

[Sh. Satyadeo Singh]

Bangladesh visited India and held discussions at several levels. The issue of Chakma refugees also came up. The Bangladesh side agreed to undertake all necessary measures for repatriation of refugees and assured to create an atmosphere of safety and security for them. I would like to know whether any discussion was held at any other level for the measures being taken to send back the Bangladeshi infiltrates. Does the Government not consider it a national problem?

SHRI SALMANKHURSHEED : The hon. Member's question is not related to Chakma refugees. A discussion was held in regard to Chakma refugees and it was in this context that the statement was given (*Interruptions*)

[*English*]

MR. CHAIRMAN : Now, there are four Statutory Resolutions of the same nature. Is it the pleasure of the House that we take up all the four Resolutions together?

SHRI RAM NAIK (Bombay North) : That would be better, Sir.

[*Translation*]

SHRI MOHAN SINGH (Deoria) : There should be separate discussions on the four different resolutions. This will provide us an opportunity to have separate discussions on the different problems being faced by the different States. The Proclamations by the hon. President were made on different dates. For example, there was a proclamation made on the sixth of the month while another proclamations were made on 16th of the month. It would therefore not be proper to take up all the Resolutions together. (*Interruptions*)

[*English*]

MR. CHAIRMAN : We can avoid duplica-

tion of debate and it will save the time also.

(*Interruptions*)

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN) : Mr. Chairman, Sir, since the points which will be raised during the debate are going to be the same almost, there is no point in having separate discussions.

MR. CHAIRMAN : Do you agree?

SOME HON. MEMBERS : We agree.

MR. CHAIRMAN : They will be discussed together. Minister may move the Statutory Resolutions now.

14.34 hrs.

[*English*]

STATUTORY RESOLUTIONS RE: CONTINUANCE OF PROCLAMATIONS IN RESPECT OF UTTAR PRADESH, MADHYA PRADESH, HIMACHAL PRADESH AND RAJASTHAN

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

"That this house approves the continuance in force of the Proclamation, dated the 5th December, 1992 in respect of Uttar Pradesh, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 6th June, 1993."

"That this House approves the continuance in force of the Proclamation, dated the 15th December, 1992 in respect of Madhya Pradesh, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 15th June, 1993."

"That this House approves the continu

ance in force of the Proclamation, dated the 15th December, 1992 in respect of Himachal Pradesh, issued under article 356 of the Constitution by the President, for a further period six months with effect from the 15th June, 1993."

"That this House approves the continuance in force of the Proclamation, dated the 15th December, 1992 in respect of Rajasthan, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 15th June, 1993."

As the House is aware, the President was pleased to issue a Proclamation under Article 356 of the Constitution imposing President's Rule in Uttar Pradesh on 6th December, 1992. Similar proclamations were issued on 15th December, 1992 in respect of the States of Madhya Pradesh and Rajasthan. The Legislative Assemblies of all the four States have been dissolved

The Proclamations imposing President's Rule in Uttar Pradesh, Madhya Pradesh, Himachal Pradesh and Rajasthan were approved by this august House on 23rd December, 1992 and by the Rajya Sabha on 21st December, 1992. The Proclamation in relation to the State of Uttar Pradesh shall cease to operate on 5-6-1993 whereas the proclamations in relation to the States of Madhya Pradesh, Himachal Pradesh and Rajasthan shall cease to operate on 14-6-1993.

As the hon Members are aware under Clause (4) of Article 356 of the Constitution, a Proclamation issued by the President and duly approved by the Parliament shall, unless revoked, cease to operate on the expiration of a period of six months from the date of issue of the Proclamation, provided that if and so often as a Resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of

six months from the date on which under this clause it would otherwise have ceased to operate

We have made a careful and critical assessment of the situation prevailing in these four States, to determine if elections could be held without any further extension of the period of President's Rule. It is found that the internal security and the law and order situation in these States, though under control, is still fragile. As the hon Members are aware, the Ayodhya incident of 6th December, 1992 had triggered off a chain reaction in various parts of the country including in these four States. This had resulted not only in loss of lives and properties but also in a general heightening of the communal tension. Following the imposition of President's Rule in these States and the decision of the Union Government to ban certain communal organisations, the fall out of the Ayodhya incident was contained by firm action against communal and fundamentalist elements from both the communities. These forces are presently lying low and have not been altogether curbed. It is our assessment that, in the event of elections being held in these States in the immediate future, communal passions would inevitably be aroused by political parties leading to confrontation and clashes between the communities. The communal divide created by the riots had left deep scars on the psyche of the people. While sincere efforts are being continuously made to repair the damage and bridge the divide, any announcement of holding elections at this juncture is bound to cause a set-back to the process of normalisation which has been set in motion by the administration of these States.

The Process of toning up the administration and purging the administrative set up of certain communal elements which had taken roots has been initiated in right earnest in these States and it would require some time before the same is completed.

In view of the obtaining position, as briefly described by me, it is our honest assessment

[Sh. S. B. Chavan]

that the process of normalisation and consolidation in these States should not be allowed to be affected in the middle by diverting popular attention to the electoral process. Besides, the very process of electioneering, in the event of elections being announced, would most certainly arouse and incite communal passions which could pose a grave threat to the still delicate communal situation in these States.

We, therefore, propose that President's Rule in these States may be continued for a further period of six months with effect from 6th June, 1993 in respect of Madhya Pradesh, Himachal Pradesh and Rajasthan.

I would like to assure hon. Members that restoration of popular rule in these States shall not be delayed a day longer than what is absolutely necessary.

Sir, I solicit the approval of this august House to the Resolutions moved by me.

MR. CHAIRMAN: Motions moved:

"The continuance in force of the Proclamation, dated the 6th December, 1992 in respect of Uttar Pradesh, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 6th June, 1993."

"That this House approves the continuance in force of the Proclamation, dated the 15th December, 1992 in respect of Madhya Pradesh, issued under article 356 of the Constitution by President, for a further period of six months with effect from the 15th June, 1993."

"That this House approves the continuance in force of the Proclamation, dated the 15th December, 1992 in respect of Himachal Pradesh, issued under article 356 of the Constitution by the President,

for a further period of six months with effect from the 15th June, 1993."

"That this House approves the continuance in force of the Proclamation, dated the 15th December, 1992 in respect of Rajasthan, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 15th June, 1993."

SHRI RAM NAIK (Bombay North): Sir, I beg to move my amendment to the Resolution in relation to Uttar Pradesh:

"That in the resolution,--

for "six months" substitute "three months"

Sir, I beg to move my amendment to the Resolution in relation to Madhya Pradesh.

"That in the resolution,—

for / "six months" substitute "three months"

Sir, I beg to move my amendment to the Resolution in relation to Himachal Pradesh:

"That in the resolution,—

for "six months" substitute "three months"

Sir, I beg to move my amendment to the Resolution in relation to Rajasthan:

"That in the resolution,—

for "six months" substitute "three months"

SHRI SUSHIL CHANDRA VARMA (Bhopal): Thank you, Mr. Chairman Sir, one is greatly distressed to find that the Government of India intend extending the Proclamation by another six months. Even the first proclamation

under Article 356 was arbitrary, unjust unfair and undemocratic. The situation certainly varied from State to State. I am sure, my colleagues from the States concerned would place their case in respect of their States. But I would like to highlight the circumstances under which the Proclamation under Article 356 was issued in the States of Madhya Pradesh. The sequence of events would show how frivolous, how unnecessary the action taken by the Government of India was !. Article 356 very clearly says:

"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, the President may, by Proclamation..."

There are several provisions. The point is that the President may issue that Proclamation.

What was the justification to come to the conclusion that in the State of Madhya Pradesh there was a Constitutional failure? In order to see the problem in the correct perspective, I would like to refer to the sequence of events which took place. I would refer to the reports which were sent by the Governor of Madhya Pradesh from time to time to the Government of India.

The whole thing started with what happened in Ayodhya on the 6th of December. The Governor sends a report on 8th of December saying that the death-toll in Bhopal or in Madhya Pradesh due to unabated violence for the second day in succession in various parts of Madhya Pradesh has risen to 39, about half of them are reported to be in police firing. Deaths in police firing take place when the police is active and the law and order machinery is alert. I can say that with some kind of confidence having been myself in charge of law and order, having worked as the District Magistrate for six years as also as the Chief Secretary of the State of Madhya Pradesh how the law and order situation develops. The report says at least 365 persons

were injured in the violent incidents in the State. Of them, 62 policemen were injured in Bhopal alone.

When do the policemen get injured? It is when they are active in the maintenance of law and order. The total number of police personnel injured in the State is said to be 90. Of the 39 deaths, 24 were in Bhopal, four in Burhanpur which is a very sensitive area, two in Jawara, eight in Ujjain and one in Jabalpur. The Governor himself admits that curfew has been clamped for an indefinite period in the police stations of old Bhopal. Prohibitory order have been imposed in 29 towns of Madhya Pradesh. In the letter of 8th December, the Governor admits that army has been deployed in the curfew bound areas of Bhopal. Despite that, despite the shoot at sight orders which were given, fresh incidents of arson, police firing stone throwing have been reported in several localities. This does happen when there is law and order problem. Now to tackle the problem of continued violence in the States capital, the State Government decided to replace the District Collector of Bhopal and Superintendent of Police. The State Government was not satisfied with the performance of the District Magistrate, the Superintendent of Police. Very curiously enough, the Governor only two days after the law and order situation developed in the State says that the fact deteriorating law and order situation of the State in the wake of a wide-spread acts of violence, arson, looting and the lack of faith of the public in the ability of the State Government to stem the tide primarily because political leaderships overt and covert support to the communal organisations seem to point out that there is break down of the administrative machinery of the State. How prejudicial the whole attitude is. From the action and inaction on the part of the State Government, . The Governor writes two days after the situation developed, the kind of situation that I have referred to, that the Government of the State cannot be carried out in accordance with the provisions of the Constitution of India. Hence it is recommended that Your Excellency, the President of India, should pro-

[Sh. Sushil Chandra Varma]

claim the President's rule under Article 356 of the Constitution of India and dissolve the State Legislature. This is a letter from the Governor on the 8th of December

I represent Bhopal constituency in the Lok Sabha. I was myself present in the city when the law and order situation developed. On the 6th evening we received reports about what happened at Ayodhya. Bhopal was absolutely quiet. Nothing was happening there. I myself returned from outside at about one in the morning and Bhopal was quiet. There was no law and order situation in the city at all. Even in the morning, parents sent their children to school, there were buses plying on the streets of Bhopal. It was absolutely quiet. Suddenly, I do not know what happened, in the afternoon there were these cases—arson, looting, killing and all that. Bhopal is not a city which has a history of communal tension or communal violence. But it suddenly developed. I made a statement that rioting was being engineered by outside people who were not interested in the continuance of the BJP Government in the State of Madhya Pradesh.

The Governor shoots off another letter two days after December 8. He says that acts of violence, arson, looting continue in Bhopal. The death toll has gone up to 62. It is a fact. It cannot be denied. It takes time to get control over the situation. I have handled the law and order situation many times in my career as District Magistrate. It is not that something happens and that it would be controlled within half an hour or two hours. The total number of deaths reported

Nine deaths were reported in Ujjain; four in Burhanpur; three in Khargon; one each at some other places. Look at what the Governor himself says: "Total number of arrested persons is reported to be 5,000. If the State Government was not alive to its responsibility, do you think that they would have taken such strong steps as to put behind bars, 5,000 persons? The Governor writes: Several acts of arson, violence

and looting rocked new Bhopal area yesterday. Yesterday the district administration extended curfew in all the three police stations of New Bhopal. Indore was relatively quiet, on the first two days. Despite curfew, violence erupted in one area of the city yesterday, resulting in one death and injuries to 12 persons. The Governor in this letter concedes that more columns of army and police forces had been requisitioned in Bhopal. This is his letter written two days after he wrote the first letter.

He writes a third letter on December 13. The Union Government in their wisdom issues the proclamation under Section 356. I do not know what convinced them during this period of six or seven days, as to motivate them to pass that order. The 3rd letter of December 13 says that the death toll in group clashes and police firing in various parts of the State reached 125 on the 13th morning. It was all subsiding. "The break up of the deaths as distributed among different cities was Bhopal was leading with 100 (Ujjain with 9 which is a very sensitive area), Khargon with 9, Burhanpur with five, no incident at Jabalpur, Indore, Neemach, etc which are very sensitive otherwise. On the night of 11th December, police had to resort to firing in Khargon to control clashes between two groups. "All the actions that were possible were being taken by the State Government. One SAF jawan was killed in Govindpuri a locality in Bhopal. The army had surrounded the areas and combing up operations were undertaken. 1954 rioters were arrested till 12th December." The Governor himself explains all these steps that were taken by the State Government. "The army raided the farm house at about six kilometers from Bhopal on Raisen Road. The army was alert and active. It arrested a number of persons and recovered a large quantity of arms and ammunition. According to eyewitness account narrated by the Press, the miscreants exchanged fire with the army in which some of them were killed. It was all pre-planned.

I would not like to say very clearly — I do not have the proof to say — as to who were engineer-

ing all this. But, it is certainly not the State Government. The Governor himself says that this kind of happening strengthens his conviction that the spate of troubles leading to incalculable loss of life and property is the handwork of well—organised and well—planned strategy of anti—national elements. This is what the Governor writes. In the meantime, the Union Government imposed a ban on certain organisations. The Governor writes that with the reported statement of the Chief Minister Shri Sunderal Patwa that the decision of banning the RSS and VHR was unfortunate, the State Governments' credibility to sincerely implement the Centre's direction in the matter is under a cloud. He is assuming all these things, he is just imagining and not citing a single instance of the Government trying to violate the directions issued by the Union Government. The Governor admits that Shri Lokender Singh who was BJP MP from Santa was arrested on the 8th of December; Shri Ramjanand Singh, MLA, Janata Dal was arrested at Satna on 8th December. Shri Yogendra Rana, former MLA, BJP and Shri Seva Ram Gupts, former MP, BJP were arrested at Morena on the 9th of December.

15.00 hrs.

They are our own people in the party they are MLA's and MPs, yet action was taken against them.

The Governor further writes "It is significant to mention that BJP in Bhopal, (he now refers to me.) Shri Sushil Chandra Verma, is reported to have described the present riot in Bhopal as a political game. I shall prove after some time how and why it was a political game engineered by some other party. At the end he says "I have reasons to be convinced that there should not be any further delay in imposition of President's rule according to Article 356 of the Constitution. What are the reasons which convinced the Governor, I do not know. These are the facts of the case.

On 15th the proclamation was issued and

on 18th it was ratified by the Parliament. Now, I will come to the legal issues: how the first order was wrong and why it is not necessary to extend the proclamation which was issued earlier

I have already read Article 356. It is sometimes contended that the satisfaction of the President is beyond judicial review. Article 361 of the Constitution of India is relied upon to contend that the president or the Governor of the State cannot be made answerable to any court for the exercise and performance of the power and duties of their Offices or for any act done or purported to be done by them in exercise and performance of their powers and under the Constitution. It is also argued that the ministerial advice tendered to the President by the Council of Ministers or the Union Cabinet cannot also be inquired into by a Court of law as Article 74(2) of the Constitution disables the Court from making any inquiry into nature of contents of the ministerial advice to the President. If this provision had not been there, we would have requested the Home Minister to lay on the Table of the House what kind of advice was given by the Union Cabinet to the President asking him to issue proclamation under Article 356.

Clause 5 of Article 356 of the Constitution, as it stands today, had been substituted by the Constitution (Forty Fourth Amendment) Act, 1978 in place of the earlier clause inserted by the Constitution (Thirty Eight Amendment) Act, 1975. I am saying this because the High Court of Madhya Pradesh has quashed the order passed by the President. Of course, the matter is sub Judice. It is pending before the Supreme Court. Let us see what will be the final outcome of the appeal that has been filed.

The original clause, which sought to bar the judicial review of proclamation under Article 356 on any ground, reads as under

"Notwithstanding anything in this Constitution the Satisfaction of the President mentioned in Clause (1) shall be final and conclusive and shall not be questioned in

any Court on any ground."

This has been done away with by the Forty Fourth amendment and, therefore, the satisfaction of the President as has been held by the Madhya Pradesh High Court — is subjected to judicial review.

The other connected Articles, which can be read as aid for construction and interpretation of Article 356, are Articles 355 and 365. Article 355 says:

"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."

Article 365 says :

"Where any State has failed to comply with or to give effect to any directions given in the exercise of the executive power of the Union under any of the provisions of this Constitution, it shall be lawful for the President to hold that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution."

This has not happened.

Sir, Article 356 of the Constitution is open to judicial review. It can be declared wholly extraneous, irregular and irrelevant — to the purpose for which the power under Article 356 of the Constitution has been conferred by the Constitution, if the Union government is unable to establish a reasonable nexus between the reasons disclosed for the Proclamation and the satisfaction the President. There cannot be any — sweeping or drastic power conferred on the President under Article 356 of the Constitution for imposing the Presidential rule in a State and

dissolving its Assembly.

15.01 hrs.

(SHRI TARA SINGH *in the Chair*)

It may also be noted, as a legal position, that as the bar to judicial review imposed by the foregoing Clause (5) in Article 356 of the Constitution was repealed by Forty Fourth Amendment Act, it is quite obvious that the proclamation is open to judicial review on the ground of illegality, irrationality, impropriety or mollified or in short, on the ground of abuse of power.

Article 356, authorises serious inroads into the principles of federation. This is hitting at the very root of our Constitution. I would now take you back to the discussion which took place in the Constituent Assembly when this Article was finalised. Shri B. Shiva Rao in his famous book, 'Framing of India's Constitution' at page 10 and 11 has traced the history of the debates in the Constituent Assembly on the provisions of Article 356 of the Constitution, which was then Article 278. Issues Relating to a situation in a State where there is a break down of Constitutional provisions, the respective roles of the Governor and the Union Government and the functions and powers to be exercised by them, evoked considerable discussion in the Drafting Committee.

"In the long and lively discussion on those article, anxiety was voiced by some members lest in the name of an emergency there should be inroads into the autonomy of the units. Shri H. V. Kamath was critical of the position likely to be created by these amendments, since the President could thereby intervene in a State even without a threat to peace and order, on the ground that the Government of the State could not be carried on in accordance with the provisions of the Constitution. The President's intervention should not be invoked, the learned Member, Shri Kamath agreed. "On the pretext of resolving a ministerial crisis or of reforming mal — administration in a State. Even assuming

that the Government of India thought that the administration in the State was not upto the mark, the solution did not lie in issuing a Proclamation under Article 356". "Shri Sibbanlal Saxena supported this view. Shri Kamath, said "the article would reduce the provincial autonomy to a farce". This is precisely what has happened.

"Shri Hridayanath Kunjru also saw some danger in the misuse of the power under Article 356 of the Constitution. According to him, if the powers were given to the Centre to intervene in a State it would create serious discontent, such acts would be an impression "nothing but the undiluted autocracy of the Centre".

"Dr. Ambedkar, himself more or less agreed with this view. While defending the provision he expressed the view that before suspending the Government of a State, the Central Government should first give a warning to the State concerned. If the warning fails the centre should order an election, allowing the people of the State to settle matters themselves. It was only when those remedies failed that the President would resort to the power of imposition of President's Rule. The Assembly then accepted the provisions on the premises, as explained by Dr. Ambedkar, that the Union action under the Article must not be an invasion on provincial autonomy. Dr. Ambedkar even accepted that such an Article will never be called into operation and that it would remain a dead letter in the working of the Constitution for more than 40 years. However, we find that this Article was resorted to by the Union Government on more than 88 occasions. The State Government were dissolved most arbitrarily to suit the convenience of the Government of India.

"Incidents of varying magnitude of arson, looting and killings, as a reaction to Masjid demolition at Ayodhya had disturbed several parts of the country, giving rise to necessity of gearing up the law and order machinery, in the affected States to restore peace and harmony. This was so in the State of Madhya Pradesh and

also in other States like Gujarat and Maharashtra. There is no material produced before the country to support the imposition of the President's rule only in the State ruled by BJP, Himachal Pradesh, where the BJP ruled and where there were no disturbances whatsoever of the types described to have taken place in the State of Madhya Pradesh the imposition of the President's rule was wholly unjustified. There was no occasion to raise any inference of failure of constitutional machinery even under Article 365 of the Constitution. The Governor himself said that when the ban order was issued, certain arrests were made. It did not make any difference, so far as Madhya Pradesh is concerned and also in other States whether the BJP was ruling there or the Congress was ruling in Delhi. It did not make any difference. The Government of India issued orders for ban and those orders were carried out. I have a personal knowledge of that. There was no question of disobeying or disrespecting the orders issued by the Government of India. In the reports of the Governor also as I said earlier, there is no specific allegation of alleged deeds or misdeeds of the State Government in carrying out the directions of the Union Government.

Merely worsening of law and order situation in a State due to sudden outbreak of violence does not call for extreme step of imposition of President's rule. Incapacity or helplessness of a State to meet a threat to public order or peace is not a permissible ground unless it results in total paralysis of the Government of the State. This has not happened. The Government was working. All steps were taken to control the law and order situation. Law and order was brought under control, Army was called in the sensitive cities of Madhya Pradesh, like Jabalpur, Raipur, Gwalior. Where, there was almost no law and order problem. The duty of the Govt. is not discharged only by proclaiming President's rule. If the Government of India felt that the State Government of Madhya Pradesh or of other States were not ailing upto the mark. The Government could have advised them to take such steps. The Government of India could have

[Sh. Sushil Chandra Varma]

made offer of deploying more Army, more forces. But nothing of that kind happened.

The Governor sent three letters on 8th, 10th and 13th February. On 15th December, the proclamation under Article 356 was issued. Obvious by it was improper use of the extraordinary power under article 356. It was passed with a purpose against the State Government which does not belong to the party in power at the Union and with an eye on forming a Government of their own in a State by taking advantage of the circumstances. This is precisely what the Central Government did.

It was purely politically motivated. This has been borne out, this has been established in the historic judgment given by the High Court of Madhya Pradesh in which they set aside the proclamation of the President; they have held that the satisfaction of the President is justifiable; it can be questioned before the court of law; this is precisely what has been done.

The judgment of the High Court, Madhya Pradesh, Jabalpur says as follows:

"We have held above that proclamation was invalid and beyond the scope of Article 356 of the Constitution."

This is the decision given by the High Court of Madhya Pradesh. It further reads as follows:

"The entire proclamation, in our opinion, is based on the grounds not material and warranted for invoking the extraordinary powers of the President under Article 356 of the Constitution...."

This proclamation has been set aside. That is what the court order says. It is very unfortunate that most arbitrary action was taken in the month of December is now sought to be continued by the Government for another six months.

Our BJP leaders have been telling the Government of India and the party in power here to—hold elections, we are prepared to face the challenge of election. Why are you then not holding election? Why is the congress party circumventing the issue, I do not know what they feel about the election prospects of their party in the State. Perhaps they are not very confident about the outcome. Their plea is, their ground is that the law and order situation in Madhya Pradesh or Uttar Pradesh or Himachal Pradesh or Rajasthan is fragile. It is nothing but ridiculous; it is totally untrue.

I would, therefore, request that if the ruling party here has the guts let them announce the election. Let them face the electorates; and let them see whether the electorates, the people are with them or the people are with the Government whom they had the audacity to dismiss most arbitrarily and unjustly.

[Translation]

SHRIBHERULAL MEENA (Salumber)
Mr Chairman, Sir the action taken under Article 356 of the Constitution was absolutely right because following the incident of 6th December a horrible situation had emerged throughout the country and to combat that situation it was essential to take such action. I therefore support the action taken by the Government.

The incident of 6th December triggered off Communal violence which ultimately sent a wave of severe resentment among the people throughout the country and there was a horrible situation all around. This, subsequently, made it imperative to impose President's Rule in the States of Madhya Pradesh, Rajasthan and Himachal Pradesh on the 15th of the month. The steps taken by the Government were right to meet such a horrible situation because the authorities in charge of enforcing rules and laws had themselves turned into perpetrators of laws. The structure that was demolished in Ayodhya on the one hand is said to be a Mandir while on the other hand, it is argued that Babri Masjid was

built on that site forcibly. The Vishwa Hindu Parishad and Bhartiya Janata Party are only organisations which are of the opinion that a Ram Mandir existed on the site of dispute and that Ram was born . With the help of such assertions an obnoxious situation has been created throughout the country. The hon. Prime Minister had been assigned with the work to decide the issue with the help of all the political parties whether the structure is a Mandir or a Masjid. Muslim league was also invited to provide a solution to the tangle. At the time when the meeting was held, there was a Govt. of Bhartiya Janata party in Uttar Pradesh which had given an assurance that it would allow holding of recitation of holy songs (Bhajan Kirtan) only near the disputed structure and that it would not let the structure be demolished. When the State Government had assured of providing full protection to the structure, the Union Government had to believe it. Later on, the Union Government had to take such steps because the structure was demolished in violation of the assurance given by the State Government. We all are aware of the situation that emerged in the country as a fall out of demolition of the structure

If someone else ploughs my field then that will naturally irk me. I cannot allow someone else to plough my field even at the cost of my life. If you assume that there was once a Mandir there then another fact also remains that there was a Babri Masjid too. You also accept that earlier there was a Mandir there and that the Masjid was constructed there later on. The B. J. P. and the Vishwa Hindu Parishad claim that Ram Mandir existed there. If Ram Mandir existed there, then from that point of view also this historical monument should have to be preserved. This was simply because of the belief that lord Ram was born there that historical monument should not have been demolished. You have yourself disgraced the name of Ram and his birth place by resorting to demolition of the structure. The matter was already under consideration of the court of law and normally the verdict of the court should have been acceptable to all. The situation of the country has been worsened by pulling

down the structure. If the Government is run by such type of people and such people are allowed to remain in power, then they would allow the situation to deteriorate to any extent. They follow the policy of double standard and that is why there was a resentment against the people of B. J. P. throughout the country and that is why there were communal riots. The B. J. P. and the Vishwa Hindu Parishad had made a plan to whip up violence. They spread rumours on several places that Mandirs had been demolished on particular places and that is why efforts were made by them to create communal riots. We can think as to what should be done when the protectors become destroyers. I would, therefore, like to say that the act of dismissing the State Governments was the commendable step of the Central Government. Had the Governments in those States not been dismissed, the situation of the country would have worsened further resulting in worst consequences.

Mr. Chairman, Sir, there was violence throughout the country including in Bombay and Calcutta following the incident of 6 December. The reason was the same that if somebody else comes to plough your field, then a quarrel is inevitable. If someone tries to encroach the rights of others, quarrel is inevitable. Dismissal of Governments in those States was absolutely right and moreover the situation as it prevails there is not conducive for holding election. Even now some or the other disturbances keep on taking place there. I would, therefore, endorse the decision of extending the period of President's rule in those States.

Mr. Chairman, Sir, I can say it in unequivocal terms that the persons who the Government relied are themselves responsible of worsening the situation. It was only proper to dismiss the Governments being run by such persons. Nevertheless, I would add that the parties responsible for fanning — communal frenzy need be banned. I would like to submit that the period of President's rule in those States should, in the first place, be extended and election in those States should be held only when normalcy and peace return there.

SHRIMOCHAN SINGH (Deoria): Mr. Chairman, Sir, I am sorry to note that the Government is avoiding holding of elections in 3 States in addition to Uttar Pradesh. There was some special condition in December that necessitated imposition of President's rule. The imposition of President's rule was the only alternative in those conditions. The Central Government would have been guilty of failure in discharging its responsibilities if it had not dismissed the Governments in the four States and did not impose the President's rule there. But now the situation is under control in all the four States. Moreover, we know that the provision of President's rule to be imposed in a State is a temporary arrangement. The federal system of India as provided in the constitution does not allow the rule of the centre in any State for endless period. It is unfortunate that the provision of the Constitution of India has been used or abused by the Government for its selfish political motives. The motive behind avoiding elections remains that the political party in power at the Centre does not enjoy the support of the people of those States

I would like to submit to the hon. Minister of Home Affairs that not to talk of other states but atleast in Uttar Pradesh, even after repeated postponement of the Assembly elections, the Congress will not come into power in the State. Delay in holding Assembly elections will further erode credibility of the Congress in Uttar Pradesh. A few hon. Ministers of the Central Government, hailing from Uttar Pradesh and who won their seats with very narrow margins, of one hundred or one hundred fifty votes have got a vested interest in extending the President's rule in the State, because they can frequently travel to their constituencies in helicopters to influence and impress the voters. I condemn all this very strongly. There is no law and order in the State and nor development works are being taken up. Police atrocities are on the rise. Police and Civil Administration are on the collision path in the State. This state of affairs was never witnessed earlier in the State. The party in power at the Centre has voted not to sit in opposition for long.

This very party has got no political programme in U. P. except to replace the Governor. The Congress is pursuing just one programme of having the Governor of Uttar Pradesh replaced and has got no other political programme. However, I am sorry to say that the Congress in power at the Centre even does not care for its party workers of the State. At all the forums the demand for the replacement of the Governor is being voiced. Whenever the Hon. Prime Minister visits any religious place in the company of the Governor the former gives an impression to the Congress workers that the Governor will not be replaced as the Governor hails from my constituency. The Congress in the State has got just one political programme even that the Central Government is not eager to implement. This is sending wrong signals to the Administration. The Central Government should categorically make clear that the Governor will not be replaced. Atmosphere of uncertainty prevailing at political level in Uttar Pradesh should be removed. This I would like to submit to the hon. Minister of Home Affairs of the Government of India.

Secondly, bureaucracy is looting the State with both hands. Two months ago a controversy arose on the issue of reduction of export duty on the bulk export of molasses without consulting the Centre under pressure of the distillery owners, by the bureaucrats in Uttar Pradesh. However, when now the Centre has fully decontrolled molasses, those very bureaucrats are raising hue and cry. On being asked about raising hue and cry on this issue since they themselves reduced export duty on molasses. Those very bureaucrats informed us that an understanding was arrived at between the sugar mill owners and the Minister at the Centre. And they are against the secret deal to decontrol alcohol. Looting of the State is on at the hands of leaders and bureaucrats...

AN. HON. MEMBER: Who is the Minister concerned?

SHRI MOHAN SINGH: Mentioning the

name of the concerned Minister is against parliamentary norms. Of course the name of the officials could be maintained but even this won't be proper. I would like to submit that though the Central Government has decontrolled molasses yet the State Government is not implementing the order. The State Government is taking the plea that the law regarding molasses was enacted much earlier in the state. That's why it is not a Central subject. Therefore, if the subject does not come in the Union list so will the State Government continue with control on molasses? As a result of it there will be a direct affect on the production of ingredients used in producing molasses. The Central Government should clearly state whether the order of decontrol of molasses extends to Uttar Pradesh or not? Whether officials in Uttar Pradesh have gone out of control to delay the orders of the Centre? Therefore, taking the plea that it is upto the bureaucracy in Uttar Pradesh to implement the order will do no good. The Central Government should make its stand clear on the issue.

Mr. Chairman, Sir, secondly, I would like to refer to two more incidents. In one such incident students of Allahabad University protesting against the entry of the officials of a banned organisation were beaten up on 26th January and the officials of the banned organisation were allowed to deliver speeches. Though I brought the issue to the notice of the hon. Minister of Home Affairs yet till date the Home Ministry has not taken any action against the Civil or Police Administration. Another incident pertains to the beating up a student in Aligarh Muslim University. It was categorically assured that the Administration will be hold up but till date nothing has been done. An announcement was made regarding instituting up of a judicial inquiry in to the incident but I am not sure how far associating the concerned official will serve the purpose impartially?

Mr. Chairman, Sir, we have got no objection to accepting the fact that the law and order situation is satisfactory in Uttar Pradesh. Even when the law and order situation is satisfactory

elections to the cooperatives are not being held. Elections have been postponed because as per the judgment of the High Court the persons elected three years ago under the Congress rule at district level will continue in office till fresh election are held. Now it is feared that the same set of persons may not be elected again. that is why the Government of Uttar Pradesh is time and again postponing the elections to the cooperatives. The same set of persons who are on looting spree continue to be in office of the Cooperatives. Therefore, if there is a hitch in holding elections to the Legislative Assembly of the State then why not hold elections to the Cooperatives immediately.

Mr. Chairman, Sir, thirdly the Government of India and the Congress are going to hold a grand gala at Amethi to propagate the ideals of Rajiv Gandhi regarding the local bodies. I believe the Congress is not going to be fool none else but itself as it may not be aware of the realities regarding the local bodies in the State. All the national leaders hailing from Uttar Pradesh since pre independence days started their public life through local bodies. Pt. Jawaharlal Nehru was even the Chairman of Allahabad Municipality. He also used to get a defeat at the hands of Rajrishi Tandon. Malviya Ji or the members of his family. From 1922 these leaders started their public career from the Allahabad Municipality. Khalim Zama Choudhureem a prominent leader of the Muslim League also started his public life from the local body. Once Chairman of the District Council also used to be directly elected. Therefore, local bodies concept is not new to Uttar Pradesh while it could be new for other states. Yes one thing is definite that since the President's rule in the State the Central Government is not sincere about holding elections to the local bodies in Uttar Pradesh. In the month of June term of heads of village panchayats is expiring. I would like to submit that the elections to the local bodies should be immediately held if Assembly elections are not being held in view of the promise being made all over the country and the convention being held at Amethi. It is being propagated widely that the

[Sh. Mohan Singh]

cooperation of the local bodies is a must and all the development works are to be entrusted to the local administration. Therefore, elections to the local bodies should be immediately held. Whenever the officials of Uttar Pradesh approach the Planning Commission the latter suggests the former to internally mobilise Rs. 600 crores. The officials are not in a position to mobilise Rs. 600 crores. Through sales Tax the State gets a revenue of Rs. 2200 crores. Through excise duty Rs. 1700 crores were expected to be mobilised. However, I am sorry to say that since the bureaucracy has been made in charge of the administration in the state more than half of the liquor contracts have not been awarded on time. More than 2—3 months have passed. As a result of the collusion between the officials and the liquor contractors the loss on account of the excise duty, the second highest revenue earner, will be of the order of Rs. 300—400 crores.

But the Central Government is not taking any interest in this regard. The Centre should give instruction to the effect that the districts where auction of liquor contracts has not taken place for the last three months due to the intransigence of the district officials, a disciplinary action will be taken against them, they will be sacked or an entry will be made into their character rolls. I want an assurance from the hon. Home Minister that he would not tolerate any loss to the resources of the State.

Under what circumstances the Union Planning Commission is instructing the Government of U.P. to mobilise resources worth Rs. 600 crores, whereas the Government of U.P. is not in a position to do so as the bureaucracy of the state is not capable of mobilising resources and thereby intensify the developmental works by using innovations, new ideas and new methods.

The State under President's rule have a Consultative Committee, comprising members from all parties but I am sorry to say that even

after a period of six months, you have again come forward with proposal to extend President's rule for another six months but you have not constituted a Consultative Committee comprising of Members of Parliament of all the parties in U.P. The State in which you have constituted such committees have so far not organised even a single meeting. Therefore, I want a clear assurance from the hon. Home Minister that within a week's period such Committees will be constituted and these must have a meeting every fortnight and the Governor should finalise the development works on the advice of such committees. In U.P. people are running from pillar to post in hope of getting a post. In order to earn favour within Congress he has favoured someone by providing a car with red light and nominated some one as Vice—President of Rashtrya Ekta Parishad with a car and entrusted Vice—Chairmanship of Planning Commission to some one who has never been even distantly related with planning. The persons, who have not got anything are crying out in distress that some are traveling in a car whereas they are walking on foot, why they were not given the Chairmanship of 20 point programmes. In this context, I want to give a piece of advice to the Governor, as the State is under President's rule, the persons who were rejected by the local people, those who were not capable of being elected, even when Congress was in power in the State they lost their deposits in every election if such people are being given Cabinet Status at the cost of State resources then this should be stopped. If Central Government takes initiative in this regard then the logic behind your move for extending the period of President's rule in the state for the next six months, is understandable for which you are seeking the permission of the House.

Mr. Chairman, Sir, with these words I condemn this proposal and want to tell the Home Minister that there is no logic in bringing a proposal off and on before the House regarding extending the period. An effort should be made to hold elections at any early date. This is not the way that each time you are extending the period

of President's rule by six months for three years. It can be done in very extraordinary situations in the state like Punjab and Kashmir. Whether as per the opinion of the Home Minister, the situation of Uttar Pradesh is not different from the situation of Punjab and Kashmir as terrorists are also acquiring a firm footing in the State?

Mr. Chairman, Sir, insult is being inflicted upon the Police Administration in U.P. The Director General of Punjab Police says that the bureaucracy and police of U.P. has been unable to control the terrorists therefore, we should be transferred there and we will be able to control the terrorists there. There cannot be a greater insult than this that a Director General of Police from any other state comes to Uttar Pradesh saying that the D.G. of Police of Uttar Pradesh is incapable in putting a check on terrorists. The way you keep on changing Home Secretaries and D.G. Police frequently is the main hurdle in the way of controlling the situation of law and order in the State and Central Government is responsible for it. Therefore, I demand an early election in Uttar Pradesh so that President's rule comes to an end. Home Minister should also ensure that he does not work beyond his jurisdiction.

With these words, I thank you for providing an opportunity to me to express my views.

[English]

SHRI AJOY MUKHOPADYAY (Krishnagar) Mr. Chairman, Sir, the extension of President's Rule in the four States is not at all palatable. On the contrary, it is nothing but to prolong the denial of fundamental right of the people, of having an elected Government for them. But Sir, it has now become a fait accompli.

We have all along been fighting for deletion of Article 356 of the Constitution. As a matter of fact, we had brought a Private Member's Bill also in that respect. Because we consider that it is one of the most undemocratic provisions

having the scope of being used arbitrarily against the political opponents. In fact, Sir, since the Constitution came into being, this provision was used more than 90 times so far as I can recollect in order to gain political mileage in most cases by dislodging the democratically elected Governments belonging to Opposition parties. But in my view this is for the first time that the said Article has been used to dismiss the Governments of four BJP ruled States not to subvert democracy but to safeguard the democratic and secular fabric of our Constitution and the Judiciary and to uphold the rule of law, though the action was much belated and absolutely half-hearted.

Sir, the religious fundamentalists and the obscurantist forces taking advantage of the basic weaknesses of the successive Congress Governments were gaining ground over the years. Abject surrenders to the fundamentalists were amply demonstrated through their various obnoxious steps taken particularly during the regime of Rajiv Gandhi. To cite a few of them are, the enactment of Muslim Women's Law in total disregard of the Supreme Court judgment in Shah Banu's case, unlocking of the place inside the Babri Masjid where idols had been put surreptitiously with ulterior motive as far back as in 1949 and which was locked since then and lastly to give permission for conducting *Shiyanas* on the disputed site and soon and so forth. Being nourished in these ways the fundamentalists, the Hindu fundamentalists in particular, have grown leaps and bounds. Now, they have become reckless.

Sir, the demolition of Babri Masjid, a religious structure of more than 450 years old in a ceremonious way in the name of so-called *Hinutva* by this saffron brigade, is not only unthinkable in any civilised country in the modern world, but it has also revealed the danger of religious fascism that is trying to raise its ugly head on the soil of India. It is a direct assault on the democratic and secular foundation of our Constitution and judiciary. It is also a naked attack on the noble and composite culture and

[Sh. Ajoy Mukhopadhyay]

civilization of this land which has been built up through the centuries. This barbaric act was perpetrated in the broad daylight under the guidance and supervise of the then Government of Uttar Pradesh and aided and abetted by the other three State Governments lead by the Bharatiya Janta Party.

Sir, the political leadership of the demolition and all that followed therefor throughout the country was mainly given by the BJP and the Shiv Sena. The whole atmosphere of the country has been visited; the venom of hate campaign has been spread all over the society. All religious minorities, Muslims in particular, are suffering from a sense of isolation. They are feeling frustrated.

It was expected that the Government would take lessons from their failure to perform the constitutional obligations and to keep the promise given to the people of this country. But our expectation has been belied. They were totally reluctant to take timely action against those fanatic Organisations which were ultimately banned. Above all, lack of initiative and political will of the Congress party and its Government to confront and combat the communal forces politically are clearly visible even after the ghastly incident of 6th December last.

Elections to the four States would have been held within the tenure of the first six months of the President's rule but for the paralytic role of the Congress party and its Government and their surrender to those forces one after another. Due to this, the BJP the VHP — RSS Combine and their allies including Shiv Sena have in fact been further emboldened despite their criminal activities. The Government has no guts to meet the challenge of the Shiv Sena Chief. They are out to do whatever they like. It is amazing.

So far as the four States which are under president's rule are concerned, it was absolutely necessary to streamline the general ad-

ministration, police administration and the administration of para — military forces in consonance with the secular objectives of State. The deliberate exercise of power by the BJP Governments to change the outlook of the governance and to pollute the fields of education, culture and social life created a situation which was needed to be corrected through comprehensive measures. But Central Government have not moved in that direction. Instead they are relying on the police force only.

As the largest political party of the country which according to their declared objective is a secular party too it was the bounden duty of the Congress and the Government led by it to rise to the occasion and to make all out efforts to unify and motivate all the secular and democratic-minded patriotic people of the country and thereby isolate the religious fundamentalists along with their obnoxious doctrine. Had it been done, there would have been no necessity of extension of President's rule any further but instead of that they are being guided by sheer opportunism.

The Congress friends should bear in mind that opportunism will not pay. Secularism is not a dogma but a guide to our life. Please do not forget this.

I would also request you to kindly realise that the economic policy you are trying to pursue which is in essence against the national interests and the behavior you are demonstrating towards the religious fundamentalists, the combination of these two, is leading the country to a disaster.

Lastly, I would like to urge upon the Government to make some introspection and to take a corrective approach to save the country from a disaster and to see that total normalcy is restored so that election can be held as quickly as possible.

With these words, I express my reservation regarding those Resolutions.

[Translation]

SHRI ASLAM SHER KHAN (Bet-ul): Mr. Chairman, Sir, I raise to support the bill.

Two points arise from the discussions held in the House. Firstly, why President's rule was imposed and secondly why it should be extended for another six months. I remember that when we came into power in the centre at that time we came to know that the people of Madhya Pradesh gave their verdict against the then Government of the State. At that time the state leaders raised this issue that considering the feelings of the people, the Madhya Pradesh Government be dissolved but Central Government as well as the Prime Minister clearly stated that they were not going to dissolve the elected Government. The B. J. P. Government committed atrocities on Congress workers. We asked the Government to take action in this regard but Government was firm on its decision. When the Prime Minister visited Jhabua and Sarguja which were reeling under drought then he declared it before the then Chief Minister, Shri Patwa, that no Government would be dissolved. Then why they had to dissolve these popular Governments?

I feel that these Governments were not functioning properly therefore, they adopted the strategy of reviving reining the Mandir—Masjid dispute and felt that if the Government is dissolved for this cause then let it be dissolved. The way in which the Government started dealing with this issue was also acceptable to the Muslims. They were realising that the situation emerged after discussions or through court would be acceptable to them. But leaving aside all these things they adopted the way of confrontation and Masjid was demolished. They even expressed their sorrow over this matter but their intention was clear, they fulfilled their promise on the basis of which they had secured votes. It was central Government's duty to dissolve these Governments as after the demolition of the mosque it did not have any other option. They had created a big problem for us. The whole of

India started burning. There were riots in many part of the country as my hon. Colleague Shri Vermaji has said, I was also in Bhopal on 6th. I was there in connection with the death of my friend's mother. A number of Muslims were also present there but nothing happened unpleasant on 6th. But after such an incident taking place in the country, the Government did not make any arrangement in a sensitive place like Bhopal. Neither police was deployed in an adequate manner nor Collector was present there and no other arrangement was made there. In the beginning there was cases of arsoning and looting. The police as well as the District administration took notice of it very late as result of that the impact of it also reached other parts of the city. This is a matter of shame that next day, on the begets of some Minister of Madhya Pradesh, riots were organised in other parts of Bhopal. This way, Bhopal became a riots torn area and the law and order situation deteriorated. Curfew was clamped and Army was called which made the people worried because Bhopal did not have a history of riots. One cannot differentiate between Hindus and Muslims in the culture of Bhopal as they have common style of conversation, living style and customs. But when such circumstances were created then there was no other way left with the Government but to dissolve the State Government.

Mr Chairman, Sir, the present challenges before us are bigger than the previous ones. The Situation there is still not very good. Some Col-leagues said that the situation has become normal there but it is not so. Wounds are still fresh, we have to provide them a healing touch. But it will take some time. Recently there were riots in Indore but the Government controlled those riots within no time. These things tell that situation is not normal yet and Government has to put in more efforts in this regard.

Just now, one of our colleagues while speaking gave an impression as if the members of the Congress party were in full advantage during the President's rule, however, so far as I feel, the

[Sh. Aslam Sher Khan]

Congressmen today are facing most difficult time. Though, President's rule has been imposed there, yet majority of the people in various departments such as police, administration etc. are the same old persons having the same mentality and majority. No development work is taking place there. However, in spite of all this, the need of the hour is to create a feeling of integrity, brotherhood and co-operation among the people in the country. Today all the political parties should rise above party politics to work for it. If we play with the feelings of people to achieve our political motives, the situation would deteriorate, no party in that condition would be able to control it. There is no doubt that politics do take place at the time of elections, as the hon. Members know that everything is fair in love and war. During elections political parties adopt whatever tactics they can. But if parties adopt the same attitude in the prevailing circumstances, the environment would be spoiled and situation would be spoiled and situation would deteriorate again?

16.00 hrs.

Therefore, in view of all this I would like to request the Government that as the Panchayati Raj Bill has been passed and to implement in future the Government should take immediate steps to hold elections in the states which take immediate steps to hold elections in the states which are under President's rule and the other bodies—whether these are municipal corporations, Panchayats or co-operatives so that a beginning for people's participation in these may take place. The process should start from lower level leading ultimately to the elections for State Assemblies.

Mr. Chairman, Sir, thirdly I would like to submit that we should take measures without any delay to provide compensation to those who have suffered heavy losses or to the families of those who died in the riots. All of us should stand united to help those who have suffered losses.

thereafter we may think about having negotiations with them. I am confident that if the President rule is imposed there for six months the situation would improve and we may hold elections as soon as the situation becomes normal there.

With these words, I thank you.

SHRI SATYADEO SINGH (Balrampur)
Mr. Chairman, Sir, on 23rd December this august House had approved the Motion regarding imposition of President's Rule in four States on the demand of the hon. Minister of Home Affairs. Six months have already passed. Today the Government should have announced elections in these four States. Holding elections to restore normal situation is an integral part of democracy. The Government advocates the Constitution and the Judiciary. But I fail to understand why the President's rule is being extended there when six months have already passed, the reasons given by the Government in this regard are not justified.

16.03 hrs.

(SHRI PETER MARBANIANG *in the Chair*)

Secondly, though the law and order situation in these State is very bad yet the Government is not in a position to admit it because it is directly under the control of the hon. Minister of Home Affairs. Then, what are the circumstances that compelled the Government to bring the resolution to this effect in this august House?

Sir, the Government has in a way murdered the Constitution by enforcing Article 356 thus depriving people from their fundamental right to elect their representatives to form the Government in a democratic manner. Has the Government made any assessment about the factual situation, has it accepted its political defeat and not shown courage to announce elections? Rather it extended President's Rule there. Mr. Chairman, Sir, the effect of Mandir Masjid dispute exists even after the incident of 6th December.

The Members of the ruling party have been demanding for a national discussion on secularism as a matter of propaganda. However, we have been demanding a national debate on secularism. With a primary focus to decide that it is a matter related not only to a particular political party or an individual but an effort to define what national interests, social view point stand for. But these people have been evading such matters in the House. These people are never bothered about the excessive use of Article 356 thus destroying the federal structure. Today, political, economic and social tensions prevails all over the country while on the other side constitution is being misused. Article 356 is being enforced again and again—these are no signs of setting up of an effective system in the country. I would like the Government to review once again the limitations to be maintained in given circumstances and a clear idea of what the preamble would be when the Constitutional machinery breaks down. Because this topic is never discussed. Why the Government evades such matters?

Perhaps it is for the first time that the present Central Government has imposed President's Rule in the States having opposition Governments. People in these States have lost their faith in programmes being launched by the Congress Party for the last 44 years. This is the primary cause that people of these States gave complete majority of BJP in the last elections and enabled them to form their Governments. That is a democratic method. Today, we are in Opposition here, we are not at all sorry for it. Nor we have any grudge that the Congress party is ruling. The most important factor in democracy is to honour the public opinion. However, the Government has been misusing Article 356, the matter has already been discussed in the House several times. The Constitution makers while making the Constitution were not aware that the ruling parties could take disadvantage of their power. Rather they were bothered about making a provision with the help of which the country could prosper and open new dimensions for development. It was for this purpose that provi-

sions were made in the Constitution and a holy status given to it. Therefore, it is the political and moral duty of all the political parties to maintain the dignity of it. At that time also, Members had expressed their doubts that Article 356 could be misused in future. Dr. Ambedkar had pointed out

[English]

"I share the sentiments that such Articles will never be called into operation and that they will remain dead letters."

[Translation]

If most frequent application of this Article signifies that it is a dead letter, I think that we are paying our homage to Dr. Ambedkar on his birth anniversary, it is once again under Article 356 against the sentiments of Dr. Ambedkar that the President's Rule has been extended for six months

Further he had pointed out that this Article should be enforced only when there was grim situation. He also said,

[English]

"I hope that the first thing he (means the President) will do would be to issue some warning to a province, that has erred that things were not happening in a way they were intended to happen under the Constitution."

While enforcing this Article on these State whether the Government had realised that things are not happening according to Constitution. The Government had set up the Sarkaria Commission about the Centre—States relations. Its report is before you. It has been mentioned in it how the Centre—state relations can remain balanced politically as well as economically in the federal structure. The issue was discussed at that time but you are keeping mum on the report today. The Sarkaria Commission has

[Sh. Satya Deo Singh]

vastly mentioned about the things which should be considered before imposing the provisions of Article 356—

[English]

"All attempts should be made to resolve the crisis at the state level before taking recourse to the provisions of Article 356."

[Translation]

In spite of these warnings, the Government is continuously misusing the Article. This Article was never used in its proper way and always misused for your party interests. I would like to give an example. Whenever, you wished to manipulate, the Assemblies were suspended. When you saw that you were unable to reach the lever of power due to the State Assemblies there, you suspended them

I would like to give more examples. The Assemblies of Punjab, Rajasthan, Bihar, Uttar Pradesh and Orissa were suspended in 1951, 1967, 1969, 1970 and 1971 respectively. The assemblies of Andhra Pradesh and Uttar Pradesh were put suspended animation in 1973 and so far as I remember, the hon Prime Minister was the then Chief Minister of Andhra Pradesh. The Assemblies of Gujarat and Uttar Pradesh were suspended in 1976 and the Assembly of Manipur was put under suspended animation twice, in 1977 and 1981. The Assemblies of Assam, Punjab and Jammu—Kashmir were also put under suspended animation in 1983 and in 1986 respectively. The Government wanted to manipulate. The assemblies of Uttar Pradesh, West Bengal, Gujarat, Nagaland and Punjab were also put under suspended animation in 1986, 1970—71, 1977, 1977, 1983 and 1985 respectively, because the Government wanted to rule these States and by house trading and destroying all the democratic norms, it wanted to remain in power. Your lust for power has become your nature and culture and this is what you have

given to the country for the last 44 years.

Sir, it is tragic that the Government is evading the elections in these states. But how long they can do so? If not today, after 6 months they will have to face the elections. You should not avoid the masses, but should avoid your own misdoing and should gain confidence of public in these 6 months, direct action is being taken from the centre to increase this period by another 6 months. The Government is appointing officials and governors of its own choice and imposing policies as they wish. The public representative Governments are not there anymore, then why you are afraid of conducting elections there. If you have courage and faith in yourself why don't you hold the elections? Do not take recourse to this Article again and again.

Do you have any evidence in this regard. I do not want to say anything about Uttar Pradesh now. It resigned after the incident of 6th of December. You had stated that the Uttar Pradesh Assembly will be dissolved and so it was dissolved. Why the assemblies of other three States were dissolved? Our Party was in majority there. On what basis, the Governments of Himachal Pradesh, Madhya Pradesh and Rajasthan were dismissed? If for this reason that the Chief Ministers and Ministers of those State belonged to the banned organisations and you were afraid that they will not obey your directions. So, whether the assemblies were dissolved on this assumption? This is not the spirit behind Article 356. This how you protect the Constitution and run the democracy. On the basis of hearsay and hypothetical assumptions, the elected and majority Governments of the states are being dismissed, as if they are just toys. Now you do not have the courage to face the masses. The State Governments were dismissed on the basis of apprehension, only. Do you have any such evidence that between 6th and 15th of December the concerned Chief Ministers had not adhered to the directions given by the hon. Home Minister in regard to the Constitutional obligations of the Government?

Did they cause any hindrance in the attitude of the Government towards the banned Organisations and did they not take any action against them? Did they direct their District Magistrates, Polices Superintendents or the chief secretary to keep check so that no action is taken against the banned organisations? Do you have any evidence in this regard?

If the law and order situation in a state suddenly gets worse, it is a sufficient reason for imposing President's Rule in the State. But the present law and order situation in the country is due to large scale unemployment prevalent here. Due to the wrong policies of the Government and starvation, the law and order situation gets worse. Orissa is facing such a situation today. Land disputes are also a reason behind the break down of law and order machinery? Murders are taking place due to land disputes today

A question was raised here today in the morning. The hon. Minister was hesitating to reply. The law and order situation deteriorates due to land disputes and due to the problems in earning livelihood. Among all the political parties in the country, the Congress is most responsible for the present situation of law and order in our country.

I belong to Uttar Pradesh which has a population of 14 crores. I would like to discuss a few important points with the hon. Home Minister.

Sir, in 1984, when a former Prime Minister was assassinated by a person, the entire community to which that person used to belong was prosecuted. Thousands of sikhs were killed and Gurudwaras were burnt down but the Government did not utilise Article 356 then instead of that, the Government issued such statements that "Jab ek Per Girta Hai to Dharti Hilti Hai". It was the statement given by you people, then where was the article 356. So, a sudden break down in law and order is not enough reason for imposing the President's rule.

[English]

The President should feel satisfied that there are enough reasons to feel that the constitutional machinery has totally broken down. It is not, it is not the case with every political party.

[Translation]

Under the federal structure there can be different Government at the centre and in the states and the centre has no right to interfere in their affairs. Regarding Article 356, the Chairman of Sarkaria Commission has said—

[English]

"It can be exercised correctly that Article 356 may operate as a safety mechanism for the system abuse or misuse. It can destroy constitutional equilibrium between the Union and the States."

[Translation]

These are not my words. This is the view of the responsible and learned Chairman of the Sarkaria Commission constituted by you. Sir, it is surprising that the hon. Prime Minister was against the imposition of Article 356 in these states, but due to the internal disputes in the party, instead of taking it up before the Cabinet, the Home Minister first took the issue to the Congress Party Working Committee and it was decided there that Article 356 would be implemented from 15th of December and later the issue was taken to the Cabinet. A lot of quotations were given in regard to the role of the law and the Constitution regarding the Kalyan Singh Government. But now you are doing the same thing today. You were not able to check the internal disputes in your party. During the party's meeting at Surajkund Rs. 45 lakhs were spent on catering arrangements only. But in spite of that your internal disputes were not resolved.

The Jabalpur High Court had given a decision in this regard. It has not considered

[Sh. Satya Deo Singh]

whether the President's Proclamation was valid or not, but it has clearly, stated that it was not justified at all. This discussion is being held here on the decision given by the Jabalpur High Court. Otherwise in the last 44 years, this issue was never given a serious consideration. Now, it is being said that the President alone cannot use the Article 356 in a free and direct manner. The Supreme Court will give a decision in this regard. The matter is sub—judice.

Sir, 30 crore population of the 4 States are today governed by the President's Rule. The Public voice has been suppressed. Earlier, there used be queues of people in the Uttar Pradesh Secretariat who used to come there to get their work done and now there is total silence. There is no one to listen to the people of Uttar Pradesh today.

Sir, I would like to draw your attention towards the speech you gave on 23rd. I appreciate

[English]

Noble sentiment I appreciate that sentiment. But I quote you; it is your lecture; it is your delivery which you made very eloquently in this august House and that was as follow :

"We will have to bring back again the same programme and see that we are able to do justice to the poor section of the society so that we have a balanced society wherein everybody feels that they are involved in the upliftment of this entire country, advancement of the entire country ."

Very noble sentiment indeed.

[Translation]

I would like to know the hon. Minister of Home Affairs as to what is being done in Uttar Pradesh in this regard. We had wiped the rule

of Mafia in the State and we were able to ensure a riot—free state. There was one incident of riot in Kashi, but we were able to check it within one week. On the contrary what happened during the congress rule? Implementation of all the schemes fared during the rule of our party was with held. You assured of development but that was never achieved. The former Chief Minister launched a Progress March (Vikas Yatra) He never bothered to assess the development work during 44 years rule of congress party but was worried to assess the development made during 18 months of BJP rule

[English]

An unprecedented history in the development of Uttar Pradesh which we have achieved as a BJP Government was never achieved by any other Government whether succeeding or preceding. (Interruptions) I will tell you. Please bear with me

[Translation]

What are you doing now? You have not been able to collect any data in that regard even after six months. Recently several Congress MPs demanded in the SurajKund session of AICC for removal of the Governor. They think that this election is the last chance for the Congress Party to rule the State.

Mohan Singh Ji explained it at length that working Committee on 20 Point Programme is nothing but a Committee to be constituted by the men of Congress Party only. The Deputy Chairman of Planning Commission is also from among the men of Congress. In spite of all these things the Governor was not able to please the Congressmen. Now there is a persistent demand within the party to remove the Governor.

It is, however, not being done. A Tanti and the political Pandit of your party was instrumental in appointing an adviser to the Governor. In this way, you are planning to run the Government with the help of tantum knowledge. The present

advisor to the Governor is being transferred to another department. Similarly, there is reshuffling of officers in various departments. The Home Secretary has also been removed. Most of the MPs in the State want Collector, S. P., S. D., C. R. O. and A. D. M. etc. of their own choice. They know that the people are not going to vote them to Power in ensuing elections, so they garner upon the support of officers. You are running the Government with the help of officers. What is happening in your rule? (Interruptions)

You want to know as to what happened during the B. J. P. rule in the State. The hon. Minister of Food has perhaps left the House. There are one hundred and five sugar mills in the State. Questions regarding the Sugar Mills in Uttar Pradesh are raised again and again. The issue of outstanding against the Mills of Uttar Pradesh is also raised frequently... (Interruptions)

SHRI RAMESH CHENNITHALA (Kottayam) a Decision regarding sugarcane was taken recently.

SHRISATYADEOSINGH: 1,77,921 metric tonne sugar is produced by 105 sugar mills. (Interruptions)

[English]

I will conclude just now

MR. CHAIRMAN: You have taken 22 minutes

SHRISATYADEOSINGH: Uttar Pradesh is big a State. I am opposing the Motion which is directly connected with the welfare of the State and with the rights of the people to exercise their rights enshrined in the Constitutions. Therefore, these things cannot be compressed in 20 to 30 minutes. Let me appraise the Minister.

MR. CHAIRMAN: Thirteen colleagues are speaking from BJP.

SHRI SATYADEO SINGH: Four States Governments of ours have been dismissed. About 40 crores of population has been brought under the President's rule.

SHRI VIJĀY NAVAL PATIL (Erandol): Is it your personal property?

[Translation]

SHRI SATYADEO SINGH: Hon. Minister of Home Affairs. I would like to say that if you are interested in ensuring development of Uttar Pradesh and in having a control there, then in the prevailing situation you cannot destroy the democratic set up in connivance with bureaucrats. I would like to say that out of total 87 Parliamentary seats of Uttar Pradesh 3-4 seats have also been, by mistake, bagged by the candidates of your party. They all are Ministers. You should set up a Committee of Members... (Interruptions) 51 Members of our party are elected from Uttar Pradesh. (Interruptions)

[English]

The Congress Party has been rejected at the hustings in Uttar Pradesh, both in the Assembly and in the Parliament. We have got two-thirds majority. Therefore, we have got the right to express the sentiments strongly and with remorse. That is what I am doing. (Interruptions)

[Translation]

I would like to draw the attention of the hon. Minister of Home affairs to the fact that the population of Uttar Pradesh constitutes 16 per cent of the total population of the country. It is unfortunate that 46 per cent of total population of the country is living below the poverty line for last 40 years. Justice should be done to the State of Uttar Pradesh. The States will not prosper unless industries are set there. You said that 100 growth centres were provided to the State last year. Moreover, 100 more growth centres are proposed to be set up. Each growth centre will

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cost Rs. 30 crore. The Government has provided only 8 growth centres for Uttar Pradesh which has a population of 14 crore i.e. 18 per cent of the total population of the country. This is an injustice to Uttar Pradesh. Last year in December, 1992 investment in 1152 industries of Uttar Pradesh was Rs. 24829 crore whereas there has been more investment in smaller States. This is why the backwardness of Uttar Pradesh is a matter of serious concern for every one. In the States where comparatively more progress is made

[English]

unemployment whether educated or uneducated it is on the rise

[Translation]

Where there is no growth, there the problem of unemployment becomes grave. The problem of unemployment is on increase in Uttar Pradesh. There is unrest among the youth of our State as there are limited employment opportunities available for them. Your party is in power at centre. You have not done anything so that their dreams and aspirations might be fulfilled

Sir, hundreds of schemes are lying pending in Uttar Pradesh. I would like to mention the names of those schemes. Continental Float Glass Project is pending in Banda. Others like News Print Project, Aliganj, Moradabad Lube Oil Refining Complex, D A P Fertiliser Project, Polypropylene Project, Mathura Gas Based four Fertiliser factories, Gas Cracker Complex, Auraiya Fertiliser Project, Gorakhpur are all pending for the reasons best known to the Government only. You will be surprised to know that in the last 20 years only one road was declared National Highway in 1984. Several Chief Ministers and I myself submitted to the Government time and again that there should be a review of National Highways in Uttar Pradesh and that their number should be increased. But the

Government did not do that. I do not like to refer to the demands made by us, but I would certainly like to say that the work on all the development Schemes should be expedited. The hon. Minister of Food has left the House. My district is the most backward district. There was a plan of setting up a sugar mill in Pachwada. The Government cancelled the license there. Political interests influence sugar crushing. Sugar Mills are not being set up keeping in view the requirement of farmers

Funds should be utilised on development of roads and bridges. The former Chief Minister had inaugurated the construction of Kodari Ghat Bridge over Rapti river in Gonda. That bridge connects the most backward area. It is a scheme of Rs. 7-8 crores. A telegraphic message was sent that not even a single penny exceeding Rs. one crore should be spent there. Do you intend to punish the people of Uttar Pradesh for voting the Bhartiya Jannata to power? Do you intend to punish the people of Rajasthan, Madhya Pradesh and Himachal Pradesh for the similar reason? The general public of those States have already had enough of Congress rule. That is why they are not ready to accept the rule of Congress party. People will now not be swayed away by your falsehood and hollow assurances. They have seen through your game.

Several irrigation projects of the State are lying pending. For the last 25 years the Kanhaar Irrigation Project Sonhadra, is lying pending. Similarly, Jaranai Dam Project over Gola river near Kathgodam and the Ban sugar Project can benefit U.P., Madhya Pradesh and also Bihar. Rajghat Dam Projects is proposed to be constructed over Betwa river. But all those projects are lying pending.

Shri Kaip Nath Rai had been the Minister of State in the Ministry of Power earlier. Now he is the Minister of State in the Ministry of Food. Earlier he played gimmicks in the field of power and now he will play gimmicks with farmers. The share of Uttar Pradesh is 2044 megawatt in Central Sector which has a capacity of 6760

megawatt of electricity. The per capita electricity consumption of U.P. is 168 unit against the national consumption of 253 units. The share given to Uttar Pradesh is 30 per cent of the total energy. Whereas the U.P. Government is demanding 50 per cent of the electricity as its right. Anpara is such a big project, which is going to benefit every body. The Electricity production will not be limited to any particular area. The development of Uttar Pradesh does not mean the destruction of Congress party. The development of Uttar Pradesh is co-related with the development of the country. Article 356 will not be helpful in the development of the State. The development of Uttar Pradesh depends upon the repeal of article 356 and entrusting the people with this job.

We have done radical basic changes in the education system but today you ask to change the syllabus. You want to teach 'go' for 'Gadha' instead of 'Ganesh' because it hurts your secularism.

Such is the law and order situation in U.P., that the persons, responsible for bomb explosion in Bombay, of which you had been a Chief Minister, have their access in Rampur

also. The persons who planted bomb in a scooter in Milak Tehsil were arrested but your Government is putting pressure on U.P. Police not to take any action against the persons related with this bomb explosion and the persons in Milak teshil who gave shelter to these persons.

We made a record in the field of irrigation. We had an aim of distributing 5 thousand acres of land. I want to let the House know that we distributed 5076 acres of land and got the individual possession of the land in 1992. Not only this, under section 11 about 10,99,075 cases of inheritance were pending for their settlement and a lot of conspiracies were hatched and land was transferred in the name of some other person instead of the actual person but within a period of 18 month the Government of U.P. settled all such cases.

In the field of Housing, we have done a

tremondous progress which is equivalent to 332 per cent. The Central Government has data in this regard. These are not our figures. You can check these figures as we get finance and revenue from the Central Government.

In the last, I want to submit that the debate initiated by the Jabalpur High Court, whether on this account Supreme Court will decide in your favour or not, is not known to me but I know this much that in the interest of the nation we will have to subjugate the lure of using Article 356 in future. In order to save democracy we will have to ensure that it does not have a violent stroke on the federal structure of the country. You are extending this period by 6 months but I feel that God will give you a good sense. Though otherwise you get scared in the name of the God. You start shivering in the name of 'Jai Shri Ram' just now my colleague said that he was suffering from 6 th December phobia (*Interruptions*) you keep mum. Probably, it has happened first time in the history of India that a leader of the House did not vote on a resolution instead he abstained.

[English]

You have institutionalised corruption in this House, do not do that again.

[Translation]

PROF. PREMDHUMAL (Hamirpur) Mr Speaker, Sir, he is right, we talk of Shri Ram and you are talking about Ramaswamy, it happened yesterday night only.

SHRI SATYADEV SINGH In the last I want to raise one more point. The hon. Minister of Home may extend it by 6 months but I request you to face the public at an early date. The public of this country is very generous, it is possible that it may forget your wrong doings with the grace of Lord Ram and you will get a chance to present your side of affairs.

With this I request you to withdraw this Bill I oppose this Bill and conclude.

SHRI VISHWANATH SHASTRI (Gazipur)

Mr. Chairman, Sir, I oppose the Bill presented by the Home Minister meant for extending the period of President's rule by six months in four states I oppose it, because the present situation, which has become a reason for imposing President's rule in U.P. and other states has in its base a force of communal powers. Before this, you yourself had been in search of communal powers and sometimes you even showed them the path. In Shahbano case you did not implement the verdict of the Supreme Court under the pressure of the fanatics. This act of your provided a chance to other big communal powers of our country to become organised. On one hand in order to satisfy these fanatics, you adopted a policy of appeasement and on the other for the appeasement of communal forces, you went ahead with - 'Shilanyas'. You not only go for 'Shilanyas' but also surrender before these. Communal forces by unlocking the lock. You either talk about fighting these force or submit that these forces have spoiled the atmosphere for it. Whatever suits you, you do it accordingly. Therefore, I want to suggest you that in order to save the Constitution of the country you should be determined that you will not join hands with the communal forces. But on the contrary, you do not wage any war against communal forces. Having seen the position of the yesterday, now it has become clear that you cannot combat corruption either. You are going to surrender before it. The way you have surrendered, can be a matter of pride for you but.

[English]

MR. CHAIRMAN. Please speak on the resolution. Do not go back to yesterday or one year ago.

[Translation]

SHRI VISHWANATH SHASTRI. I want to submit that much before the incident of 6 th December, we had reported to the House about the situation prevailing there by visiting that area but you neither attached any importance to such

information nor considered those matter and what happened there was culmination of it. The forces have been send there after the demolition of the structure. Even after the sending of the forces, the construction of the temple took place for another 36 hours. This clearly shows that your saying is different than what you do. The way you take action against those forces even after the imposition of the President's rule does not show that you are doing it earnestly. On the contrary, the restrictions imposed by you seem some sort of mockery and one can easily tell that the way, you have fight out the communalism in the recent past, is still haunting you. It is you who is responsible for the deteriorating situation in the country. Today, you are not ready to make any structural change in our state and as a result we are facing the work.

Sir, our colleague mentioned about development works. Before that Shri Manmohan Singh presented it with craftiness. I want to submit that you are extending this period by another 6 months but the way you have handled the communal elements and created the atmosphere in the state in respect to the development of the various projects in the state during last six months, does not provide any hope that you will do something better in the next 6 month. In Punjab, you have been quite successful to Control the terrorism of course with the help of the public, but in U.P. the situation is something different. In the Terai region of U.P. local criminals are also active with terrorists and when police puts pressure on them, they migrate to Nepal. You may talk with Nepal Government in this regard but till then you must go for a road in the Terai region bordering with Nepal from Gorakhpur onwards. The arrangement of police patrol should be made and police posts should be set up there because there are jungles on both sides of the border where they can easily hide themselves. Therefore, the Government should make some effective arrangement there for proper patrolling of that area.

Sir, secondly, I would like to say that when situation in Uttar Pradesh is normal then what is

the difficulty in holding elections there. You should hold Assembly elections in Uttar Pradesh and suppose you do not want to hold it now, you can at least hold elections for the Cooperative Societies. The tenure of our Gram Sabhas is also going to expire in the month of June. You are talking so much about Panchayati Raj, so, should we expect any announcement from the Government today for holding at least Panchayat elections which are going to complete their tenure in near future? The Government should make an announcement about it and hold elections for Gram Sabhas immediately. There is no problem in it. Elections to Gram Sabhas and Cooperative Societies are not fought on party basis. There will be nothing shameful to you if your party is rejected by the people. Therefore, you should immediately hold elections for Gram Sabhas and Cooperative Societies in Uttar Pradesh.

The other thing which I would like to say is that six months have passed since the imposition of President's rule in the State and in absence of any elected representatives I think there is no difficulty if Advisory Committees of the Members of Parliament from Uttar Pradesh are constituted so that public problems could be solved through these committees and their grievances could reach the bureaucracy. And these committees can also keep a watch on the development works. The Government is not paying any attention towards it. I do not know as to when you are going to do all these things there. Similarly I would like to say that the Government should review the performance of Administrative and police officers who have been working there for quite a long time. Shri Mohan Singh has rightly said that the auction for liquor contracts have not been done in the State, so I would like to know the reason for not awarding contracts so far. What actions are being taken by the Government against District Magistrates for this? Why the Government is not taking action against the police officers who were involved in communal riots because there is President's rule in the State and all reports are available with the Government? It seems that

the Government is not making any efforts to bring normalcy in the State for which we should support the Government.

In the end, I oppose the Resolution and would like to say that Assembly elections should be held at the earliest in Uttar Pradesh and if there is any difficulty in it the Government should announce elections for Cooperative Societies and Gram panchayats. I am thankful to, you sir, for giving me an opportunity to speak.

[English]

SHRI VIJAY NAVAL PATIL (Erandol): Mr. Chairman, Sir, in today's political life of India, the most frustrated party is the Bharatiya Janata Party. The dissolution of four States was to some extent in the interest of the Bharatiya Janata Party, because the quarrels had already started. They were coming to power by using the plank of religion and their governance was very well known. We have seen that in Madhya Pradesh, after coming to power, they had made 40,000 transfers. In Uttar Pradesh, an Act was enacted making copying in the 12th Standard examination as a cognizable offence. That resulted in 12 per cent result in the 12th Standard examination. (Interruptions) We are not encouraging copying but a situation has developed there that your Government came into trouble. There was a quarrel between Mr. Patwa and Kumari Uma Bharati. So, you all were in trouble. Even in Himachal Pradesh, one of the Ministers, the Agriculture Minister resigned without giving any reason. So, you were in trouble on the 6th of December, 1992. (Interruptions)

PROF. PREMDHUMAL: Mr. Chairman, Sir, will he name the Minister who resigned in Himachal Pradesh?

MR. CHAIRMAN: He is not yielding.

PROF. PREMDHUMAL: He is making false statements and he is misleading the House. Let him come out with the name of the Minister

[Prof. Prem Dhumal]

who resigned in Himachal Pradesh. (*Interruptions*)

SHRI VIJAY NAVAL PATIL : One of the speakers said that they have distributed thousands of acres of surplus land in Uttar Pradesh. I think it includes Sadhvi Rithambura in Mathura.

When you talk about misuse of article 356, you forget that in 1977 your Party had dissolved nine States at one stroke. (*Interruptions*) This is not *Badle ki bhavana*. The action was right. (*Interruptions*)

The other Members from BJP said, if you have guts you come out. We want to reply that we have guts. We have seen many elections. We are sitting in opposition in many States. We were in the opposition at the Centre also. Sitting in opposition is not bad for us. But it is problematic for you because you, are unable to govern properly.

We are requesting the Home Minister to see that normalcy returns to the States because the danger is still potential there. There is potential danger of violence during the elections. It is only when normalcy is restored that can be held.

Now things are improving and the situation is becoming calm and we hope that by December, 1993 there will be proper atmosphere for Assembly election. In the meantime, whatever demand is made by some Members here regarding elections to gram panchayats and cooperative bodies, I urge upon the Government that these elections should be held wherever they are due.

A point has been raised regarding the appointment of Advisory Committee of Parliament for advising the Governors of the States. I support that because it is necessary to guide the bureaucracy in governing such big States for a longer time.

I urge upon the Home Minister to appoint the Advisory Committees in all these four States.

Reference was made here to the injustice being done to Uttar Pradesh. We do not agree with that view. With the limited financial resources, the congress party has given over the last 40 years lot of attention to Uttar Pradesh. Almost every taluk, tehsil headquarters is connected with railways. You say that not a single national highway has been declared during the last two or three years. You are talking for a short period. If you take the history of the last 40 to 45 years, the Government of India has given lot of attention to Uttar Pradesh and the development of Uttar Pradesh is not neglected.

[*Translation*]

SHRI SANTOSH KUMAR GANGWAR (Bareilly) : Mr. Chairman, Sir, no road in Uttar Pradesh has been declared as National Highways since 1984. I would like to State it for your information that the number of National Highways are less in Uttar Pradesh and I have been raising this matter for quite a long time. It is not a question of one or two year.

[*English*]

SHRI VIJAY NAVAL PATIL : There may be some lacuna here and there in the development of the State but that does not mean that we have not paid any attention during our tenure, when we were in the Government during last year.

It was not done out of vindictive attitude. The Congress Party has never kept that attitude in mind. That is why, we have been returned to power again and again.

Sir, the four States where the BJP was governing had to face some peculiar situations. The children there were taught a different syllabus, a different type of history compared to the children of our other States. It was becoming a national problem. We must thank God that the situation developed to such an extent that the

Governments there were dismissed and the facts were brought to light. Now, we are rectifying those things. This indoctrination in teaching the history is not going to help in the long run. It may be of some short-term gain to the BJP friends. I know that. They also realised that opposing Gandhiji's ideas is not helping them. That is why, now, at some intervals they have started taking the name of Gandhiji. But the fact remains that the history text books were distorted and it necessitated the Government to change them to bring them on the right track.

I do not want to go into the judicial aspect of the judgement given by the Jabalpur High court. But the fact remains that the sovereignty of Parliament, of the Presidential Order, independence of judiciary, the legislature and the executive has to be maintained. In that context, I am surprised how one person can substitute the satisfaction of the other person - whether it is a Judge and the President or the President and the Judge. It was the satisfaction of the President that counted and because he thought that conditions prevailed for the dissolution of the Assemblies, it was done. That satisfaction cannot be substituted by the satisfaction of the other person whether he is a Judge or any other dignitary. That is my opinion. Of course, this matter is sub judice. That is why I do not want to express anything more in details, about my opinion on this issue. But this has to be sorted out. Such things, that is, the Presidential Orders issued under Article 356 in future should not be subjected to judicial review on the one hand and on the other hand, as it is feared, it should not be misused for political ends. But I am sure and my Party is sure. We maintain again and again that the conditions prevailed in which this order had to be proclaimed. The conditions still prevail under which we have now to extend the period. That is why these motions have been brought before this House today. I support the motions.

SHRI CHITTA BASU (Barasat): Sir, with much reluctance and hesitation, I could persuade myself to agree to the proposal for the

continuance of the President's Rule in the four States. Please note, Mr. Home Minister, that persuasion came after understanding the real situation prevailing in the country. (*Interruptions*)

17.00 hrs.

[*Translation*]

SHRI DAU DAYAL JOSHI (Kota): Last time you were strongly opposing the Article 356. (*Interruptions*)

[*English*]

SHRI CHITTA BASU: Just wait. As you know, we are opposed to the very basic idea of the incorporation of Article 356 of the Constitution. And if you kindly allow me to mention certain remarks made by the Supreme Court itself regarding Article 356, the Supreme Court once mentioned and I quote:

"If any drastic power that is Article 356 which if misused and over-abused, can destroy the equilibrium between the Union and the State."

It is not merely my opinion. It is the Supreme Court's view also regarding Article 356. For a country like India of its vastness, of its pluralist characteristics, of its multiplicity of language and region, the only cementing force is federalism. If there is no general principle of federalism, the unity of the country would be in jeopardy, if under the Congress rule, if it is under their rule or if it is under our rule. The basic principle for the unity of the country is the acceptance and implementation of the principle of genuine federalism. When this Article 356 was being debated in the Constituent Assembly, it was, I do not like to quote but I want to remain, the Home Minister and all of us, assumed that it will be very rarely used. As a matter of fact, the architect of the Constitution Mr. Ambedkar had to comment, to satisfy the Constituent Assembly, that it will ultimately remain a dead

[Sh. Chitta Basu]

letter. It has not remained a dead letter. At this time during the last 43 years, it has been invoked 90 times. Therefore, by this invocation of this Article, there has been strain of relations between the Union Government and the States.

A more shameful phenomenon is that this particular Article of the Constitution of the country is a virtual replica of the 1935 Act. As a matter of fact, in Chapter VI of the 1935 Act, the title is 'Provision in case of failure of the constitutional machinery' and the same word has been lifted from the Government of India Act of 1935 as prepared and accepted by the British imperialism, has been lifted into our Constitution. Therefore, it must go. As soon as it goes, it is better for the country, it strengthens federalism, it strengthens the stability of the country, it brings about a new era in India's progress.

Even Mr. Churchill was shuddered to think about the vast power enjoyed by the Governor-General in our country under their rule. Mr. Churchill had characterised the sweeping powers of the Governor-General of India to be such as would rouse Mussolini's influence.

Sir, I do not think that Mr. Churchill was a democrat. We fought against Mr. Churchill, we knew his imperialistic character. But even an imperialist leader like Mr. Churchill had to comment about the sweeping power enjoyed by the Governor-General of India under 1935 Act, which according to him, was envy in the mind of Mr. Mussolini, the great administrator.

When I remember all these things, I feel that this Article 356 is a blot on the Constitution of our country. Many have referred to the Constituent Assembly debates and you know much more than this and I do not like to repeat it. Constituent Assembly debate made it clear that it will not be brought into operation unless there are extreme cases, but, here for the political reasons, for the reasons of the party, for the reasons of resolving the internal feud of the

ruling party, this Article have more than often been used. There is a great necessity for judicial review. I do not know what would be the view of the Supreme Court regarding the urgency or necessity of judicial review. But, to honour a minimum of guarantee, a minimum guarantee for the protection of federal spirit of our Constitution in the changed, altered political condition in our country, I think, the principle of judicial review so far as the application of Article 356 is concerned, is to be thought about. This is not a new idea. As a matter of fact, in Rajasthan case in 1977, that principle of judicial review has also been accepted and I quote

"The principle has been accepted, but that acceptance was specific oriented".

It is not in general terms. I want that it should be applicable in general terms. I quote that principle

"If the satisfaction is mala fide or is based on wholly extraneous or irrelevant grounds, the court would have jurisdiction to examine it because in that case, there will be satisfaction of the President in regard to the matter in which he is required to be satisfied".

I plead that the Government at least now do consider the possibility of incorporating some provisions in the Constitution to enable it to make this applicable and justiciable in the court.

Even when these four States were brought under the President's rule, I, on behalf of my party, expressed certain reservations, the reservations were of this nature. That is, so far as UP Government is concerned, the Government committed a mistake by not imposing the President's rule on time, namely certain date which I have forgotten, before the 6th of December, 1992. The reasons are well known. But, so far as the position of the Government in other three States is concerned, we had some reservation and I think the Government should unlearn something by the experience they have gained by this time. There are enough provi-

sions even in the Constitution today. There were suggestions made by Dr. Ambedkar that before applying or before invoking Article 356, the State Governments are to be given warning. If that does not work, there should be an arrangement for holding elections. If that is not possible then only Article 356 should be applied as the last resort. Even Article 257 of the Constitution authorises the Union Government to issue instructions to State Governments to do certain things and not to do certain other things. Even after the demolition of the Babri Masjid at Ayodhya, some kind of instructions could have been issued under Article 257 of the Constitution to the other three States Government, about whom, there would have been some genuine apprehensions that they may not implement the Centre's directives. That could have been taken recourse to, and a lot of public criticism could have been avoided. By taking such a hasty action as you did, you have only strengthened their base of support in those States. Therefore, all these factors should be taken into count.

Therefore, Sir, I reiterate that the principle of judicial review has to be incorporated. The principle of giving warning, the principle of giving certain directives from the Union Government under Article 257 of the Constitution, before imposing the President's Rule, etc. have to be considered, so that this kind of a situation is avoided in future.

Sir, we want elections at the earliest possible time. But I must say and confess that the situation in the country, particularly the communal situation in the country, does not permit us to hold elections in a manner that would be friendly and fair and reflecting the genuine aspirations of the people. The poison of communalism has spread far and wide and unless that is not removed from the mind of the people and a secular and democratic political atmosphere is allowed to return, holding elections at this juncture may prove to be much more dangerous than not holding them.

out how the country is moving towards disaster. The Shiva Sena leader gave an interview to the *Times International* only a few weeks ago. He remarked that if Muslims were fleeing Bombay, let them go out. If they do not go, they must be kicked out. (Interruptions)

PROF. PREMDHUMAL: What connection does it have with the Presidential Order?

SHRI CHITTABASU: It has every connection because it affects the election prospects. Sir, my very first comment is that with utmost reluctance and great hesitation, I convinced myself for the continuance of the President's Rule in these four States. Otherwise, only option is to hold elections just tomorrow. As you cannot hold elections, I am agreeable to the suggestion. You cannot hold the elections if you allow the Shiva Sena to propagate or spread communal poison in this way. There are other courses also but I do not want to take the time of the House. The situation is such that elections should be held at the earliest possible time. We can hold the elections at the earliest possible time provided secular and democratic polity is fully guaranteed in our country. My complaint against the Government is that they want to be in power only by invocation of Article 356 and not by winning the support of the people to secularise the Society and on the basis of a secularised society stabilise their political position in the country.

Therefore, Sir, with these reservations I agree with the proposal of continuance of the President's Rule for some time provided the Government is agreeable to make necessary arrangements to hold elections at the earliest and for that purpose also carry on campaign for secularisation of the society.

(Translation)

SHRI DAU DAYAL JOSHI (KOTA): Mr. Chairman, Sir, the hon. Members are blindly supporting this Bill for their own political gains.

[Sh. Dau Dayal Joshi]

ings of the Constitution Drafting Committee and I would like to draw the attention of the House towards the views expressed by Dr. Ambedkar on this Article when he was repeatedly asked about it by the Members. Dr. Ambedkar said that according to his views, the article 356 would remain dead for ever. But it is unfortunate that in spite of their claim to be the followers of Dr. Ambedkar, this Article was used 101 times during 44 years. Had the departed soul of Dr. Ambedkar been listening these things in the heaven, he would have definitely been thinking as to how his followers are misusing this Article.

The way this Article is being misused is highly condemnable and objectionable. It was hoped that good sense would prevail after the historic judgement of Jabalpur High Court. One of our former Chief Minister had even announced 27th June as elections date in Rajasthan because of the historic judgement of Jabalpur High Court and on that basis the Government would not go to the Lok Sabha for extending the President's rule but I regret to say that the Government has brought this Bill for extending President's rule for another six months on one pretext or the other.

The hon. Home Minister has said that the law and order situations is not good and therefore, elections cannot be held there. There is no law and order problem in Rajasthan. Two days earlier statement was given by the Governor of Rajasthan, Shri Reddy that the law and order situation is normal in the State.

17, 19hrs.

[SHRI SHARAD DIGHE *in the Chair*]

But the Government says that the situation is not normal for holding elections. Actually the position of their leaders is not good for elections. If there is any deterioration in the situation that is only on the borders of Rajasthan and the Central Government is entirely responsible for

that. The international border in Rajasthan is not secured today. The Government has sealed border in Punjab but it has not done so in Rajasthan and Gujarat and the arms and ammunitions, A.K. 56 rifles etc. are being smuggled from Rajasthan border only. Therefore, I would like to submit that though the law and order situation in Rajasthan is satisfactory yet due to the Government's attitude situation on the Rajasthan border is very precarious. The Government is quite incompetent. Therefore, it must tender its resignation. If elections are to be held then first hold elections to the Lok Sabha to judge the actual mood of the electorate and actual conditions prevailing in the country.

An hon. Member of the Congress, a little while ago, praised the President's rule in Rajasthan. However, I would like to remind the hon. Members of the Congress that yesterday a senior congress leader from Rajasthan and ex-Minister of Textiles, Shri Ashok Gehlot, submitted that under the President's rule corruption has increased. A statement in this regard was issued by Shri Ashok Gehlot yesterday in Jodhpur. Probably the Governor is being criticised because the Congress in Rajasthan is divided into two factions. One faction is supporting the Governor while the other is opposing the Governor. Opposition is not something very serious. The Governor is not being criticised for hampering development works in the state. The Governor has not rightly come to the assistance of any congressman. The Governor is quite justified because how long he could have fulfilled the wishes of the Congressmen. Since the State is under the President's rule so, what would the Congressmen do in the state. For lists regarding the transfers and postings of Collectors, DIGs and SPs are pending with the Governor. From each district four congressmen approach the Governor with their lists. Shri Vidyacharan Shukla has been made in charge of the Congress party affairs in Rajasthan. Shri Shukla 25 days back informed the Congressmen in Rajasthan that the President's rule does not imply the rule of the Congress. Shri Shukla

advised them to remain within limits. However, what else can the Congressmen do because they have got nothing to do for the last 2 to 3 months. The Congressmen have again started wielding influence in Rajasthan under the President's rule. The Congressmen have started assuring the officials regarding the transfers and postings and approach the Governor with the lists. The Congressmen in the State are not bothered about industrial development in Rajasthan. No industry has been set up in Rajasthan under the President's rule. Only one industry of transfers and postings has prospered in Rajasthan. The Congressmen are charging between Rs. 5,000 to Rs. 20,000 for the transfers and postings of SPs to Collectors. Therefore, I urge the hon. Minister of Home Affairs to check this practice. The Congressmen are daily pressuring the Governor in this regard. Shri V. C. Shukla is aware of all these developments. Today also nine lists regarding the transfers and postings of Collectors and DIGs were submitted to the Governor of Rajasthan. Except this no development activity is going on in Rajasthan. Today's newspapers carry a report that two persons died in Khedela after drinking non-potable water. I would like to submit to the Congressmen that Rajasthan is generally in the grip of drought because of the scarcity of water. People in Rajasthan do not have food to eat. There are areas in Rajasthan which do not receive rainfall for 5 to 7 years at a stretch. When children grow up after 5 to 7 years and if there is rainfall they ask their parents, what is happening. Then parents inform them that it is called rainfall. This is the scenario in Rajasthan. Therefore, I urge the Government to ponder over all this. Meetings of officials in Delhi are convened time and again. However, the Governor of Rajasthan should convene a meeting of the State MPs to discuss the ways and means for bringing Yamuna water to Rajasthan. Arbitrary decisions are being taken. That's why the former Chief Minister of Rajasthan advised the Governor of Rajasthan not to intervene in the matter. And as and when the Assembly is dissolved the Governor can take a decision in this regard. The Governor is not competent to

settle the issue with the centre.

Sir, Rajasthan is facing water and power shortage. For the first time development took place in full swing in Rajasthan under the leadership of the Chief Minister, Shri Bharoin Singh Shekhawat. The Hon. Prime Minister should call Shri Shekhawat to discuss the policies and programmes framed by the latter in Rajasthan. The then Chief Minister of Rajasthan earlier made an announcement disallowing persons with more than two children from participating in the municipal and panchayat elections, the provision being incorporated in the 72nd amendment. Under compulsions the Central Government has accepted this provision. Shri Shekhawat provided efficient leadership in Rajasthan. Just because of one unsavory incident in a small town near Jaipur the Central Government decided to dismiss Shri Shekhawat.

Sir, Shri Shekhawat provided able, progressive leadership in Rajasthan but all of a sudden the hon. Minister of Home Affairs realised that Shri Shekhawat is not fit to continue in office. Only one day before the dismissal of Shri Shekhawat he was being showered praise for providing able leadership by the Governor of Rajasthan. State was marching forward under the leadership of Shri Shekhawat but his Government was simply dismissed because of his proximity to Sangh Parivar. Although Shri Shekhawat ordered large scale arrest of the RSS workers. I throw down the Gauntlet to the hon. Minister of Home Affairs and the Congress to come forward. Aao Maidan Mein, Ye Ghora, Ye Maidan Karao Chunav, Janta Jise Chahegi, Chunlegi.

I know it very well that my party will win the elections. Janata will decide the fate of both the Congress and my party. Even three births will not be long enough to win the elections in the State. People will reject the Congress for its misdeeds. I am of the opinion that the people will elect my party. People are on our side and will continue to vote for us. With these words I conclude.

[English]

SHRI R NAIDU RAMASAMY (Periyakulam): I am very glad to participate in this discussion on behalf of the AIADMK. It is a matter of great regret and shame for the Congress that they are moving this House today for approval of extension of President's Rule for a further period of six months in the States of Uttar Pradesh, Madhya Pradesh, Himachal Pradesh and Rajasthan.

The population in these States constitutes more than 40 per cent of the total population in India. The suspension of democracy in the four States for a further period of Six months sends a shameful signal to the outside world that India which is the second largest democracy in the world is out to destroy the very democratic fabric on which the Constitution of India is based.

The House may kindly recall that this Congress Party which inefficiently handled the Babri Masjid issue is a silent sepectator of the demolition of the Babri Masjid on December 6 last year

Sir, the House may kindly recall that the Congress Party, which inefficiently handled the Babri Masjid issue, was a silent spectator to the demolition of the Babri Masjid on the 6th December last year. Before the 6th December, there were reports that there was a danger of the disputed structure being demolished by the anti-social elements there. If the Central Government had information that the demolition could take place, they should have taken some advance action.

SHRI ANNA JOSHI (Pune): He is telling so many important points about the Resolution. But on the part of the Government nobody from the Home Ministry is taking any notes. How will they answer his questions?

MR CHAIRMAN: A Cabinet Minister is here

SHRI ANNA JOSHI: If they do not have the time to take down the points being made, let us adjourn the House for ten minutes.

[Translation]

SHRI DAU DAYAL JOSHI: Hon. Minister is neither paying attention nor taking any note of the points raised by us.

[English]

SHRI CHANDRA JEET YADAV (Azangarh): Mr Chairman, this is very objectionable. The objection is right. There are three Ministers in the Home Ministry. After all, we are discussing the proclamation issued by the Home Ministry. One of the three Ministers could have been here.

MR. CHAIRMAN: Most of the time Shri S B. Chavan was here. He has just gone out. He was sitting here. He is in charge of it. He must have gone out for a few minutes. But another Cabinet Minister is here.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI B. SHANKARANAND): We are not supposed to listen to the cross-talks of the Members of Parliament. (Interruptions)

[Translation]

DR G L KANAUIA (Kheri): Mr Chairman, Sir, a very important matter regarding the proposal of extending President's rule in four states is being discussed in the House and the treasury benches are empty. It is nothing but to ridicule such an important matter. (Interruptions)

[English]

MR. CHAIRMAN: Please go on Shri Ramasamy.

Now do not raise any objections.

SHRI B. SHANKARANAND: You know that there is a Cabinet Minister sitting here. *(Interruptions)* The hon. Member should know that there is a Cabinet Minister sitting here. We have to see to so many things in the House.

SHRI ANNA JOSHI: You should not take it like that. Nobody from the Home Ministry is here.

SHRI B. SHANKARANAND: Let us not be too technical when serious matters are being discussed.

SHRI ANNA JOSHI: The Hon. Member was giving some important information. Nobody was taking notes from your side.

MR. CHAIRMAN: Please sit down now.

SHRI R. NAIDU RAMASAMY: The Central Government should have taken advance action to prevent the demolition of the Babri Masjid *(Interruptions)*

MR. CHAIRMAN: Why do you interrupt now? Please sit down.

SHRI R. NAIDU RAMASAMY: By not doing that, the Congress Party at the Centre had colluded with the anti-national and anti-social elements in bringing down the symbol of secularism as embodied in the Babri Masjid structure.

At the meeting of the National Integration Council our dynamic leader Puratchi Talavi demanded that the Babri Masjid should be protected and the wishes of the majority community should be respected.

MR. CHAIRMAN: Please do not disturb now.

SHRI R. NAIDU RAMASAMY: Only if the Central Government had heeded to the same counsel of Puratchi Talavi, we would not have come to this pause. Our secular image would

not have been sullied.

I feel extremely pained to charge the Congress Party with abetting the anti-national elements in bringing down the Babri Masjid structure and subsequently demolishing the Constitution itself, by bringing down the four democratically elected Governments.

If the law and order situation was so serious and if secularism was in peril in Uttar Pradesh, then, in that case, the responsibility should have been taken jointly by the Central Governments as well as the U.P. Government. You have dismissed the U.P. Government.

The Central Government should have also resigned accepting moral responsibility for failing to uphold secularism. The Congress Party and the Central Government have betrayed the people of India by putting secularism in peril. Secularism is no more safe in the hands of the Congress Party.

The Central Government, at the most could have suspended the U.P. Government for failing to maintain law and order on December 6. Then we could have said that the Central Government has not mutilated the spirit and letter of the Constitution. The Central Government which does not believe in democracy has not only dismissed the U.P. Government as a genuine one but also went berserk in dismissing three more Governments for no reason thus subverting the provisions of the Constitution for cheap political gains.

The Congress Party has committed the biggest crime on democracy by allowing the disputed structure to be demolished and by dismissing the democratically elected Governments by misusing the constitutional provisions. Every Member assembled here has a right to ask for a review of the Constitution itself whether such drastic and draconian provisions should any more exist in the Constitution

I fully welcome in this context that the

[Sh. R. Naidu Ramasamy]

Central Government has taken a welcome step in banning communal organisations. The Shiva Sena, the Bajrang Dal and the VHP have been banned for the simple reason that they are fanatics of religion. Therefore, in the Government's view and in the view of the Constitution, religious fanaticism and secularism cannot go together. If that is the case, can secularism, can nationalism, can patriotism, on the one hand, and anti-nationalism, terrorism and casteism, on the other hand, go together. For example, let me tell a case in relation to the State of Tamil Nadu. There is an organisation which is also a political party called the PMK which has praised the killers of Rajiv Gandhi as martyrs and which has alleged links with the LTTE and other terrorist organisations for the purposes of their political survival in Tamil Nadu. The people of Tamil Nadu represented in the Tamil Nadu Legislative Assembly, unanimously passed a resolution for banning the poisonous organisation called the PMK. The Central Government instead of banning the PMK tried under the auspices of the Congress President for an electoral alliance in the bye elections in the State that have been cancelled. Therefore, I charge the Congress Party that they have a nexus with the terrorists and the LTTE. The Congress is promoting the PMK which has links with LTTE to create law and order problem in the State so that they could have a handle to subvert democracy in Tamil Nadu. (Interruptions)

SHRIM. KRISHNASWAMY (Vandavasi) : In Tamil Nadu, during their regime, all LTTE people had fled. (Interruptions)

SHRIR. NADIURAMASAMY : If the Congress Party believes that it is against terrorism, it is against the killers of Rajiv Gandhi and it wants to pay the tributes to Shri Rajiv Gandhi for the great sacrifice he has done for the country, then the PMK should immediately be banned. Action should also be taken against all the congressmen including the TNCC President who promoted the PMK cause. Then only the

people of Tamil Nadu and the people of the country can be convinced that the Congress Party is against terrorism and against the assassins of Rajiv Gandhi. (Interruptions)

SHRIM. KRISHNASWAMY : Sir, he cannot talk like this. He is talking about TNCC President. (Interruptions)

SHRI P. G. NARAYANAN (Gobichettipalayam) : They cannot object to this.

SHRIR. NAIDURAMASAMY : I, therefore, oppose the resolutions for extension of President's Rule in U.P., Madhya Pradesh, Himachal Pradesh and Rajasthan. The Government should give an assurance that the continued misuse of article 356 would be stopped and electoral process would be commenced in these States.

[Translation]

SHRI KRISHAN DUTT SULTANPURI (Shimla) : Mr. Chairman, Sir, the President's Rule imposed in Himachal Pradesh under Article 356 is going to expire on 15-6-93. I rise to support the proposal of extending the period by six months. So far as the law and order in Himachal Pradesh is concerned, the situation has been quite good and the environment is quite healthy. People of Himachal Pradesh have been aspiring to have elections in the State at the earliest so as to establish democracy there.

Our learned colleagues have raised several objections. It has been alleged that Congress Party is solely responsible for all this. Everyone is making allegations on Congress Party—whether it is CPM or AIDMK or any other political party. None of them looks into their own shortcomings. They are ignorant of how the situation deteriorated in Himachal Pradesh. It so happened that as soon as BJP came into power in the State, the very first decision they took was to remove the chairman of the State Electricity Board and spent about Rs. 8 lakhs

610 cases were filed on behalf of the Government, however 193 cases went against the BJP. An advocate belonging to the same party was paid Rs. 50,000 per day in this connection. It is a matter of utter shame that the money of the backward classes in Himachal Pradesh was misused at large scale. Not only this, I would also like to submit that a conspiracy was hatched to sell all the 21 Public Undertakings working in Himachal Pradesh. State Government employees and officials were not only harassed but fake cases were filed against them and the employees were lathi charged. The law and order situation in the state was very bad. Thus they are still indulging in the same conspiracy.

The Central Government has always been keen to help not only Himachal Pradesh but to all the state with a motive to uplift the nation as a whole. However, BJP was the only ruling party in the State which remained totally unconcerned about the State of affairs in the State. Rather, they preferred to misuse the Government funds. I would like to submit to the Members of the Cabinet and the hon. Minister of Home Affairs in particular to look into the matter, because basically he belongs to grass root level and has good knowledge about the people. If an investigation is conducted with regard to the affairs in Himachal Pradesh, it would reveal how land deals were made in an illegal manner, and that ultimately lead to the exploitation of people. The BJP Government deserved to be removed. Earlier all the leaders of this party marched from Palampur to Shimla, but afterwards they marched from Shimla to Delhi. They did so just to instigate the feelings of people, but persuaded the people of Himachal Pradesh that they were demanding royalty. Did these people not come to power in 1977, could they not raise this demand at that time? Today, they have spoilt the atmosphere of Himachal Pradesh. It is true that the Central Government has decided to extend the President's Rule in the State under section 356. I support this. People of Himachal Pradesh wanted to have elections in the State but these people have deteriorated the law and order situation in the State. Now they have, raised

another slogan - 'Ayodhya Chalo'. All of them went to Ayodhya and claimed that they would build Ram-Mandir in Ayodhya. But what happened thereafter? They did go to Ayodhya but failed to build the temple and thus returned to Shimla. Some of them stayed at Ghaziabad, some at Paonta Sahib while others somewhere near Dehradun. Thus, this is the party which indulges in misappropriation of funds, for which they exploit the labourers.

Mr. Chairman, Sir, I would like to submit that it is good that Presidents' Rule has been extended in Himachal Pradesh under Section 356. They assured the youth to give employment, but nobody got employment. About 35,000 workers were retrenched in Himachal Pradesh, it was just an act of revenge. The members of CPI, CPM, Janata Party or Congress Party may be asked how the BJP started functioning? The children in schools opened in the State were given training of the drill of RSS. RSS workers were recruited there. I would like to tell the hon. Minister of Home Affairs as to how the scheme was prepared. A scheme named 'Balgopal' was implemented under which Rs. 300/- were to be given per month as salary. How many persons were employed under this scheme - 'Van Lagao, Roza Kamao'? How many plants were planted under that scheme? Thereafter Antyodya Programme was launched under which five persons were nominated to form Panchayat in each village. Name of persons living below poverty line as shown in Government records were in thousands but the actual number went to lakhs. Their scale continued to rise. The Chief Minister of the State boasted of converting Himachal Pradesh to Switzerland. Did it happen so? Rather they ruined the State. The Government that came into power knew nothing. As far as I feel, they have caused so much damage that it may take years together to normalise the situation, and still they blame the Congress party for everything.

Mr. Chairman, Sir, my submission that teachers were not posted in those schools where children of Harijans were studying, illegal trans-

[Sh. Krishan Dutt Sultanpuri]

fers were made. The BJP chief is present here, he is aware of how many letters I wrote for apprising him of what was happening there. Today, they allege that the Governor plays to the tune of the Congress party. The Governor of the State is a very noble man, he has already worked as the Speaker and the Minister here. He did not indulge in Party politics in Himachal Pradesh. He welcomes everybody to acquaint himself with the prevailing situation. He has worked for the development of Himachal Pradesh. Now, the Members may bring to the notice of the hon. Prime Minister or President the incidents in which excesses were committed. The Home Minister might be aware that Himachal is paid a royalty of Rs. 200 crore. Himachal Pradesh should be given its due and peaceful negotiations should be held in this regard. We do not want agitation nor do we want large groups of people from Haryana or Himachal Pradesh to march in procession to Delhi. But a group of people from Himachal came to Delhi. May be, they knew that they would not succeed in their mission. This issue came up before the entire country. I am saying this because, just now they said that they will fight the elections on this issue. I would also like to submit that we are not afraid of elections. So far as elections are concerned, when BJP was in power in Himachal Pradesh, they had conducted the elections to the corporation there and the results are before them. None of their members was elected to the corporation. Shri Shanta Kumar was the then Chief Minister of the State. They could not do anything even in his regime and now they make tall claims and say that our Government is totally worthless.

All those who are sitting on that side wearing saffron clothes were elected to this House in 1989 in the name of Lord Rama. I would like to submit that we are also devotees of Lord Rama, but have never deceived anyone in his name

I would like to submit that the harijans, adivasis and the poor were the worst sufferers during the B J P regime in Himachal Pradesh

You would not find such an example anywhere I would like to request the Central Government in that regard that all such decisions which were taken there during the B.J.P. regime and which had neglected the interests of people, whether Government employees, villagers or students, should be reviewed and relief should be provided to the affected people, as there is President's Rule in the State at present.

Besides, our Government had taken some important decisions some time ago, the B.J.P. Government had withdrawn those decisions, such as the support price of apple was withdrawn. Shri Shinde and I visited the area and saw that crops of 8 to 10 thousand people had already destroyed. But the B.J.P. Government did not pay any attention towards it. I understand that the Union Government is paying attention towards this problem and has decided to send an experts team in Himachal Pradesh which will study the problems faced by the farmers there. This should not be delayed. I want that our scientists should study the problems faced by those farmers.

Mr. Chairman, Sir, I thank you for giving me time to speak, but I would like to reply to the points raised by them by asking them as to what happened during the B.J.P. regime in Himachal Pradesh. They worked with a sense of revenge, and made hasty appointment of persons in the corporation within two-three months. I want that a Central team should be sent there to study the problems in far-flung areas. Recently, our Home Minister had visited that place. I have not met him yet, but would like to request him through you that attention should be paid towards those problems and an enquiry should be conducted into the excesses there.

It is good that a resolution has been moved here to extend the period of President's Rule in Himachal Pradesh by another 6 months, but the Government should not wait for 6 months for conducting the elections, because I feel that these people will lose the elections. They have not worked in a proper way. Somewhere they

take ashes or somewhere they do something else. They believe in dramatisation. They will have to pay a heavy price for these dramas. We only have to take solid measures and should be united against these fascist powers with these words. I support the resolution and demand an enquiry in the matter.

[English]

MR. CHAIRMAN: Before I call the next speaker, let us know how long we have to sit.

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): Sir, there are two-three speakers now who would like to participate in the discussion. If everybody agrees, we can extend the time till about 7 p.m. I think we shall be able to complete this discussion by that time.

MR. CHAIRMAN: All right. Does the House agree?

SOME HON. MEMBERS: Yes, Sir.

MR. CHAIRMAN: Now Shri Chandra Jeet Yadav

SHRI CHANDRAJEET YADAV (Azamgarh) Mr. Chairman, Sir, in a very special and critical situation, the Union Government imposed President's Rule in 4 States - Uttar Pradesh, Madhya Pradesh, Rajasthan and Himachal Pradesh. It may be justified for Uttar Pradesh but it is very difficult to justify the enforcement of Article 356 of the Constitution in the other three States. Neither any report was sought earlier nor there was any break down of law and order machinery in these States. So, it is difficult to justify. The people of this country, who want to uphold the dignity of the Constitution and maintain cordial Centre-State relation which

is an essential feature of democratic parliamentary system, will find it hard to support this step. I also support it, because this step was taken in a special situation where the party ruling in those 4 States, had not only disgraced the Constitution and endangered the national unity, but even attacked the root of our national unity, which is equality of all religions.

By defying the provisions of the Constitution and breaking down all laws, traditions and the assurance given to the Central Government in the House and in the National Integration Council, they demolished a place of worship belonging to a particular community. Not only, the Chief Minister who belonged to the Party, but even its eminent leaders openly said that they will not abide by the Constitution or by any law on this question, which was attracting international attention and was attacking our very roots. In such a situation, the Union Government had to take this step and it was compelled to do so, because it was necessary. So, if the dignity of the Constitution has to be upheld and the parliamentary system had to be maintained, no party can be allowed to give an open challenge and so this fateful step was taken.

I would request the hon. Minister that it is right that this resolution has been brought here to extend the President's Rule by 6 months more, but he should assure the House that elections will be conducted in those states within 6 months. I am afraid that you give assurances several times, but do not fulfill them. Regarding Delhi it was declared in the House as well as outside also that the elections would be conducted at the earliest, but it was not held till now. Regarding Jammu-Kashmir also, it was said that arrangements for early elections are being made, but we can see that the situation there is going from bad to worse. So, do not bring the situation to such a pass that after one year, this resolution is again brought here to extend the President's Rule for 6 months more and we are asked to support it. We will not support it then. If such a thing happens, you will be equally responsible for weakening the democracy.

[Sh. Chandrajeet Yadav]

Mr. Chairman, Sir, I would like to submit another point. In Ayodhya, Babri Masjid was demolished by defying all the laws. It is true that the State Government was basically responsible for its safety. But being a national problem, the Centre was equally responsible for its safety. Those who were trying to weaken our roots had openly attacked the faith of a particular religion. I understand that the Centre had given a promise and assured this House and we used to take those promises very seriously. The Centre had said that it was their responsibility and they will not hesitate in taking stringent steps, come what may but even after repeated assurances, it is a matter of regret that it was not able to save the structure.

18.00 hrs.

It is unfortunate and therefore there is no escape for you from shouldering that responsibility. I hold that if the Government continues to be a failure like this in discharging its constitutional and legal responsibilities which have direct bearing upon national unity and the basic values of the country, then will it result into the weakening of the constitutional values and moreover the faith of the people in the constitutional system, will also erode.

Secondly, I would like to know as to what has been the action of the Government during the bygone days. The Government had assured that it would solve the tangle.

The assurances that you gave before elections are also there. The hon. Prime Minister had, without giving any pre-thought, announced that Government would reconstruct the Babri Masjid on the very same site but later on he himself ruled it out. Later on, the case was referred to the Supreme court. You were accusing the B. J. P. Government for all that happened and did also say that you people were not at all responsible for that. It was said that the matter

would be referred to the Supreme Court for its consideration on all the fundamental issues, but the matter was sent to seek the opinion of the Supreme Court. You could not implement your own decision even during President's rule. The Government said that it would set up a trust. It was said on the floor of this House and moreover setting up of two trusts was also assured during the course of Presidential address. Now, I ask as to what steps have been taken in this regard. Why the trusts announced earlier have not been set up so far? Next, whether the construction of maun-der-masjed through the said trusts would solve the tangle? I would like the hon. Minister of Home Affairs to say here in the House in clear terms as to what the Government is doing to solve this problem which has shaken the very foundation of the unity of this country? I would like to know as to what concrete steps are proposed to be taken by the Government?

Our colleagues of the B. J. P. should also take note of the unfortunate situation. The B. J. P. was there in power. I am sorry to say that even after personal persuasions and persuasions through letters to invite the Members of Parliament for seeking their opinion, the chief Minister of the then B. J. P. Government of Uttar Pradesh never during the whole of his period in the office paid any attention to this demand. We also belong to the same state and we also represent different constituencies of that state. The B. J. P. Government has done nothing to its credit. The development programme that were earlier in progress were suspended. Such a situation was created that it appeared that there was a Government of the workers of the B. J. P. It has near constitutional necessity to seek the advice of others. All right, the Government of the B. J. P. was dismissed in Uttar Pradesh, but what is being done there now. At present there is a rule of bureaucracy in the State. Never had I seen such a situation under President's rule as it prevails in Uttar Pradesh now.

I have to say with deep sense of sorrow that no adviser to the Government has time to respond to letter or to meet us. When I write to the

Hon. Prime Minister, I get a reply and when I write to you I get a reply within ten days, but no reply comes from the advisers of the State Government when I write to them. They are new lords. They never respond even to the telephone calls. When a person like me is not responded, how can a common man expect any reply. I have no appreciation for the present Governors because I do not remember to have seen such Governors. There are courts where there is no security hundreds of persons go there without any hindrance. But to have a meeting with bureaucrats and the Chief Secretaries is very difficult. I have never met any Secretary in my life. When I have anything to talk, I talk to the Chief Minister or I wrote to him. In cases of any problem I hold talks on telephone. But nobody responds even to telephone calls.

I would like to submit to the hon. Minister of Home Affairs that it is not that bureaucrats adopt arbitrary attitude only in Uttar Pradesh, they do adopt such an attitude in other states as well. What I am saying is based on my personal experience and not on hear say. The Government should check this habit and instructions should be passed that the bureaucrats should meet the Members and other persons to make out ways. I had personally requested the hon. Minister of Home Affairs six months back to find out some solution to the problems of Kashmir and Punjab. That was the time when President's rule had not been imposed. I had suggested that the Government should keep contact with the public. State-level and district level Advisory Committee should be set up. People of reorganised parties should be called for negotiations. There is arbitrariness at present. We should assess the law and order situation. The Government of the B. J. P. is accused of what is happening there. In Kanpur some Harizans and some persons belonging to oppressed Class have been murdered. Their limbs were cut. The local administration came into action only when other persons reached there. There have been incidents of lathicharge in Gorakhpur and

Siddharth Nagar. You do not need to go far off, just assess the situation in Ghaziabad. Nonindustrialist is willing to set up any industry in Ghaziabad. They fear that they may be kidnapped or may be forced to give money unduly in case they set up industries in Uttar Pradesh. The situation there is miserable. The Government is not able to have a control over the situation, the Uttar Pradesh Police seems to be totally inactive. There are anti-social people present in every district. There are gangs possessing illegal arms and they have nexus with the local authorities.

Now I would like to draw your attention to some basic points that should be implemented at least during the President's rule. The ordinance based on the report of Mandal Commission which was issued during the tenure of Mualyam Singh and which provided for the reservation of 27 per cent seats in Government service was later on carried forward by the Kalayan Singh Government. Unfortunately the ordinance could not be replaced by an Act by the Assembly during the period of Kalyan Singh Government. I would like to ask as to why the Government is not getting it done. The provision of 27 per cent of reservation should be implemented in Uttar Pradesh. Why is the reservation for Scheduled Castes is not being implemented? Shri Sitaram Kersirji has said here that the earlier provision of reservation laid down in the report of Mandal Commission will be implemented. The reservation in promotion is not being given in Uttar Pradesh to the Scheduled Castes. There is no reservation for the backward class people in Uttar Pradesh. An attitude of arbitrariness is being adopted there. The Central Government should get this work done during the President's rule. If it is not done, the Government should be ready to face its consequences. I would like to submit that the Government should go for a special recruitment. The Government should keep the decision of Supreme Court under its consideration. It has been stated in the decision that the Government had not

(Sh. Chandrajeet Yadav)

implementing the reservation for backward classes people for 42 years. It was also there in the decision that the provisions of reservation should be implemented in such a way that its benefit is withdrawn soon after it is provided. The Committee assigned with the work of identifying creamy layer is composed of such persons who are against the policy of reservation. The Committee should be reconstituted. The Committee has submitted its report but nothing is being done in this regard in Uttar Pradesh. The Government should take steps to implement the provisions of reservation.

I am happy that an university in the name of Dr. Ambedkar has been opened in Lucknow. I welcome this step. The Government has given it the status of a Central University but there has been no allocation for it in the present Budget. Land has yet to be purchased for the university. At present no work on that university is going on. Just a board of the said university has been put up there. The university in the name of Dr. Ambedkar has of course been given the status of Central University, but now the Government should expedite the work by making special provisions in the Budget, so that the academic activities in the university may begin soon.

There is much discontentment following the provisions made under this Budget. The hon. Minister of Home Affairs should try to know the reasons. The stipend amount for the students belonging to the Scheduled Castes should be raised. When I raised this issue during the meeting of Dr. Bhimrao Ambedkar Centenary Committee at that time advisor Shri R. D. Sonkar had said that what I was saying was correct. Students had resorted to strike, hunger strike and satyagrah there. They were beaten up with lathi and were put behind bar. Their stipend amount is not being raised. The stipend amount being given is the same that was being given 25-30 years back. The prices have gone up. But

the stipend has not been raised. You should be considerate enough to accept the genuine demands of the students belonging to oppressed class. If you do not have money even to pay stipend to blind, handicaps and widows then how would things move. The Central Government should find a way out because you cannot impose a tax till a popular Government is elected. The Government do not have a right to impose a tax in a state which is under President's rule. Now, the Central Government has to do something in this special situation as elections are not being held and President's rule is being extended. It should therefore, make a budget for Uttar Pradesh.

All development activities are standstill. The Members sitting over here know that there is no development taking place in Uttar Pradesh except Jawahar Rojgar Yojana, for which money is sent from here but that is too misused in the name of constructing a 2000 meter road or a pavement. (Interruptions) but in fact no development work is being wired out in the state. The Hon. Minister of Home Affairs, U.P. is a backward State. Although, population wise it is the biggest State. It has several drawbacks. You cannot rectify all of these during President's rule. Actually this is the responsibility of the Government there but as you have got an opportunity you must do some reforms in its structure and administration so that people of the State may work untidily and most of the problems of the State get resolved.

Just now Shri Hari Kewal Singhji was telling that the Governor has sanctioned a sum of Rs. 600 crores. I thought that Rs. 300 crores is to be paid to the farmers as outstanding amount for sugarcane but you can well imagine about the grievances of the people when Rs. 600 crore is due as arrears to the sugarcane farmers. The prices of fertilizers are increased, the rates of electricity is raised, the students are not awarded any scholarships and instead their fee is raised. What is happening in your State? Why

payment is made there in every 15 days and that too regularly? (Interruptions) You are rightly saying that sugar price has been raised but its benefit is not reaching the farmers. Shri Kalpanath Rsi had made an announcement in this regard in the House, that the Government would clear all such arrears by 31st March but nothing came forward in this regard. As per my information this amount is about Rs. 300 crores but the amount mentioned by Shri Hari Kewalji is much more but I am sure that in any condition it is not less than Rs. 300 crores. You may enquire about it and should take immediate steps to pay arrears to them. You should stick to your word.

The Municipal Committee are in a very bad shape. They have run out of their resources. They are unable to provide tubewells to the people. There is no arrangement of the water even during wedding and festival season. There is no electricity no water and people have to suffer. The Municipalities do not have arrangements for learning and for payment of salaries to their employees. Neither the employees of Water Department nor the Municipalities have been paid their salaries, therefore Mr. Hone Minister you must give it a thought. You are an experienced hand and you can well trace out the reasons. We are paying 85 per cent of our budget in appalling salaries and on establishment and do not spend on developmental works. There is need to take concrete steps in this regard.

It is high time to take measures as this decade is going to be terrible one which will witness great changes and conflict. The poor are raising their voice against the exploitation and atrocities being meted out to them. Here we celebrate the birth anniversary of Baba Sahab Bhim Rao Ambedkar and in many district of U.P., his statues are broken and attacked. The advisor has told that the Government have repaired those statues by spending a sum of Rs. 35 thousand. But the real question is not of repairing

them but of mending those feudal elements. Today, the Prime Minister stated that he had called a meeting in respect of land reforms but every little progress has been made on this front. I would request you to use this opportunity for basic reforms so that our values and system is strengthened.

SHRI KAMLA MISHRA MADHUKAR (Motihari); Sir, hon. Minister might remember that 6 months ago all leftists supported the move to enforce Article 356 and impose President's rule in a special situation in these four states. This special situation was that the whole nation was ablaze and the demolition of Babri Mosque had not only created communal disharmony but also the image of India had suffered a set back in the whole world. It was posing the real to our constitution and national unity and overall development of the nation. In that condition, the leftists and other parties except B. J. P. had supported your move to impose President's rule in four states. But today I oppose the proposal brought by you to extend the tenure of this rule. Why? It is because continuance of President's rule goes against the very spirit of Democracy. It is an assault on the expectations and aspirations of the people. It also obstructs the impostiation of the federal constitution. You cannot even implement the recommendation of the Sarkaria Commission, therefore, I oppose it.

The most important thing, Mr. Chavan, is whether the aim with which you have imposed the President's rule is being achieved. Are you heading in that direction? No, I do not feel so. The way you have given your cooperation in the demolition of the Babri Mosque is known to everybody. You had received information at 12 O'Clock but the Government got paralysed and did not take any action. Even National Integration Council was ignored. The assurance given to the countrymen not fulfilled and it created an atmosphere of mistrust and fear among the minorities. Hon. Members, the members of B. J. P. have undertaken an assignment con-

[Sh. Kamla Mishra Madhukar]

cerning Lord Ram. One hon. Member was saying something about Lord Ram. I would like to ask him to which Ram he was referring to. The one who is omnipresent or the one which is "Ramante Jogin Hirday Seh Ram" or the one about whom Kabir has said:-

Hindu kahe Mohi Ram Pyara
Musalaman jahe rahmanaji
Aapas mein abulari-lari mue:
Maram Nak Kahurjanare

Or the one which is called "Dashrathi Ram", who had ordered to kill a Shudra just because he dared to study Vedas. I want to submit that there is an awakening among the backwards, the Dalits. B. J. P. and Congress are hatching a conspiracy to crush this awakening and want to rule them. I want to ask you whether you are going to promote secular force or strengthen the integrity of the nation during the extended period of 6 months of President's rule. Does not Government propose scanning of persons longing to R. S. S., V. H. P. and Bajrang Dal and remove them from administration in the B. J. P. ruled States, particularly in Uttar Pradesh. If scanning is not done your orders will not be complied by the officers be it D. M. or any other officer. The B. J. P. people have intruded and infiltrated into the administration as well as the para military forces. You will have to single them out.

Sir, I want to give some suggestions. One of them, is to form committees constituting of secular forces at every level for Developmental works.

Secondly, R. S. S., V. H. P. and Bajrang Dal elements should be traced out and removed from the administration and corruption should be wiped out.

Thirdly, the Police and Para Military forces

should be scanned. Fourthly, elections to all-
local bodies should be held and such books
which have been modified should be reviewed
from the point of view of National unity.

Sir, I want to submit that timely elections should be held. Social and Political scenario should be changed. Policy regarding reservation should be implemented. We should get rid of Brahmanvad.

With these words, I conclude.

PROF. PREM DHUMAL (Hamirpur): Sir, I raise to oppose the motion moved by hon. Home Minister to extend the President's rule in four States. The President's rule was neither justified in December last nor it is justified at present when you talk about extending it by another six months. The Home minister has said in his statement that the work which was started to normalise the situation

[English]

The process of normalisation has started and it will be hampered if elections are held

[Translation]

What process of normalisation has been started and what improvement has been brought about there? When was the law and order situation bad, particularly, in Himachal Pradesh?

Mr. Chairman, Sir, recently the hon. Home Minister visited Shimla and there he, himself admitted it at a Press Conference. This issue was to be discussed yesterday, had the issue of Impeachment of Justice Ramaswamy not prolonged. The newspapers 'Tribune' which is an important daily in North India, wrote in its editorial columns yesterday that:

"Shri S B Chavan" during his recent visit to the state to take stock of the law and order

situation in Himachal Pradesh admitted that the atmosphere in Himachal Pradesh was conducive to hold elections. If his assessment was right there seems to be no valid reasons except political considerations behind the extension of President's rule in four States where BJP Governments were dismissed in the wake of the Ayodhya incidents on December 6"

The newspaper says that there is nothing except political prejudice. In its concluding paragraph the paper says that

"It is also clear that because of the weak position of Congress party in Centrally ruled States, the Government is afraid to hold immediate elections there. On the one hand the state Congress President and former Chief Minister Shri Virbrabhadra Singh is demanding immediate elections in the State and the hon. Home Minister is expressing satisfaction over the law and order situations in the State. Whereas on the other hand the Government is thinking of extending President's rule there. What is paradox"

The hon. Home Minister should clarify the position. Not only this, the 'Indian Express' had termed this steps in its editorial as 'Regrettable decision' and it has been clearly stated that the decision of dismissing the State Governments earlier was wrong

[English]

'Apparently the Congress leadership continues to be nagged by a sense of uncertainty about the outcome of such elections. From this point of view, therefore, it will be safer to extend President's rule for another term of six months beyond the middle of June when the present term is due to expire'

It goes on to say:

"Even at this stage, the Government can

show a better regard for democratic norms by at least declaring its willingness to hold elections well before the expiry of the proposed second term of six months of President's rule beginning from mid-June "

[Translation]

Our colleague Shri Ram Naik has given a good suggestion that instead of six months, it should be extended for three months only and fresh elections should be conducted these within these three months

Mr. Chairman, Sir, the 'Tribune' which is an important newspaper in North India further says that the Shimla visit of Shri S. B. Chavan that -

[English]

As is his wont, he is coy on the urgent necessity or the political considerations behind this move. The chances are that there are none the Centre going by its old instinct of opting for a bad course rather than being reluctant to give it up. The Centre cannot find even a lame excuse to delay holding elections to the Vidhan Sabha by another six months. The administrative machinery has not broken down, even if the country was misled into believing that it had in the wake of the December 6 outrage in Ayodhya. There is, thus, no valid argument to persist with the folly of imposing President's rule in the first instance"

[Translation]

These are the comments of a Newspaper which has been writing against us and now it is writing against your folly. The Editorial comments

[English]

"It will be hazardous for the Center to imagine that its petition would be upheld by the apex Court, particularly in view of the stand it had taken in 1978 in a cases brought before it by the

[Prof. Prem Dhural]

Government of Rajasthan. It had then said that the Judiciary had the right to decide whether the President was provided with adequate material to satisfy himself that constitutional working in any State was not possible under the circumstances. The Center did not have any Valid reasons for dismissing the elected government except the known fact that the BJP supported the movement for building the Ram Temple at Ayodhya. It is obvious that the Center feels that an ear election would bring BJP back to power".

[Translation]

Mr Chairman, sir, just before me one of our colleague was saying that the general public want elections and their party President of State unit also want elections but we do not understands as to why the Government does not want elections Many hon. friends referred to the view of Dr. Ambedkar on Articles 278 and 278 -A when Pt. Khunjri asked him a question,

[English]

"May I ask my hon friend Dr. Ambedkar to make one point clear? Is it the purpose of articles 278 and #278 at o enabclthe Central Government to intervene in provincial affairs for the ask of good Government in the provinces"

Dr. Ambedkar said: "No, no The Central Government is not given that authority.

[Translation]

Not only this, many of our friends also quoted the views expressed by Dr. ambedkar.

"The proper thing that we wrought to expect is that such articles would remain a dead letter."

Burt sir, instead of a dead letter they made

it a deadly weapon to use against those Government which are not of their own party.

[Translation]

The BJP Governments were dismissed but in spite of communal riot in Congress ruled States the Government did not feel it necessary to use Article 356. (Interruptions) The misuse of article 356 by the Central Government is a set of terrorism similar to the use of AK-47 rifles by the terrorists against general public.

Himachal Pradesh is faeng serious financial crisis today. One of our friends was asking as to why I was raising the matter of royalty Yesterday, I read in a newspaper, a statement of a congress leder who said that Shanta Kuamr's Government in Himachal Pradesh could not solve the problem, of overdraft during its 33 months rule whereas it has been solved in Governor's rule within three months. Today again it appeared in the newspapers that the Government of Himachal Pradesh is again facing financial crisis and the Government does not have sufficient funds to pay even salaries to its employees. That is why I am raising the issue of royalty. All States are receiving royalties on gas, coal and oil. Therefore, Himachal Pradesh should also be given royalty on hidro power projects commissioned before September, 1990 which amounts to Rs. 200 crores annually. If the Central rule continues, the financial crisis will also continue there and the situation would deteriorate further.

In the Eighth Five Year Plan the Government has made provision for Rs. 6000 per head for Jammu and Kashmir but for Himachal Pradesh it is just Rs. 300 per head. Why this discrimination in allocation of funds when both states are hilly areas and Himachal Pradesh is peaceful State. Even though Jammu and Kashmir is disturbed State, you allocated Rs. 6000 per head whereas for Himachal it is just Rs. 300 per head.

There was an overdraft of Rs. 212 crores. It was learnt that the Governor of the State met the hon. Prime Minister and the financial crisis of the State was over and the budgeted deficit of Rs. 100 crores was conveyed. The Finance Minister says that the Centre has not given any grant, but only the State share of Central taxes was given. But now again the State is facing financial crisis. Therefore, I would like to say that we should rise above party politics and make a joint request to the Centre. The Conference was attended by the representatives of 2000 Panchayats comprising of 820 gram Pradhan, 744 up-Pradhan 22 Chairmen, 30 Vice Chairmen of Panchayate Samities, 48 former MLAs and four M.Ps. You are ridiculing such a massive conference and saying that people from Punjab and Haryana were there in the Conference. I regret to say that my friend does not recognise the people of his own State.

So far as the transfers are concerned I would like to request the hon. Home Minister, who visited the State, to find out the actual position there. Is it not a fact that the officials are being transferred there after two-three months period of their posting? He should also find out whether political interference in administrative matters has increased there. The Administrative head has said about the transfer of some particular category of staff. One faction of Congress Party asked for transfers while the other faction stopped them. The hon. Home Minister can find out the facts. I have some letters with me which authenticate it, but you are denying it. Here is a letter written by a leading Congress leader and I would like to read the last line of this letter.

[English]

MR. CHAIRMAN: That cannot be read.

PROF. PREMDHUMAL: Why not? I will authenticate it and place it on the Table of the House.

MR. CHAIRMAN: There is some procedure of doing it. You cannot do like this.

[Translation]

PFOF. PREMDHUMAL: All right, I will tell about it without reading it. The Governor was requested not to implement this decision otherwise, it will prove detrimental to the election prospects of the Congress.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SANTOSH MOHANDEV): That is the opinion of an individual. It is not a Government opinion.

PROF. PREMDHUMAL: That is an individual opinion of a leader and that is why I am saying that you are politically interfering there.

[Translation]

A discussion on Ayodhya programme was held here in the house. Under this programme ration was being supplied at cheap rates to the beneficiary families. Wheat was being supplied at Rs. 1 per kg, rice at Rs. 2.5 per kg and salt at Rs. 0.25 per kg. After the imposition of President's rule, wheat is being sold at Rs. 2.5 per kg and rice at Rs. 3.5 per kg. This gift was given to the people of Himachal Pradesh.

Other hon. Members are also quite eager to speak. Therefore, I would like to again urge the hon. Minister to hold elections in Himachal Pradesh as a test case, to judge the popularity of the Congress because the Congress party claims that its prospects are every bright in the State. Hold the elections to gauge the people's mood. Only rarely you come to the House and talk of extending the President's rule in the State. (Interruptions)

The hon. Member from Ramtek predicted

[Prof. Prem Dhuma]

our doom because we proclaim to be Ram bhakts and wear Ram headband. While the congress swears by Ramaswami. The Congress should feel ashamed for its yesterday's conduct. Even then the Congress is belithing the name of Ram. The Congress is going to be doomed as is evident from its deeds. The congress must learn a lesson from the past otherwise the Congress party will be routed in the elections

Once again I would like to submit that this motion should be withdrawn and immediately elections should be held in the concerned States

SHR! YAIMA SINGH YUMNAM (Inner Manipur). Sir, I rise to support the resolutions for the continuation of the President's Rule for another six months. I had a very bitter experience of the sufferings of the people when the President's Rule was imposed in my State. With that feeling I am supporting. While supporting it, I have to recall the circumstances that called for the imposition of President's Rule in these four States. While recalling that I have to mention the happenings of 6th December. The nation was in an anguish mood. So, in that context, the people appreciate the imposition of the President's Rule in U. P. Rather, there was a complaint against the Union Minister, particularly, the Home Minister was question as to why the President's Rule was not imposed earlier to 6th December. On that account also, the Home Minister, clarified the position time and again in this House. I am particularly convinced by that. Because I am Member of the National Integration Council. When the Meeting of the NIC was being held, Shri Kalyan Singh gave an assurance to the Council that he will take action to protect the structure. I also thought that the chief Minister of that State Shri Kalyan Singh would keep his words. But he did not do so. That is the trouble. In view of that, I am supporting the position of the Home Minister. I agree with our hon. Members when they say that if it is hap-

pened in my State, what will you do.

I have really had a bitter experience of this President's Rule in Manipur. That is why I am not supporting the President's Rule. But because if the circumstances that have now been created, it has to be extended, since it has been imposed, it has to be extended because of the time factor.

Now I will not take much time. I am rising to support it with an understanding that the Government will try its best to hold elections as early as possible. Why was it not held for the last few months? I know under what circumstances the election could be held in those four States

Why was it not held? That is what I am making a charge against the Government. Now I support it with the understanding that the Home Minister should not come again in this House with another proposal for extension of the President's Rule in those four states

The difference between the President's Rule and the popular Ministry in the State is that people feel very much dissatisfied when there is President's Rule in the State because they not getting any chance for involvement in the development programmes in the State, and that is why the people suffer, that is a fact. And the bureaucratic approach towards the people while President's Rule is there in any State, is very much dissatisfactory. So, I am not in favour of imposition of the President's Rule in any State

I have cited circumstances under which the President's Rule was imposed in U. P. and other States. Otherwise, if the situation of sixth December was not there, I think the President's Rule should not have been imposed in those four States because only on that account that they were ruled by other non — Congress parties

We are proud of our nation, our country because of upholding democracy, upholding the principle of democracy in the country. I am proud

of India being an ideal country, an ideal nation for upholding the principle of democracy in the world.

While participating in the discussion on this Resolution, I would like to mention that I am against any proposal for the imposition of President's Rule in Minaret, that is quite clear. Some hon. Members have proposed it in the context that there had been communal riots or some disturbances in that State. But it cannot be the reason because there had been bomb blast in Bombay and the President's rule was not imposed there, and in some other places also, the President's rule was not imposed there, although there had been some disturbance. Only the President's Rule was imposed in those four States because of upholding secularism. That was my consideration. I may differ from you, I do not mind, but that was the consideration that I made.

I would like to request the hon. Home Minister to arrange to raise ex—gratia amount by the hon. Prime Minister as the relief for those who are affected by those riots.

MR CHAIRMAN: We are not on Manipur at all.

SHRI YAIMA SINGH YUMNAN: With these words, I conclude my speech.

[*Translation*]

SHRI S. M. LALJAN BASHA (Guntur): Mr. Chairman, Sir, I oppose the motion moved by the Government for extending the President's rule in the four States. This arouses doubt regarding the intention of the Government because besides these four States Maharashtra and Gujarat also witnessed communal riots. Had the President's rule been imposed in these two States too then we would have not doubted the intention of the Government. However, nothing of this sort was done. Therefore, doubting the

intention of the Government is quite justified. From all this it became clear that the Government is accustomed to misusing the provisions of the article 356 of the constitution. Totally different procedure is being followed by the Congress Government regarding extending the President's rule in these four States in contrast to the procedure followed by the National Front Government.

Mr. Chairman, Sir, I oppose this motion and demand that elections should be held immediately in these four States where democratically elected Governments are not in office and misuses of the Article 356 of the Constitution should be stopped immediately. With these words I conclude my speech.

[*English*]

SHRI BUTASINGH (Jalore): When is the Home Minister's reply to the debate, Sir?

MR. CHAIRMAN: We will see, I do not know.

SHRI BUTASINGH: Let us say at 7 O'clock.

MR CHAIRMAN: I suppose so. I cannot assure you.

[*Translation*]

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Chairman, Sir, while opposing the motion for extending the President's rule in these four States I would like to submit that had the hon. Minister carefully gone through the judgment of the Madhya Pradesh High court, he would not have come here for extending President's rule at last in Madhya Pradesh and Himachal Pradesh. This motion has been moved because neither the hon. Minister nor the Government has got the moral courage.

Mr. Chairman, Sir, there were no apparent

[Dr. Laxminarayan Pandeya]

ostensible reasons when the Governments of these four states were dismissed and even now there is no any valid reasons for extending the President's rule in these States. The Madhya Pradesh High Court has categorically stated that no such conditions prevail there and the Central Government has failed to substantiate the reasons in this regard too. It is quite unfortunate that despite all this the President's rule was imposed in the State. There are no such circumstances in the State as may force the Government to impose or to extend the President's rule there. The hon. Minister of Home Affairs has not stated any reason for imposing the President's rule and nor has given any reasons for extending the same. Situation is just normal there and law and order situation is also normal. though the State Administration is functioning smoothly there yet nobody is listening to the Governor of the State. Officers are functioning in an arbitrary manner and the State Administration is clearly handicapped. In Bastar poor are dying. I am not sure whether you have come to know or not that in Bastar 3 persons have died since the President's rule was imposed. However, the deaths have been officially confirmed. While making a submission I would like to quote para 24 of the judgement delivered by the Madhya Pradesh High court. It is as follows-

[English]

"The Union of India has not been able to support on any material produced before us, the imposition of the President's rule only in the States ruled by the Bharatiya Janta Party."

[Translation]

It has been clearly stated. Further it has been stated.

[English]

"There was no occasion to raise any infor-

mation of failure of constitutional machinery under article 356 of the Constitution, because there was no Central directives, which were disobeyed or disrespected by the State of Madhya Pradesh. In the resorts of the Governor, there is no such specification of alleged deeds or misdeeds of a State Government in meeting the law and order situation in the State."

[Translation]

The Madhya Pradesh High court delivered the judgment in the light of the material evidence produced before it. The counsel of the Government was present in the Court and only after hearing the Counsel's argument the High Court delivered the judgment. I would like to quote from it.

[English]

"The Governor in his letter has mentioned acts of commission on the part of the State; but has failed to specify them. Reference has also been made by the him to the dilemma of the Chief minister due to the ban on RSS imposed under the provisions of Unlawful Activities (Prevention) Act 1967, The Governor has nowhere mentioned that the Government at any point of time, had actually failed to implement the ban on. RSS." (Interruptions)

[Translation]

I would like to submit that instead of seeking extension of the President's rule in the state the Legislative Assembly should have been restored. Then writ petition pending in the Supreme Court against the High Court's judgment could have been withdrawn. Had the Government got full faith in the judiciary then the Judgment of the High Court should have been honoured I am sorry to say that the Government is not honouring the judgment. The hon. High court in para 32 has stated that;

"The Presidential proclamation, therefore for the reasons given by us above deserves to be quashed being an invalid exercise of power under articles 356 of the constitution."

I think the High Court has directed the Government to decide in the period of 14 days whether it is going to restore the Legislative Assembly or it is going to file an appeal against the decision of the High Court. I would still like to urge that the Legislative Assembly should be restored; there is no need to extend President's Rule in the State.

In fact, there is no Government, as such. People have been dying due to starvation. There is an acute shortage of drinking water in the State, specially in about 36 districts which are in a very bad shape due to the constant drinking water crisis prevailing there. The elected Government has been dismissed and the State Legislative Assembly has also been dissolved. These should be restored so that the elected Government is formed there and efficient and effective administrative functioning may take place. The hon. Minister of Home Affairs cannot claim that the Central Government did not get a chance to place its case in the Court. The Central Government had got an opportunity to this effect in this High Court but it failed to do so. I feel that the decision to dissolve the State Legislative Assembly was not justified. Maybe the Governor had stated that there is a little deterioration in the law and order situation; but it was not so in Himachal Pradesh. Even the Rajasthan Government was dismissed. The Central Government should clarify the reason for dissolving the Rajasthan Legislative Assembly. It should also withdraw its appeal made in the Supreme Court against the Judgment of the High Court; and restore the elected Government in the State.

President's Rule should not be extended in any case in Madhya Pradesh, and an elected Government should be formed in the State. With this demand, I strongly oppose the proposal for

the extension of President's Rule. The High Court in this regard has strongly condemned the Central Government for taking wrong action.

19.00 hrs.

The Central Government is again going to take wrong step, it should not do so. Representatives elected by the people should be given an opportunity to run the administration. With these words I oppose the motion.

[English]

MR. CHAIRMAN: We had extended the time up to seven o'clock. I think now I will call upon the Home Minister to speak and we will extend the time by half an hour.

[Translation]

DR. LAXMINARAYAN PANDEYA: Mr. Chairman, Sir, it is such an important matter as it would be better if every Member gets a little chance to speak. It is a matter related to the extension of President's Rule in four States. (Interruptions)

[English]

MR. CHAIRMAN: Your Party has already taken a long time. All right,

I will give you one or two minutes. Kindly cooperate with the Chair.

(Interruptions)

MR. CHAIRMAN: I have called Shri Fatmi. Let him finish his speech. Then we shall see.

PROF. RASASINGH RAWAT (Ajmer): Please extend the time. (Interruptions)

MR. CHAIRMAN: You are unnecessarily wasting the time.

(Interruptions)

MR. CHAIRMAN: Please allow him to speak. I have given him only two minutes. I think you are wasting your own time. Do not interrupt. No commentary please.

[Translation]

SHRI MOHMAD. ALI ASHRAF FATMI. (Darbhanga): Mr. Chairman, Sir, I am very thankful to you for giving me an opportunity to speak. I would take only 2-3 minutes to express my views so that the other hon. Members who want to express their views in this regard may also get an opportunity to do so.

I am against the proposal of extending President's Rule. Really, when the incident of 6th December took place, the country looked towards the Central Government with a hope. Had the Government taken a timely action at that time, the unfortunate incident that took place in Uttar Pradesh could have been averted, had the Government applied Article 356 before the 6th December incident, not only the lives of thousands of people would have been saved, but the demolition of Babri Masjid would also have been prevented. In that case, it was the proper use of Article 356.

Whenever the Article 356 has been invoked the hon. Members may go through the entire record it has invariably been invoked against an opposition ruled state. If we take into account the prevailing situation all over the country after the incident of 6th December, we would find that maximum number of riots took place in Gujarat. We got an opportunity to visit various places all over the country, and I do not think that the situation in any of the States was as bad as that in Bombay and Surat since independence. After all, what were the reasons that article 356 was not invoked in case of these states, why it was invoked only against these four states I think that it was only to save the image of the Government after facing a severe defeat on account of the Demolition of the Babri Masjid, that is why the President's Rule was imposed in the four states. The Government had also warned

to ban the Organisations like RSS, Bajrang dal etc. However, I claim here that RSS and Bajrang Dal have been as much active all over the country as they were earlier, I feel that it is an evidence of Government's failure that it did not succeed in restarting their activities even after the imposition of Article 356.

Today, a parallel Government is running in Maharashtra particularly in Bombay, I had pointed out a few days back also that people of a particular community were being harassed. The hon. Members would not find such an example of blatant harassment anywhere else in the country. It is a bare fact that women and children are being tortured in the police stations. The Government, at present is not paying any attention to it. Their own party is in power there, the hon. Minister of Home Minister belong to the same place, how can he speak anything about the situation prevailing there. If the Government takes action against the culprit, nobody would have any objection. However, there is an example throughout the country the way people are being terrified in Maharashtra.

So far as the development is concerned, what to talk of the four states, it has been almost nil all over the country. The reason being that the Centers is unable to provide financial assistance to the States.

In my opinion, the Congress party intends to take time to improve its own image in these states. In view of Government utter failure is tackling the situation with regard to the 6th December incident, it is reluctant to face the elections. It is afraid that since the image of BJP as well as the Congress party have already spoiled and the National Front and left Parties may form the Government in the four States. That is why the Government is reluctant to face elections.

I oppose the motion of extending President's Rule in these states and demand elections so that national Front and leftists may form their Government there.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Mr. Chairman, Sir, I must express my gratitude to the hon. Members who had the patience to participate in this debate. *(Interruptions)*

MR. CHAIRMAN: It was agreed to by your Party.

SHRI S. B. CHAVAN: Sir, in spite of a marathon discussion that we had on impeachment motion, the debate could provide many hon. Members to express their view about the extension of President's Rule in the four States.

Sir, in the initial stage itself, I would like to express my inability to say anything on the imposition of President's Rule. Some of the hon. Members were pleased to state about the judgement of Jabalpur High Court. Some hon. Members read out the judgement. But since the matter is sub-judice, if the hon. Members do not follow the rules, at least I will have to do the same. I cannot possibly refer to the judgement of the Jabalpur High Court. And that is why it will not be possible for not refer to that. *(Interruptions)*

[Translation]

DR. LAXMINARAYAN PANDEYA: If it has been published in the newspapers, what is then the problem referring to it.

[English]

SHRI S. B. CHAVAN: It is for the Chair to decide. I would not say anything. The matters which are sub-judice are normally not referred to in the House and that is why I am taking this abundant precaution not to say on this issue.

My hon. friend, Shri Chandra Jeet Yadav, I am happy that he has come, has said we can understand and promulgation of the President's

Rule in Uttar Pradesh. But, in the initial stage itself, it seems to have some kind of a doubt in his mind whether the President's Rule imposed in the other three States is justified or not. Sir, I would implore of him to kindly understand the implication of the statement that he has made. Does he want to suggest that the Governments ruled by BJP in the other three States were actuated by different kind of motivations than the Uttar Pradesh Government. Actually, everyone knows that these four States were run on exactly the same ideology which was given to them by the central organisation. How far it is applicable in the case of Uttar Pradesh and how different it is going to be in the case of other three States, we will be mistaken by having a different kind of assessment? At least, I have no doubt in my mind that they were actuated by the same objective. That is why, the hon. Member, Shri Mukerjee took the objection. He said that we could have appreciated if the Government of India would have acted under Article 360 before the demolition of Ramjanmabhooni Babri Masjid. I can quite appreciate his point of view.

DR. G. L. KANAUIA (Kheri): Sir, I am on a point of order. He cannot take the name of the Babri Masjid as it is a disputed structure.

SURI S. B. CHAVAN: I would have quite appreciated his point of view. *(Interruptions)*

MR. CHAIRMAN: There is no point of order.

(Interruptions)

[Translation]

SHRI PHOOL CHAND VERMA (Sharjapur): Sir, the Babri Masjid dispute is sub-judice. The issue of Madhya Pradesh is also sub-judice, when the issue of M.P. being a sub-judice matter cannot be mentioned here, then how the Babri Masjid issue can be mentioned here. It is also sub-judice. *(Interruptions)*

[English]

SHRI GUMAN MALL LODHA (Pali): Sir, the President has made a reference to the Supreme Court for deciding whether Ram Mandir was in existence at the disputed site or not and this matter is *Sub judice*. The hon. Home Minister knows it very well. He should refrain from making any assertion that it is Babri Masjid.

SHRI S. B. CHAVAN: I am sorry, I need not remind you that you had been the Chief Justice of the High Court and that is why I need not tell you because you are a more learned person and you can teach me as to how the rules are to be followed. So, I do not wish to go into this kind of a controversy at all.

So long as the communal virus is there in the society and it is lying low, my only request to you is not to be under some kind of a misgiving that this virus has been totally curbed. It is very much there. Some of the hon. Members have even gone to the extent of comparing those who have destroyed the disputed structure with our martyrs saying that 'there is the martyr who has done that job'. They are trying to compare this act of theirs with the martyrs of the country. Bhagat Singh is also being compared with the people who have participated in the destruction of the disputed structure. Sir, I do not want to go into that aspect of the question. Again, the kind of statements which are being made—Shri Kayan Singh, the then hon. Chief Minister of Uttar Pradesh is being paraded as a man who has achieved some kind of a tremendous job clearly—clearly indicates the feeling that they have in their mind. (Interruptions)

MR. CHAIRMAN: No interruption. I have interrupted. I heard all the hon. Members with rapt attention. I never object.

So, I do not think we can be under a wrong impression that the kind of a feeling die down. I would merely request all the hon. Members who, in fact, are interested in the welfare of the country at large, that by all means have a national debate

on what exactly is the connection of secularism. Certainly I have no objection to that. But, at the same time, please tell us whether you believe or you do not try to mix up politics and religion? In your manifesto it has been mentioned that this was the mandate given to you. Very good. If a mandate on a religious issue is given, whether it is according to the Representation of the People Act or not is the matter which the hon. Members should apply their mind to. At least I have no doubt that those who seek the votes in the name of religion, not only election petition should be filed against them but the Government is seriously considering as to before elections are held, whether this kind of a party who, in fact, are trying to seek the votes in the name of religion. (Interruptions)

SHRI V. DHANANJAYA KUMAR: (Mangalore): What about Kerala where Friday is declared as a holiday?

SHRI S. B. CHAVAN: Sir, a point was about the Sarkaria Commission. Article 356 and Sarkaria Commission was one of the (Interruptions) I am not yielding. Please sit down. Sir, a point was raised about the Saekaria Commission. (Interruptions)

MR. CHAIRMAN: Please do not interrupt. Nobody is allowed to interrupt.

SHRI S. B. CHAVAN: Sir, I quite see the point. I am not trying to compare the representative Government with the Presidential rule. There is no comparison between the two. Representative government is always better than the President's rule. At least I have no doubt in my mind. But we have to have a situation in mind that it is because of these emergency provisions under the Constitution that they have been kept aside. (Interruptions)

[Translation]

SHRI RAJENDRA AGNIHOTRI (Jhansi): Let the people decide. (Interruptions)

SHRIS. B. CHAVAN: I also understand the messes as much as you understand. You may speak loudly as much as you can, but it does not mean that you are speaking the truth. Please listen patiently.

[English]

Sir, besides the financial powers to be delegated to the State Governments emergency powers and especially under article 356 if certain provisions are there, that is a matter which is to be discussed in the Sub-committee of the Sarkaria Commission and I have no doubt in my mind that with the counsel and with the advice of the hon. Chief Ministers, who are represented there, we will be able to take a decision which, in fact, will be in the interest of the country. Article 356 cannot be totally given up is the opinion which the Sarkaria Commission has also expressed. But he has modified the statement by saying that number of other things need to be done. That is an issue in which we will have to go. Before that it will be difficult for me to say as to how we propose to go into the matter.

I have been to all the four States and in all the four States, unfortunately, we find that there is a huge deficit. I can understand in the case of Himachal Pradesh. I had gone to Himachal Pradesh and a point was made before me that in the case of Special Category States, non-plan gap should have been considered in a very sympathetic manner by the Ninth Finance Commission but somehow the Ninth Finance Commission went by what we call the normative approach.

On the basis of certain norms their receipts were calculated and on the basis of certain other norms the expenditure was also calculated. In the cases of special category States what applies in the case of bigger States may not necessarily hold good in the case of special category States. So I have advised the public representatives who came to see me and also the Advisor and the Governor that they have to put up their case before the Tenth Finance

Commission in a befitting manner and bring before their notice that this is a special category State and bridging of this non-plan gap is beyond their capacity and so some other norm will have to be applied in the case of Himachal Pradesh. At least I have no doubt about it.

SHRI GUMAN MAL LODHA: Sir, for Rajasthan there is a surplus of Rs. 6 crores which was told by the Minister (*Interruptions*)

SHRIS. B. CHAVAN: if that is so, I will be very happy. (*Interruptions*)

MR. CHAIRMAN: Unless the Minister yields you cannot speak. You cannot go on speaking like this. You have to request him to yield if he yield, you can speak. You cannot stand up and go on speaking like this. This is not the way.

(*Interruptions*)

MR. CHAIRMAN: Please resume your seat

(*Interruptions*)

SHRIS. B. CHAVAN: Sir, a point was made about late Rajiv Gandhi's memory being commemorated but the 73rd and 74th amendments of the Constitution. Some Hon. Members said, it was actually a thing done before. The Allahabad case was brought before me. I think there is some kind of misunderstanding. If the provision in the 73rd and 74th Constitutional amendments are gone into, there is a distinct difference between the position as it is obtaining in Allahabad case and as it has been incorporated in the 73rd and 74th amendments.

A point was made about the Advisory Committee. It was not possible to constitute this committee within six months. Some of the hon. Members wanted to know why. I think it was day before yesterday that the hon. Speaker, was pleased to state in not the House itself that I have written a letter to the Speaker, and the Chairman in this regard.

DR. LAXMINARYAN PANDEYA: After six months?

SHRI S. B. CHAVAN: Are you not aware of my letter (*Interruptions*)

I have written to the Speaker and also to the Chairman and they are going to nominate the Members of both the Houses and these advisory committees will be constituted and where the legislation is to be adopted by the President in these areas, these advisory committees will be able to operate in that area and give their advice.

A point was made by Shri Khan from Madhya Pradesh as to what exactly is the relief amount which has been given. This is for Madhya Pradesh. The relief to the families of those killed in riots whose number is 147 is Rs. 3, 19, 40, 000. The amount to those injured whose number is 357 is Rs. 4, 96, 000. There are 7, 009 cases of those who are suffering damaged to the property and the relief given is Rs. 2, 85, 132, 350. So, this is the kind of relief which has been already been given. Might be that there may be a few cases which have been relief out. If there are cases, we will certainly look in to those cases and see that proper relief is given to these people according to the norms announced by the Prime Minister in this House.

A point was also made about the population of U.P. which happens to be about 16 per cent of the total population and the figures of those who are below the poverty line. I will only request the hon. Member instead of asking me to go into the details himself may try to find out as to what exactly is the reasons and he himself will be convinced as to what is the rate of growth of population in that area. and the kind of relief work in which are given, ultimately, (*Interruptions*) Within six months, Sir, whatever may be the figures that I give, they are the result of the work done by the previous government. I do not think that immediately after the President's Rule is applied (*Interruptions*)

AN HON. MEMBER: The same argument is given.

SHRI S. B. CHAVAN: Why? What is the matter? I hope you understand what I say.

After the year ends, therefore we get the first quarterly report with effect the efficiency of the Government, I do not think that those officer and the Governor after taking the charge, within three months they could have done anything more; it becomes the responsibility of the Governor and his advised to see the resources which have been promised at the time of actual plan discussion - the actual plan discussions clearly indicated that the State Government did not have the resources, they promised resource mobilisation of a particular order and invariably every State Government is saying that 'it is beyond our capacity' One hon. Member has gone to the extent of saying Since we are now. Member has gone to the extent of saying since we are now asking for the extension of President's Rule for six months, he is trying to penalise me by saying that the Government of India should bear its cost. I do not think that this is going to be possible, but whatever resources are available, they should be given. The hon. Member, I don't remember, I think it was Mr. Mohan Singh, made a point that the liquor shops were not auctioned. The information that I got is that out of 63 districts, 60 districts held auction. So, the point is not correct that auctions have been given up and certain lobbies are being benefited by this kind of a decision.

Sir, another point was made. Eighth growth centres have been given to Uttar Pradesh is also one of auctions he points which was made, might be I won't be able to give the exact number, but even in respect of these eighth growth centres, I will request the hon. Members from that areas to kindly give proper attention and see that you are able to make full use of the growth centers, which have been allotted. Out of 100 given to different States. every State Government is

trying to take full advantage of the growth centres granted to them. I am sure that hon. Members will also do their best to see that they will be able to take full advantage of the growth centres.

An hon. Member was pleased to state that Trusts have not been created. Sir, we have been able to create a situation in which the Trusts the means, are being finalised now. It is a question of setting up the Trusts and registering and them. The matter is also to be decided by the Supreme Court in the case of reference which has been made under Article 143.

A point was also made, Sir, that in spite of the President's Rule, why is it that the Government could not take the decision about taking recourse to Article 138(2) and why Article 143. I think this point has been debated so many times, as I have clarified the whole thing before. But I must say that taking all these litigations to the Supreme Court and while away the time in that, would have been a very dilatory process. Instead, a pointed reference was made to the Supreme Court that this is the point on which if you were to take the decision, then everything will get settled. That is why, at least I have no doubt in my mind that our ideas are quite clear that Article 143 had to be resorted to because we just wanted to have the clear verdict of the Supreme Court.

MR. CHAIRMAN: One minute. I will take it that the House agrees that the time is extended till the voting process is over
(Interruptions)

[Translation]

SHRI LAL K. ADVANI (Gandhi Nagar): I remember that you had tried to convince us that Article 138(2) should be there as Article 133 is useless. Now you are giving the same arguments to me also. (Interruptions)

SHRI S. B. CHAVAN: I agree with you that

I had said it at that time because there was Kalayan Singh Government in U.P. When we tried to make them agree, they refused to do so and so we were unable to take the recourse of Article 138. If we had applied this Article on the advice of the Governor, it could have become an issue of morality. So, we did not do so.

[English]

Sir, some hon. Members raised the point of not getting any response from the Governor. Regarding this, I have issued instructions that when the public representatives sit to them, they should respond, they should meet the people and they should look into the ... grievances and see that to the extent possible they try to help them out. Then Chandra Jeetji raised the point about the creamy layer committee formed by the Uttar Pradesh Government. I will certainly look into this matter and if the members of that committee are anti-Mandalas has been mentioned by Chandra Jeet I will see that those who understand the problem are represented in that Committee. Then, about Dr. Ambodkar Central University, of course, I need not tell Mr. Chandra Jeet Yadav that there is no provisions during the course of the year. But in the Supplementary Demands we can ask for the provisions. I do not think this university is going to languish because of lack of funds. Enough funds will be provided to it and we will see that this university takes shape as early as possible.

Sir, another point which was made was about the arrears of sugarcane. (Interruptions)

[Translation]

SHRI MOHAMMAD ALI ASHRAF FATMI: When you are going to invoke Article 356 in Maharashtra and to ban Shiv Sana?

SHRI S. B. CHAVAN: We have heard you patiently, now you must listen to us too. (Interruptions)

[English]

MR. CHAIRMAN: The Home Minister will reply.

SHRI S. B. CHAVAN: Sir, a point was made about the payment of arrears. Almost Rs. 1,200 crores have been paid to the agriculturists and out of this Rs. 1,200 crores, about R. 90 crores are still left and Shri Kalp Nath Rai gave an assurance on the floor of the House that every effort will be made to see that these arrears are also cleared by the end of his month. I am quite sure, he will look into the matter.

Sir, I have tried to clarify most of the points which three hon., Members have raised. So, I now request the House to kindly approve these resolutions.

SHRI RAM NAIK (Bombay North): What about my amendment?

SHRI S. B. CHAVAN: About the amendment I would like to state that the Constitution of India contemplates six months term to be given provided it is not revoked earlier. If it is revoked earlier, then three or four months can be given. But while asking for extension, the Constitution of India provides for six month's extension only. So, I would request the hon. Member to kindly withdraw his amendment; otherwise, I would request the House to reject the amendment. *(Interruptions)*

[Translation]

SHRI MOHAMMAD ALI ASHRAF FATMI: When you are going to invoke Article 356 in Maharashtra and when you are going to ban Shiva Sena?

[English]

MR. CHAIRMAN: Maharashtra is not there on the agenda at all. I suppose there is going to

be a discussion on the Bombay bomb blasts. At that time, you can raise this point.

(Interruptions)

[Translation]

SHRI LAL K. ADVANI: Mr. Chairman, Sir, during this debate many of colleagues have discussed elaborately the misuse of the Article 356. The misuse of this article had been made on a number of times, but it is for the first time that a High Court too had pronounced categorically that the dismissal of the Madhya Pradesh Government and the dissolution of the Legislative Assembly were entirely against the Constitution. This case has been referred to the Supreme Court... *(Interruptions)*.

Mr. Chairman, Sir I admit that there are so many constitutional experts in India. They too have given their comments on the dismissal of the Government on the 15th December...

[English]

This is an outrageous assault on the Constitution.

[Translation]

This was stated particularly by those who have criticised the Ayodhya incident. But I hold that it was a lame excuse at that time. Today I hold that there is no such excuse as may call for the extension of President's rule in these states for further six months.

[English]

While that was wrong, in this case, it is blatantly and patently partisan.

[Translation]

Barring his party motive, the hon. Minister

of Home Affairs cannot point out any other justification for not holding elections at present. Out of these four states, the case of Madhya Pradesh may be different as the Jabalpur High Court in Madhya Pradesh has stated that fresh elections should not be held there and the previous Assembly and the then Government should be restored there. So the Government can say that they cannot, hold the elections there. But they can hold elections in other three States. Just now it was stated in your presence that the elections can be held there because the Government itself stated that the law and order situation was very good there. Even then the Government is not holding elections there. Therefore, I hold that

[English]

This is a gross abuse of article 356, extension being given for six months only for partisan consideration

[Translation]

I would certainly like to state that sometimes the people may forget but they cannot forget it so early. If the issue of Ram Mandir was proving detrimental for you at that time, the Ramaswamy issue also will prove detrimental for you. Therefore, if the Government thinks that by extending the President's rule for a period of another 6 months, the situation of their party will improve there, then they are grossly mistaken.

Mr. Chairman, Sir, my colleagues do not agree to this resolution and we oppose it and in a bid to demonstrate the protest we stage walk out of the House

19. 38 hrs.

(Thereafter Shri Lal K. Advani and some other hon. Members left the House)

[English]

MR CHAIRMAN : I will now take up voting

on each and every Resolution separately. I shall first put the amendment moved by Shri Ram Naik to the vote of the House.

SHRI RAM NAIK : Let me respond to the request. I must respond first. Then only I can say.

MR. CHAIRMAN : The hon. Minister requested you to withdraw your amendment. Are you withdrawing your amendment?

SHRI RAM NAIK : I must say something and then I will tell you. I should be allowed to respond to his request. It is my right.

I have suggested that the period of six months should be reduced to three months only because in Kerala and Tamil Nadu, some by elections are to take place after three months. So, within three months if elections can take place in Kerala where already communal atmosphere is there according to this Government's decision, so, naturally within three months similar elections can be held in all the four States. He has said that the minimum period is six months. No, it is not like that. The period can be six months and less than that. The period can be six months and less than that. That is why I have suggested that in my amendment. I insist that he must accept the amendment and if he is not accepting the amendment, then, please put it to the vote of the House.

MR. CHAIRMAN : I am putting to the vote of the House.

[Translation]

SHRI BHOGENDRA JHA (Madhubani) : Mr. Chairman, Sir, I am on a point of order. My point of order is that just now the Leader of Opposition party—the Bharatiya Janata Party has walked out of the House in the presence of all of us. I want to know whether the hon. Member has violated the party whip by staying in the House or not and whether he is staying here against the antidefection law. It may please be clarified as to why he has stayed in the House.

[English]

SHRI RAM NAIK : I had walked out of the House and I have come in again. You do not know what is meant by Whip. You are a senior Member. Whip means three—lines Whip. I have gone out and then I have come in again. You are a senior Member. If you do not know the meaning of the Whip, then, you have unnecessarily wasted/your three terms in the Lok Sabha. (Interruptions)

MR. CHAIRMAN : When his Party has walked out, whether he should attend and press his amendment is between him and his Party. The House has nothing to do with it.

(Interruptions)

MR. CHAIRMAN : I shall now put the amendment to the first Resolution moved by Shri Ram Naik to the vote of the House.

Amendment No. 1 was put and negative.

MR. CHAIRMAN : The Question is:

"That this House approves the continuance in force of the Proclamation, dated the 6th December, 1992 in respect of our Uttar Pradesh, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 6th June, 1993."

The motion was adopted

MR. CHAIRMAN : I shall now put the amendment to the second Resolution moved by Shri Ram Naik to the vote of the House.

Amendment No. 1 was put and negative.

MR. CHAIRMAN : The question is:

"That this House approves the continuance in force of the Proclamation, dated the 15th

December, 1992 in respect of Madhya Pradesh, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 15th June, 1993."

The motion was adopted.

MR. CHAIRMAN : I shall now put the amendment to the third Resolution moved by Shri Ram Naik to the vote of the House.

(Interruptions)

MR. CHAIRMAN : Are you on appoint or order?

[Translation]

SHRI BHOGENDRA JHA : Mr. Chairman, Sir I would like to seek a clarification from the hon. Minister of Home Affairs. Last time, the hon. Minister of Home Affairs has assured us that election can be held in any single state like Himachal Pradesh any other State and it is not essential to hold elections in all the four States together. It may be possible that elections are held in one State. Secondly, I would like to know the time by which the 12 members Advisory Committee would be set up in all the States. What is the position regarding these two questions?

SHRI S. B. CHAVAN : Elections Will be held in all the four states together and not separately. Secondly, I have already clarified regarding the Advisory Committees.

[English]

MR. CHAIRMAN : I shall now put the amendment to the third Resolution moved by Shri Ram Naik to the vote of the House

Amendment No. 1 was put and negative.

MR. CHAIRMAN : The question is:

"That this House approves the continuance in force of the Proclamation, dated the 15th December, 1992 in respect of Himachal Pradesh, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 15 June, 1993."

The motion was adopted.

MR. CHAIRMAN : I shall now put the amendment moved by Shri Ram Naik to the vote of the House.

Amendment No. 1 was put and negatived

MR. CHAIRMAN : The question is:

"That this House approves the continuance in force of the Proclamation, dated the 15th December, 1992 in respect of Rajasthan, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 15th June, 1993."

The Motion was adopted

MR. CHAIRMAN : The House Stands adjourned to meet again tomorrow on Thursday, 13th May, 1993 at 1100 hours.

1944 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, May 13, 1993 / Vaisakha 23, 1915 (Saka)