

I would request the hon. Minister to look into it. This Bill should be sent to the Deputy Chairman of the Planning Commission directing him to examine it prudently keeping in view the feasibility. If it is done, I wish that a new Bill is introduced. With this, I take my seat to hear the hon. Minister.

MR. CHAIRMAN: The hon. Minister has already replied. Are you withdrawing the Bill? Mr. Minister, do you want to say something?

[English]

SHRIPABAN SINGH GHATOWAR: Sir, I welcome the suggestion of the hon. Member Shri Bhogendra Jha. We have to consider his suggestion. I request him to withdraw the Bill.

SHRI BHOGENDRA JHA: I beg to move for leave to withdraw the Bill to provide for employment or for means and resources for self-employment to all adult citizens of the country.

MR. CHAIRMAN: The question is:

"That leave be granted to withdraw the Bill to provide for employment or for means and resources for self-employment to all adult citizens of the country."

The motion was adopted

SHRI BHOGENDRA JHA: I withdraw the Bill.

14.43 hrs.

CONSTITUTION (AMENDMENT) BILL
(AMENDMENT OF ARTICLE 356)

by Shri Sudhir Giri

[English]

MR. CHAIRMAN: The House will now

take up consideration of the Constitution (Amendment) Bill 1991 (Amendment of Article 356) by Shri Sudhir Giri. Before we take up the Bill for consideration, we have to fix up the time for this Bill. any suggestion as to what time we should allot to this Bill?

SHRI BHOGENDRA JHA (Madhubani): In any case, it will continue to the next Session. In that case, let him continue and in the next Session let us decide the time factor.

MR. CHAIRMAN: According to the procedure, we have to decide about some time. Later on, it may be extended. Shall we fix up two hours?

SEVERAL HON. MEMBERS: 3 hours.

MR. CHAIRMAN: All right. Three hours are reasonable. Now I call upon Shri Sudhir Giri to speak.

SHRI SUDHIR GIRI (Contai): Sir, I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Sir, I thank you very much for giving me this opportunity to move this Bill. During the Independence/Movement in India the Left Forces fought for Independence as well as the freedom of the toiling masses from the yoke of exploitation by the bourgeois landlords. The Indian National Congress also fought for Independence. It is the Indian National Congress which was and still is the largest party to safeguard the interests of the industrialists and the landlords. So, when the British Raj was compelled to quit India, the legacy of governance was inherited by the Congress as a compromise among the imperialists, industrialists, landlords and the Congress. So, to preserve the interests of the bourgeois landlords, the Congress Party invoked Article 356 for so many time in our country.

The invocation of article 356 in the constitutional history of India since independence do constitute a very significant part of the political behaviour of the rulers starting from Jawaharlal Nehru to Rajiv Gandhi and Chandra Shekhar. The political interference in the democratic rights of the people of the States by the application of the article 356 has abundantly unmasked the basic characteristics of our political system, which, though called democracy, is nothing but the instrument of exploitation and imposing hegemony of the industrialists and landlords of our society over the vast toiling masses of the Indian people.

The preamble of the Constitution of India recites that we the people of India have solemnly resolved to constitute India into a sovereign socialist secular democratic republic. I underscore the term democratic laid down in the Preamble.

In Keshavananda's case it was decided by the Supreme Court that the objectives specified in the Preamble contain the basic structure of our Constitution. Accordingly, the basic structure of our State, India is democratic.

I just like to emphasize the fact that democracy is to be the guiding star in the matter of relation between the individuals and the Government and between the States and the Centre. However, I cannot imagine democracy among individuals themselves in our class divided society. In the perspective of the guideline for observing democratic principles in the administration of India, as enunciated in the Preamble of our Constitution, the Governments, both at the Centre and at the States, are required to be careful, sincere and committed to follow those democratic norms in all respects. The Union and the States are interdependent. The Union Government has to depend on the State Governments for its sustenance and the State Governments have to nourish the Union Government for their own safety, all-round development, financial solidarity and integrity. And all this is necessary to invigorate

and sustain the affectionate relationship among the individuals who constitute the prime and vital units of the society. Keeping this in view the founding fathers of our Constitutions enshrined article 355 which provides that it shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution.

An indepth study of this provision makes it understandable to all that the Union has been entrusted with the power of protecting every State against external aggression because it is the Union which is in absolute control of the armed forces of the country. Similarly it is the Union which is capable of safeguarding every State through its armed forces against internal rebellion or disturbance. In the above two cases no man worth a grain of intelligence will presume that the State can be saved if the administrative power of the State is taken on by the Union. In the same fashion the Union is not also presumed to take on the administrative power of the State Government to ensure that the Government of every State is carried on in accordance with the provision of the Constitution. Contrary to this, the Union Government is required to help the State Government utmost in every aspect in carrying out the administration in accordance with the law of the land. Such assumption is valid because of the fact that the State Government has come into power by people's verdict for a stipulated period of time. Till that period of time is over, the State Government must be helped in all the possible ways for carrying on the governance as per people's dictates. The Government must not be divested of power. This is the basic requirement and mutual understanding in a democratic set up. But unfortunately in situations calling for Central help came the President's rule and not any assistance.

MR. CHAIRMAN: Mr. Sudhir Giri, the time for private Members' business is over. I would now request the Home Minister to

make a statement regarding communal disturbances in Palghat in Kerala on 13-15 December, 1991.

17.51 hrs.

[MR. SPEAKER *in the Chair*]

[*English*]

STATEMENT BY MINISTER

Communal Disturbances in Palghat in Kerala on 13-15 December, 1991

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M.M. JACOB): According to the information received from the Government of Kerala, the BJP wanted to hold a public meeting on 14th December, 1991 at Mepparamba within town North P.S. Limits, Palghat to protest against the action of some persons belonging to the minority community in causing injury to a BJP worker by throwing stones on 13th December, 1991. The police gave permission to hold the meeting in Saddam Road Junction in Mepparamba. At about 5.00 P.M., the BJP jatha consisting of about 300 persons reached Melmuri. In the meanwhile, a group of about 300 persons belonging to the minority community assembled in Mepparamba Mosque armed with sticks, choppers, etc. and proceeded towards Melmuri Junction. Strong police-bandobust had already been arranged at Mepparamba to avert a law & order situation. The police stopped both the processions at a fair distance and tried to persuade the persons belong to the minority community to disperse but they did not pay any attention a blocked the entire traffic from Shornur side. The police tried to arrest and remove the BJP volunteers and persons belonging to the minority community but failed and the Dy. Superintendent of Police, Palghat fired three rounds in the air to disperse the minority crowd who were pel-

ing stones at the police. The District Collector and S.P., Palghat who reached the spot held discussions with both the groups. They allowed the BJP group to move a few meters ahead where leaders of BJP/BMS/RSS spoke on the occasion. The BJP crowd had swelled to about 1,000. They were arrested by the police in the evening and were let off and both the groups then dispersed. During the night of 14th December, 1991 strong police patrol was arranged in Mepparamba and Melmuri.

On 15th December, 1991 in the morning when BJP/RSS sympathisers went to take bath in Kalpathy river near Jainmedu it is alleged that they were attacked by a group of persons belonging to the minority community. In retaliation, the BJP workers also attacked and assaulted a person belonging to the minority community. Thereafter sporadic incidents of communal violence continued to occur throughout the day in which several houses/shops of rival groups were damaged/destroyed especially in Melmuri, Mepparamba, Venakkara, Firayiri etc. Some vehicles were also set on fire. When the situation could not be controlled, the police had to open fire in which three persons sustained injuries who were later immediately removed to hospital. Also, the police had to fire two rounds at the crowd at about 3.00 P.M. at Puddupally Street in East Venakkara within North Town Police Station limits. As a result of the firing, one girl aged eleven years died on the way to District Hospital, Palghat. In all the police had to open fire on six occasions.

As a result of the stone throwing and other acts of violence by the crowds, seven policemen received injuries who have been admitted in the District Hospital, Palghat, 12 civilians also sustained injuries in the clashes.

The State Government have further reported that a Peace Conference was convened by the Hon'ble Minister of Kerala Government, Shri T.M. Jacob. The Inspector General of Police, Headquarters, and the Deputy Inspector General of Police, North-