PREM DHUMAL: No affidavit was filed on behalf of the Leader of the Party.

SHRI BHOGENDRA JHA: It was filed on behalf of the Leader of the Party?

PROF. PREM DHUMAL: No affidavit was filed even on behalf of the leader of the party.

SHRI BHOGENDRA JHA: It was stated

in the House by the leader of the party and reiterated time and again outside the House in the capacity of the leader of the party that no damage will be done to the structure. The group was being led by the President of the Bhartiya Janata Party and the leader of the position besides many others. In this task they were totally failed thereby inflicting a blot on the history of India.

Mr. Speaker, Sir, I do not consider it proper to think of the structure as just the Mosque because our history is the testimony to the fact that in the whole world only in India since ancient times we had been safeguarding even the grave irritants. They might have got destroyed but we have not demolished them. In the circumstances the happenings of Ayodhya are a blot on the Indian history and have definitely caused deep anguish and pain to every Indian, including me, whether he is a Muslim or a Hindu.

These People did not come forward when the Bhartiya Janata Party was indulging in mischievous propaganda, for years, to propagate that the disputed structure is also a temple. Because 14 pillars are of the temple only. So, where was the need to demolish it and thereby pull down curtains on an important chapter of the Indian history. This is only the handiwork of an organised group of people. And out of the 5 banned organisations the chief Minister of the State claims to be a member of one of them and the other Chief Minister has also made a similar claim. I could have taken their assertions in right spirit had they claimed that they are the members of the banned R.S.S. organisation. But now since it has been banned they are now not keeping any association with it. However they have never made such an assertion. In the circumstances except for this unpleasant surgery/dissection there is no way out.

Mr. Speaker, Sir, we are also in the Opposition and in a Parliamentary democ-

[Sh. Bhogendra Jha]

racy the position of the opposition is just next to the ruling party. In such a situation, even now it is hoped that they will admit that the demolition was done against their wishes. Let them speak against the Government against dissolution of the Legislative Assemblies. It is their right. Even today, let them declare that the demolition was done against their wishes. Therefore, if the Bharatiya Janata Party announces to rebuild a similar structure that existed before 6th December, a new atmosphere will be created.

SHRI RAJVEER SINGH (Anola): If we announce, will the Governments that have been dismissed be revived? They are asking us to make such an announcement. Why should we do so?

SHRI BOGENDRA JHA: Mr. Speaker, Sir, the Bharatiya Janata Party leadership in the House is very responsible. Let them come out even now and say that they would fix the responsibility of rebuilding the structure in its pre December 6 on those who were responsible for its demolition. If they do so, I think that in spite of their total failure and breach of promises, the House and the country will consider their case. They should take steps to atone the sin they have committed. (*Interruptions*) It is up to them whether they do it or not. But when my opinion is sought as to what should be done, I will give it. They say that they did not wish to demolish the structure and they did not ask anybody to do so. Some people say that some eccentric people came there and demolished it. They did not intend to demolish it rather it was demolished against their wishes, declarations and affidavits. They should make a promise to reconstruct the structure that existed before 6th December. There should be some co-ordination between their word and deed. It may be late. But it will come true. It was done against our wishes. That is why we are saying so. They

are still unable to muster enough courage. That is why people suspect that their intentions are still not clear.

If the intentions of those who are in the seat of power are not clear, there is no way out than to dismiss them. Though it was an unpleasant act, there was no way out left. So, we support it.

One more thing is dangerous. the hon. Prime Minister said in his speech.....

MR. SPEAKER: There has been a debate of 14 or 15 hours on it. It seems to me that you are supporting it.

SHRI BHOGENDRA JHA: Mr. Speaker, Sir, I am concluding. The hon. Prime Minister said that it needs further amendments that "assemblies could be dissolved before any apprehension." Please dare not to make any assault on the federal structure of the Union of India and to estrange Centre State relations. The Government should not also resort to such a measure. Our hon. friends from the Bharatiya Janata Party have put a great burden on the country. We should not put a new burden lest the federal structure should be disturbed. We should safeguard the rights of States. We should not misuse it. The developments that took place in the country after the 6th instant.

MR. SPEAKER: Shri Bhogendra, it has been debated for 15 hours. Please conclude now.

SHRI BHOGENDRA JHA: Mr. Speaker, Sir, if we start demolishing mosques and temples in West Bengal also, the Government has every right to criticise us. I am saying all this because it was a very extraordinary incident. The loss was inflicted after the 6th instant.

SHRI MADAN LAL KHURANA (South

*approval of Proclamations in relation to U.P., M.P., H.P. and Rajasthan Delhi): Why Gurudwaras were demolished in 1984?*

SHRI BHOGENDRA JHA: That was also an injustice. That episode still exists. The Government has to make atonement for that. It would be better that in that connection, as our friend Shri Khurana said, both the ruling party as well as the opposition should make atonements. Then the country will be absolved of this sin. This is a right opportunity. They should do it together.

SHRI MADAN LAL KHURANA: It could be done if the Parliament is dissolved.

SHRI BHOGENDRA JHA: My request is that the loss suffered by the country after the 6th....

MR. SPEAKER: You have already said it. Please do not repeat it time and again. We all have understood it.

SHRI BHOGENDRA JHA: I am saying this much that I am supporting the untoward measures of dismissing the governments under such circumstances. But it should not be made a precedent. This occurred under an extra-ordinary situation and let it remain extra-ordinary.

[English]

MR. SPEAKER: Do you want to say anything?

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD): I was submitting that initially you wanted to take up Constitution (Amendment) Bills at 6 o'clock. I will submit to this House that if we take this Resolution tomorrow morning and take up the voting on the constitution (Amendment) Bills, it will be better. As far as this Resolution is concerned, we can take it

up after this or tomorrow morning. Right now, we take up the Constitution (Amendment) Bills on Panchayati-raj and Nagar Palika:

MR. SPEAKER: I think that it is the wish of the House that we can take up the discussion on this subject tomorrow in the morning and take up the Constitution (Amendment) Bill today.

SOME HON. MEMBERS: Yes.

CONSTITUTION (SEVENTY-SECOND AMENDMENT BILL

Insertion of New Part IX

AS REPORTED BY JOINT COMMITTEE-  
CONTD.

[English]

MR. SPEAKER: Now we shall take up Item Number 19.

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (DEPARTMENT OF RURAL DEVELOPMENT) (SHRI G. VENKATSWAMY): Mr. Speaker, Sir, I would like to state two or three points in this regard. It had been stated in our manifesto that 72nd constitution amendment Bill would be introduced within a period of 100 days. Keeping in view the above commitment this Bill has been introduced and I have already clarified all the other things ....(Interruptions)

SHRI RAM NAIK (Bihar): ... there is discussion on it, we will also speak on it. (Interruptions)