

17.11 hrs

STATUTORY RESOLUTION RED
APPROVAL OF THE PROCKAMTION IN
RELATION TO THE STATE OF
NAGALAND

(English)

MR. SPEAKER: We now take up the discussion on the proclamation with respect to Nagaland. Shri Basu Deb Acharia was on his legs.

(Interruptions)

MR. SPEAKER : You can see the welcome you have received. That is because you have impressed them with your speech. You have spoken for 28 minutes. I hope you will complete your speech soon.

[Translation]

SHRI BASUDEB ACHARIA (Bankura)
: Mr. Speaker, Sir, I will not speak too much, I will speak for just 15 minutes only. Mr. Speaker, Sir, that day I said that President's rule has been imposed in Nagaland and after it in the light of the authoritative action taken by the Central Government we demanded and submitted an appeal to you also to make Government understand and suggest that imposition of President' rule in Nagaland is a violation of the Constitution and dnggers to withdraw the motion moved by the hon. Minister of Home Affairs. The previous Governor of Nagaland acted in accordance with the Constitution and safeguarded the Constitution, so, it is the duty of the Government to send the Governor back to Nagaland and protect the Constitution.

Mr. Speaker, Sir, we want to know the outcome and details of the dbate and the reponse of the hon. Minister of State in the Ministry of Home Affairs, after a notice was brought to this House that day.

What were the reasons these comp
lled to impose Presidential rule in Nagaland

under Article 356 of the constitution? in this connection his statement was:

(English)

"Mr. Jacob: The Constitutional Break-Down which is the requirement under article 356 was very much visible there. That is why, article 356 come in. It is because the Constitutional break-down is there. That is what I have said. The Governor informed, there is no Stability in the Government."

[Translation]

Mr. Speaker, Sir, till the time of the statement and reply of the Minister of State in the Ministry of Home Affairs we had not received the report of the Governor. Though, we always demanded the Governor's report. Yet We did not get it till then, but when we received the Governor's report and tried to look in into statement and reply of the hon. Minister of state in the Ministry of Home Affairs, we found that there is great deference between the contents of the Governor's report and the reply of the hon. Minister. If you look into the report of the Governor Minutely, you will find that nowhere in the report is mentioned nor is there any scope for the isolation of the constitution or the Sitation in Nagaland has deteriorated to such an extent. Then the Government cannot function there in accordance with the Constitution. Article 356 of the constitution can be applied only when a government is not running according to the Constitution we oppose the Article 356 of the Constitution and we want that it should be abolished from the Constitution, because the ruling party has misused it for its party- purpose, not only once but several times. It is for this very reason that our party demands that this article should be from the Constitution. Even if it continues to Remain there, certain provisions should be made so that no ruling party in the Centre can misuse it.

That day, while a duscussion was going

on this issue the Minister of Human Resource Development was also present here. He was of the view that there were only two alternatives in it he was speaking about the existence of two alternatives in the constitution. where as there is only one alternative in the Constitution- i. e. the recommendation of the Governor - But Shri Arjun Singh was saying that there were two alternatives.

[English]

There are two alternatives. One is recommendation of the Governor; and the other one is the other circumstance.

[Translation]

MR. SPEAKER : Shri Acharia you cannot quote in this manner.

SHRI BASUDEB ACHARIA: I am coming to conclusion .

[English]

This is very vital and relevant.

He said : "He has the right and he did it.

The matter ends there. Now the question is that

The Central Government has imposed the President's rule. "

"the circumstances that were brought to the notice of the Central Government by the Governor himself, according to the judgement of the Government of India, constitute the basis on which for other reasons, Article 356 can be applied. "

[Translation]

Where is the Governor? From where has he drawn this conclusion from the Governor's report?

[English]

"The situation is fluid. It does not mean that the State Cannot be run as per the Constitution of India. "

[Translation]

It has been said that there is no stability. If there is no stability, it does not mean that the Government can not function there according to the Constitution. Our hon. Minister of External Affairs is present here. For what purpose did he go there? I do not know the purpose of his visit to Nagaland, whether it was foreign relations or anything else. But he had gone to Nagaland perhaps for maintaining contacts with foreign countries of something else.

[English]

SHRI BASUDEB ACHARIA: He threatened the MLAs to vote for the Congress- I candidate for Rajya Sabha elections. Shri Eduardo Faleiro threatened the MLAs. They voted for the ruling party candidate. The ruling party candidate won the election in the Rajya Sabha. It came out in the newspaper.

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI EDUARDO FALEIRO) : I am on a point of clarification. I had gone there on behalf of my Party to meet my Congress-I MLA. I never tried to contact the Opposition MLAs and there was no question of threatening anybody. I do not indulge in such threats. I have never done it. I will never do it. Please do not go by these reports.

SHRI BASU DEB ACHARIA : It came out in the newspaper and you never contradicted it that you never threatened any of the MLAs. You went there. you tried to collect the votes but you failed and that also proved the Majority of that Government and Government did the right thing. (*Interruptions*)

[Translation]

MR. SPEAKER: Achariaji you do'nt look at me while speaking putting me to a lot of trouble.

[English]

We have to complete this debate before 6 O' Clock. You have already spoken for more than 35 minutes, a longer speech the hon. Minister could have given'.

[Translation]

SHRI BASU DEB ACHARIA : Mr. Speaker, Sir, on that day Baba Saheb Ambedkar had also said the same thing about Article 356 of the Constitution and opposed the inclusion of this Article in the Constitution but at that time it was said that it would not be used in practice.

[English]

"This would be sparingly used. For the first time, this president's rule was imposed in the State of Punjab."

MR. SPEAKER : You have to conclude now. I am going to call the other Members.

SHRI BASU DEB ACHARIA : Dr. Ambedkar said:-

"The people have got a very legitimate ground for suspicion that the Government is manipulating the Articles in the Constitution for the purpose of Maintaining their own party in office in all parts of India."

Yes we must maintain the unity of India. What is the way of maintaining the unity of India? My hon. Friend thinks that the way to maintain the unity of India is to government of the same complexion, a government of the same party from Cape Comorin to East Punjab. I will give one or two instances and my hon. friend will

forgive me if I say that those are instances of the most violent kind of rape of the Constitution."

Why be so dogmatic? Why be so tyrannical and why manipulate the Constitution In this way? You are going the Constitution Into complete disrepute if you are going to reate the impression that all the provisions of the Constitution which we introduce for the purpose of safety are going to be used for the purpose of party-politics I warn you very sseiously an as I have said I shave no axe to grind. I am not going to approach anybody for any office... There fore, I am giving you an independent piece of advise that you should use the Constitution for the legitimate purpose for which it had been created..."(Interruptions)

What happened in Nagaland? By the imposition of President's Rule under Article 356 of the Constitution, by the dismissal of the Governor, the warning which Dr. Ambedkar gave at that time in 1953 was unheeded. For the very partisan purpose, only to have their own Party- rule in Nagaland, for that Purpose only they did this thing. while proclaiming the President's Rule there, they did not say anything about holding of the election; why they should not have their own Government in Nagaland; why there should not be a fresh mandate which the Governor of Nagaland tried to do by dissolving the Assembly. That is why the entire Opposition parties wanted that the President's Rule imposed under Article 356 of the Constitution in Nagaland should be revoked and by revoking this in Nagaland we can protect the Constitution. I would also like to urge you, as Speaker of the House, to words, I conclude.

MR. SPEAKER : I would openly Compliment your Hindi version of the speech. Now, Shri Imchalembe to speak.

SHRI IMCHALEMBA (NAGALAND) : Mr. Speaker, Sir I was not seriously thinking

of participating in the discussion on the imposition of President's in Nagaland mainly because of two reasons. Firstly, the state of affairs prevalent in my state is such that I cannot derive any sense of pride in speaking about them.

Secondly, I would like to make it very plain that the thigs, during the last three eventful years, have been such that it is not a pleasure for me to speak about it. However, seeing the interest which the imposition of the President's Rule in Nagaland has evoked in this house, I have divided to say a few things. I hope hon. Members present in this House will listen carefully because what I speak is something which I have seen for myself and I know something of it.

Sir, I am not going into the question of rightness or the wrongness of the imposition of President's Rule. But I would like to present before the House certain realities-Social, political and economic- which are prevalent in my State, which I believe have some relevance to the subject that we are discussing now.

Let me begin by stating that since the last general election in the State during the span of three years, we have witnessed three different Ministries in Nagaland. The first was the Congress Ministry which was toppled after about one and a half years. we had one and a half months of Shri K. L. Chishi's Ministry which was again toppled and afterwards we had Shri Vamuzo's Ministry.

The main driving force behind all these changes which have taken place in Nagaland is this. There are two things which I want to make very Clear. Firstly, it is the lack of proper political leadership. Secondly, the driving force is nothing but the greed for power and wealth. I want to make it very clear. Nothing good can be expected for the people out of such Government. What we have seen during the last three years is that this has been the worst Ministry that Naga people have ever witnessed during the

whole 29 years of our Statehood, truly speaking.

Now I want to say something about what people are thinking about it. Firstly, I want to say about the mood of the Naga people. If it was some other time, the imposition of the president's rule would have brought out some reaction from the Naga Public. In fact, Naga people are silent today. There is growing resentment among the people. People are openly speaking about it. They are losing faith in the leaders. Naga people are today speaking with the leaders of the political parties in the State both the Congress and others who have failed the Naga people. That is actual state of affairs prevalent in our State. There is open public defiance. People are losing faith in the very political system that we are living in. People are losing faith in the very political system that we are living in. People are losing faith in the Indian democracy. This is what I want to point to point out. If we look at the state of affairs of our finances, Nagaland is small State. Our annual plan outlay is around Rs. 170 crores. The overdraft today is more than Rs. 100 crores. We have allowed the things to go too far. This is what I am saying. We cannot continue like this. If we allow things to continue like this, people will be alienated. People are openly saying, whether it is the Congress or others, it is the State leaders who have failed the Naga people. The leaders have tarnished the good image of the Naga people, good name of the Naga people. That is what is going on in Nagaland today.

That is why, I sincerely believe that the spell of the president's rule is good for the Naga people. I am not supporting any political party. But that is what I have seen. That is what the people want. I do not want the Indian Parliament to make party issues out of it. I do not want it. Indian Parliament can do what it thinks. it can restore the confidence of the people in the Indian democracy. Do not make issues out of it. There are many things which the popular Governments have I can assure you, failed to do. There is rampant corruption in our State.

Something has to be done a reform has to be brought about. In view of this, I sincerely appeal to all the senior leaders and the Members present here on this. I learn whips have been issued. For what? This is not a very big issue, I should say. It is not a very fitting subject to make issue of it. Indian Parliament has to identify with the Naga people and not with the political parties. That is why, I am saying that the spell of the President's rule is. Why should we make so much of controversy that Shri Vamuzo was enjoying majority, he was not enjoying majority. I can say that there is nothing secret in this. I can tell what was there. And I will tell very honestly that there were differences in the ruling NPC. Something had transpired on the morning of 27th March, 1992. All the efforts to patch up has failed. 13 Members withdrew their support. The Governor was not there; he left for Calcutta. People thought that he was in Calcutta. Suddenly, he returned. Nobody knew it. And within about 40 minutes, he had dissolved the House. It is not that he did not know that there was a split in the ruling Party. It is not that. The officers who informed him about everything.

I went to Kohima and I have verified myself. That is why I am saying that the officers who have briefed him that there has been a split. He knew about it. He should have met all. I would have supported him if he had dissolved the House and recommended President's Rule. But he had made one fatal mistake by giving the Government to a Chief Minister who did not enjoy a majority; who did not command majority. If he had dissolved the House and recommended for President's Rule, I think that would have been a very right for him to do. He knew about the split. He should have verified. He should have called others.

Originally, it was 13, who opposed the Chief Minister. after dissolution and offering of this Care-taker Government, out of 13, two returned to participate in the Care-taker

Government. Otherwise, there were 13 who are opposed out of 34. Eleven were with the Chief Minister. But when Care-taker Government was given, two were lured back.

Hon. Shri George Fernandes was referring to something. Their signatures were not forged. They really went away from Shri Vamuzo, the Chief Minister and when Care-taker Government was given, these two members were lured back. Today, among those Ex-Legislators, 13, they are right now with the Chief Minister. Eleven members, they are opposing. They have formed NPC (Progressive) and that is a reality. I will say that if 29 members, after giving the Care-taker Government, they have remained intact, I think there was some point for discussion. But after the Care-taker Government, it was very apparent that there were two groups. There was already a split. What I want to say is this: if the Governor was in the Station, this dispute would not have arisen. But after his coming back, it has been a fact that he did not care. Nobody knew that he has returned for Dimapur. People in Kohima thought that he was already in Calcutta. This is the main thing. He came with some of his officers and after that, he dissolved it. He did not meet anybody. I would have been very happy if he had reflected about the split in his report which he did not do. He knew it but he did not do it. So, there is an inciting which I want to tell this House and I want to appeal to all of you that I am from that State and I know the ailment. Some officers told me in Kohima that Reserve Bank was about to impose this financial embargo. I also learnt, after the declaration of President's Rule Government of India gave some Rs. 65 crores or something like that. Despite that, we do not have money to pay for the month of April, the pay and allowances of the Government servants. We do not have it in Nagaland. The Prime Minister is here; the Home Minister is here. I want to make one request. All the Rs. 170 crores - the plan money - which is there for the welfare and development of Naga people, we have to ensure that under the President's Rule, the benefit is derived by the common people. And that has to be ensured.

I am very thankful to you for giving me the time. I wanted to tell you these things very frankly. Perhaps I might have hurt some people. But I have to stand by my people. These are the things that I want to apprise the House with. I think without going in for division we should accept this President's rule.

MR. SPEAKER: I think we shall have to complete this business today itself. So I am requesting the hon. Minister to reply.

SHRI CHITTA BASU (Barasat): It is an important thing. It is a constitutional matter.

MR. SPEAKER: It is not necessary; all the points are covered.

• SHRI CHITTA BASU: It is unjust.

MR. SPEAKER: On every item it is not necessary that Members belonging to all the parties should speak. If the points you want to make have already been made; they are on the record. All the same, I am allowing each Member to speak for two minutes. I am saying that this business will be completed today. If it is necessary to sit for some time we shall sit and complete it.

SHRI CHITTA BASU: Other Members have taken more than fifteen minutes. when it comes to us it is two minutes.

MR. SPEAKER: Your party has hardly one Member.

SHRI CHITTA BASU: If you take into consideration the strength of the party, you are perfectly justified.

MR. SPEAKER: You will realise that all the time that you are entitled to get, even ten times or fifteen times more than that, can be given to you. Anyway you please speak.

SHRI VJOY KUMAR YADAV (Nalanda): Sir, give us also time.

MR. SPEAKER: I will allow you also for two minutes.

SHRI VJOY KUMAR YADAV: You should give me more time.

MR. SPEAKER: I will allow you ten minutes if you are not going to repeat the points.

SHRI CHITTA BASU (Barasat): Mr. Speaker Sir, I rise to oppose the president's proclamation under article 356 of the Constitution and also the subsequent removal of the Governor. I am opposed to this president's proclamation precisely because this proclamation is outrageously arbitrary; it is blatantly undemocratic; it is a shameful misuse of article 356 of the Constitution that too for partisan interests; it is violative of the letter and spirit article 356 of the Constitution. Broadly on these grounds I am opposed to the proclamation by the president under article 356. I shall not discuss how I have come to this conclusion.

This very act once again reveals the re-emergence of the authoritarianism within the ruling party at the center, despite many protestations being that they are interested to improve the Centre-State relations and also for preserving the constitutional rights and privileges of the States.

So far as the Governor of Nagaland is concerned, I am to state it very clearly that this is for the first time a Governor in our country has exercised his right vested in him article 174 2 (b). Never has there been an occasion earlier that a Governor had exercised his power as the Constitution vests in him. Because he exercised his power without consulting the ruling party at the center, he has been punished and the people of Nagaland have been punished. It has been argued by the Members of the treasury benches that power of the Governor has not been exercised with the consent of the president. I will show you that there is no necessity of the Governor seeking any permission or consent of the president.

MR. SPEAKER: There is no dispute on that point. You don't go to that point. Nobody

has said that he has to seek the permission of the President.

SHRI CHITTA BASU: They must also understand what is the constitutional position.

MR. SPEAKER: Nobody has said that the Governor has to seek the permission of the president dissolve the Assembly.

SHRI CHITTA BASU: Some of the treasury bench Members has said that.

MR. SPEAKER: It is not necessary. It is agreed. Why do you repeat it? I am not allowing that point.

SHRI CHITTA BASU: He has conceded it. If they have not said that, it is all right. But, arguments have been advanced saying that why the Governor did not seek the earlier Consent from the center.

MR. SPEAKER: Who has said that?

SHRI CHITTA BASU: Many Members have said.

MR. SPEAKER: Nobody else has said that.

SHRI CHITTA BASU: All right. But, many Members have said. I heard one of the arguments by the members on this side, saying that there was no consultation, that there was no earlier intimation, etc.

MR. SPEAKER: No body has said that. Please leave that point.

SHRI CHITTA BASU: But, I want to stress the point that the Governor is not an employee under the president. That point has to be taken note of Under the Constitution, the Governor's Office is not subordinate or subservient to the Government of India. According to the constitution, he is not amenable to the directions of the Government of India; he is not an agent of the president; he, as the Head of the State, has his functions and responsibilities laid down

in the Constitution. I feel this basic premise of the rights and the authorities of the Governor, under the Constitution has not been properly respected by this proclamation of the President. This position has been the logical deduction from the Supreme Court's judgment and also from the Committee of Governors' of 1971.

I also want to draw your attention to the reported letter written by the Home Minister to the prime Minister, accusing the Governor of Nagaland of the dereliction of duty.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): I have written a letter. It is not correct.

SHRI CHITTA BASU: This is what the "Statesman" s' report says. (*Interruptions*) This is quoted. (*Interruptions*)

MR. SPEAKER: This is really flouting all the rules and speaking on the floor of the House as we wish. The rulings are, the law is and the rules are that if you quote a newspaper and if the Member stands up in the House and says that it is not correct, you to take the word of the Member. So, if the Minister says that, you shall have to accept it; you do not have to read all those things. Please do not refer to the obvious and you refer to some new points, if there are any.

SHRI CHITTA BASU: If he denies, naturally I have got nothing to say. But, the quotation is with me. It is the editorial of the 'Statesman.' (*Interruptions*) I do not know, whether it is right. But, Sir, allow me to lay it on the Table of the House. (*Interruptions*) If he denies, naturally I have to accept it. (*Interruptions*) Let me accept it. But the whole thing is this. It should be made clear.

MR. SPEAKER: You are a very senior Member. You should help us.

SHRI CHITTA BASU: The Governor is not to be treated in that shabby manner.

There is no report of the Governor in respect of the proclamation of the president.

There are provisions; but, I think, it is not in the best interest of developing cordial relations between the Centre and the State to abuse Article 356 in this way.

Generally, the people of Nagaland feel that the Constitution of our country do not conceive or do not give proper attention to the hopes and aspirations of the people of Nagaland. They feel alienated. They also have some hopes and aspirations. They want their voice also to be heard because that is a sensitive area. We want that they should be brought into the mainstream of Indian polity.

MR. SPEAKER: This is not correct, Mr. Basu.

SHRI CHITTA BASU: Sir, I am concluding. The misuse of the Constitution in this partition way will not help our country to remain united, to develop a spirit of oneness, to develop a spirit of nationalism and bring within the mainstream of Indian polity those who are not willing to be in the mainstream and take other methods. Therefore, I think, this proclamation of President's rule for Nagaland has to be opposed. (*Interruptions*)

[*Translation*]

SHRI VJOY KUMAR YADAV: Mr. speaker, Sir, I strongly oppose the imposition of the President Rule in Nagaland using Article 356 of the Constitution. At the same time, there is no justification in removing the Governor. This step has been taken deliberately violating all the provisions of the Constitution to achieve the political goal of the ruling party.

Mr. speaker, Sir, several points have been raised explicitly that Article 356 should be used very carefully. Ours is a vast country where there are so many States and it has federal set up too. It should invariably be kept in mind as to what would be the impact of the imposition of Article 356 on the feelings of the people of that State where it is imposed. To which extent does it have its impact on the parliamentary democracy in our

country? What impact does it have on the Centre—State relations? All these points should be kept in mind before imposing Article 356. It is quite clear that Article 356 was used sparsely before 1967. There are political motives behind it. The Congress Party had virtually its monopoly at the Centre and in the States before 1967. When its monopoly began to shatter, they started using Article 356 for political ends. As and when the Congress party found itself in trouble or the opposition parties formed Government, which could not be toppled through elections and it was felt that they could not come to power, they used Article 356 in several States. With regard to situation in Nagaland an hon. Member, I do not know to which party he belongs, has strongly supported Article 356 and he has also made a reference to the situation in Nagaland. He also mentioned the horse-trading and other exercises going on there. I felt that his arguments were not in favour of Article 356 but he was supporting the Governor's decision to hold elections after the dissolution of the Assembly. There is situation of emergency in Nagaland. There is wide resentment among the educated youth because of unemployment. So far as the relations of the state with Centre is concerned, be it a matter of not providing assistance to the State or be it a matter of bringing this small State in the national mainstream, it has all along been neglected which is creating a feeling of segregation among the people. When this feeling of segregation was developing, there was talk of holding elections, why was then Article 356 used and president's Rule imposed? There were only two reasons. Firstly, the caretaker Government was purchased. Secondly, there was talk of announcing elections. The only reason behind it was that such a person be appointed Governor who can act as puppet and keep the Assembly in suspended animation for a particular period so that they could get an opportunity to manipulate. When such a situation arose and when the Legislative Assembly was dissolved, the elections should have been announced immediately. So that the opinion of the people of the State could be elicited as to

which Government they wanted to have in their State.

Mr. Speaker, Sir, I would like to say that the way the provisions of the Constitution are misused and the way the emergency provisions are used off and on, has given birth to a feeling among the people that this Government is not likely to stay any longer and it wants to topple the Opposition Governments in States through the power it is enjoying at the Centre and wants to form its own Governments there which is next to impossible.

I oppose it and make a demand to lift the president's Rule from there immediately.

[English]

MR. SPEAKER: Mr. Minister. (*Interruptions*)

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Sir, why do you deny an opportunity for us?

MR. SPEAKER: There is no time. All right. No repetition but new points should be there. I will remind you when you repeat the points.

SHRI SOBHANADREESWARA RAO VADDE: Sir, I rise to oppose the Proclamation of imposing president's rule in Nagaland. And the subsequent dismissal of the Governor of Nagaland. This is most unfortunate that you are adopting double standards. When a Congress Government or a Government supported by your party loses majority, you immediately dissolve the Assembly and when the opposition party in power and when they are likely to lose their majority or actually reduced to minority you want to suspend the Assembly and you want to manipulate the MLAs and again instil the Congress government. That is how you are doing all these years.

SHRI S.B. CHAVAN: This is not a fact

SHRI SOBHANADREESWARA RAO VADDE: In the instant case, the Governor has perfectly acted well within his right and when there is a political break down, he has dissolved the Assembly and has asked for fresh polls. And the caretaker Government is continuing.

18.00 hrs

The center has not only introduced the President's Rule but it has even dismissed the Governor. You are giving a warning to all the Governors of the States that they have to act as your rubber stamp. Is this the principle enshrined in our Constitution? Is this the spirit of our Constitution? Have you forgotten what Babasaheb Ambedkar had said? He stated that the Governor of a State is Just like the President of the Union. Then, what business have you got to impose the president's rule and then to dismiss the Governor? This will be sending a very wrong signal and this will completely go against the federal principles that have been enunciated in our Constitution. It is more especially so, when it is a sensitive border State. For your own narrow and partisan Political Purposes, you have already engulfed sensitive border States such as Punjab, Kashmir and Assam in flames. Now you are doing the same in Nagaland too. I want you not to play with the people of this country. Do not play with democratic principles. That is why I oppose the proclamation of President's Rule and the removal of the Governors. It is most unfortunate and most Condemnable. I urge upon the Government not to repeat such things in future if you really have any faith in democracy and in federal polity.

[Translation]

SHRI DILEEP BHAI SANGHANI (Amreli): Mr. Speaker, Sir, I am on a point of order. According to sub clause 4 of rule 349- when a Member speaks and if any other Member crosses the floor between Mr. speaker and the Member, it is a violation of the rule. It is not good. Just now when an

hon. Member was speaking, the Minister of parliamentary Affairs crossed the floor. Thus he has violated the rule.

MR. SPEAKER : Your point of order is quite right. Nobody will do so in future.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : Unfortunately, on a very innocuous issue where the proclamation has been issued by the president, there has been an acromnious debate all kinds of charges are hurled at and all sorts of allegation are made very freely. I do not think the hon. Members have been to appreciate the exacit issues prevailing in Nagaland The last speaker seems to have been confused totally between Article 174 (2) (b) and Article 356. He seems to have under the impression that by imposing Article 356, we are trying to achieve something else. Article 174 contemplates dissolution of the House and Article 356 also contemplates the dissolution of the House . This has to be understood properly.

It has never been our claim that the Governors should support the Central Government and that they should act as the rubber stamps of the Central Government. We cannot even issue the directives which are supposed to be given under Articles 256 and 257. This is the Provision of the Constitution. In spite of this, the hon. Members are commenting that since the Governor had not do either this or that, we seemed to have taken this action purely for partisan purposes.

SHRIBASUDEB ACHARIA: Of course, that is a fact.

SHRIS. B. CHAVAN: That may be your point of view. But I do not want to enter into any controversy at this stage.

First we have to understand the main issue . When article 174 is invoked, it be-

comes the responsibility of the Governor to find out whether the Chief Minister who is recommending the dissolution of the House enjoys the majority support in the House or not. This is the crux of the problem which we have to understand. I fully appreciate the hon. Member from Nagaland who stated that we are unnecessarily Politicizing the whole issue. Hon. Leader of the Opposition asked as to what would be the approach of the Government towards the North- Eastern States. I would request all the hon. Members of the House not to go too much into this and please do not try to try to treat this as a political issue, otherwise it will create a sense of alienation among the people living in the North- Eastern States. Actually, you have to understand...(Interruptions)

I have heard you with rapt attention and I would request you to kindly bear with me for some time. I am not going to take too much time. The first issue was that the Governor should have satisfied himself before taking a decision. Almost every hon. Member will agree on this point that the dissolution of the House is a very drastic step and before this step is taken, the Government has to satisfy himself on a number of issues. The Assembly Session was over on 26th and the Governor left for Calcutta on the morning of 27th March Calcutta Papers, Guwahati papers and even the radio gave the news that the ruling party has lost the support of some of the MLAs and also of the Ministers. The plea taken is that he himself has admitted. I would like to quote from this document. I have given a copy * of this to you . The Governor said:

"On 27th even the boarding pass was also taken when my office informed me at 10.45 hours that a letter has been received from the Chief Minister at 10.30 hours of a very urgent nature which was communicated to me over telephone. I cancelled my programme to Calcutta. "

Full text of the letter received from the

Chief Minister at 10.45 hours is produced below:

"You are aware that due to frequent defection of Members of the Legislative Assembly there have been several changes of the ministries. I am now running the third ministry within a span of three years. It is still found that there is no stability in the minds of Members. Cabinet have, therefore, come to the conclusion that Assembly be dissolved and a caretaker Government be allowed till such time when a fresh mandate of the people is called for. I, therefore, recommend dissolution of the House and caretaker Government be invited till fresh mandate of the People is called for."

"My reply to the Chief Minister at 13.20 hours is reproduced as follows:

I have received your letter dated 23rd March, 1992 advising me to dissolve the Nagaland Legislative Assembly. I have accepted your advice since you have approved your majority in the Assembly yesterday. Accordingly, I am dissolving the Assembly with immediate effect. You are requested to continue as caretaker Government until further orders. I have been told by press and radio reports about the withdrawal of the support by a group of Ministers to the Vamuzo Government. Till Now no communication, either verbally or in writing has been received by me."

So, this clearly indicates that he was aware of the... (*Interruptions*)

SHRIGEOGE FERNANDES (Muzafarpur) : What is the date of this document?... (*Interruptions*)

MR. SPEAKER: he sought permission to quote from it and I gave him the permission.

SHRI S. B. CHAVAN: Article 174 contemplates that he has to have the Chief Minister's recommendation..... (*Interruptions*)

I am not yielding.

SHRI GEORGE FERNANDES: Sir, I am on a point of order. A document has been quoted in this House. That document will have necessarily to be laid on the Table of the House. I would like to know the date of the document, otherwise, if the Home Minister reads the document and do not give the date of the document then it may convey a different meaning.

MR. SPEAKER: Your point of order is very valid. The hon. Minister has quoted from a document and he has taken precaution to see that the document is placed on the Table of the House. He has also written to me and I have granted him the Permission. You can find out. (*Interruptions*)

SHRI GEORGE FERNANDES: What is the date?

SHRI S. B. CHAVAN: This is of 28th March. The report in the Press, the Report on the radio and almost everyone, even the Council of Ministers themselves have said that there was no such Meeting for dissolution of the Assembly. I have some experience of working in the State Government. We have the Practice that when the Meeting of the Council of Ministers is being called, the notice will be issued and a copy of the notice will also be sent to the Office of the Governor. The Minutes of the Meeting are also sent to Office of the Governor. I have found out from Cabinet Secretary Cell in Kohima whether any notice was issued by them. I have the Report with me. It clearly states that the Cabinet Secretary Cell neither issued the notice nor any kind of Minutes had been received. This is one thing.

Another thing is that we have found out from the Governor's Office whether a copy of the notice has been received by them;

whether the copy of the Minutes of this Meeting was received by them; and whether the decision about the dissolution of the House was taken. Both the things are being denied. The fact is that, he leaves Kohima and then goes to Calcutta. Even the Boarding Card was also issued to him. He was to board the plane. Till then, he was not aware of it and at 10.30 the Chief Minister in forma him that the Cabinet Meeting had taken place in which this decision has been taken. The hon. Members were pleased to State that: "You seem to have some kind of connection with some hon. Members there and that on 26th evening, the Meeting of the Cabinet was held and the Cabinet took the decision that the Assembly should be dissolved. The Governor seems to be talking totally unaware of it and ultimately dissolution of the House is to be done by the Governor and not the Chief Minister." So, he leaves Kohima and goes to Dimapur. He was to go to Calcutta and thereafter he was to come back. After coming back, within twenty minutes - if I have to use again the same word - he signs on the dotted lines. So, the minimum that we had expected was - Knowing full well and he himself admits that he knew that there was defection, the Members of the Cabinet were not supporting him and they were also the Members of the Assembly - this. As the hon. Member from Nagaland said that almost thirteen Members had formed the new group. So, he was reduced to a minority. In spite of that, the Governor accepts the recommendations. (Interruptions)

SHRI BASU DEB ACHARIA: Mr. Minister, You yield for a minute. We have gone through the Report of the Governor and the Governor very categorically had Stated in the Report which was sent to the Home Ministry or to the President that when the decision for the dissolution of the Assembly was taken, at that moment, the Cabinet enjoyed the majority. That was very clear and categorical in the Report.

SEVERAL HON. MEMBERS: No.

MR. SPEAKER: May I request the hon.

Minister not to reply to the interruptions. You take your own time.

SHRI S. B. CHAVAN: Governor too took the plea that the Demands for Grants were approved by the House. Then, the Motion of Thanks to the Governor's Address was passed in the House. The Rajya Sabha Member was elected to the Rajya Sabha. That is why, I thought that he enjoyed majority in the House. Which in fact is not proved by the Circumstances because the Governor himself said and the Chief Minister also said that there were so many defections, So, things were very unstable. The Chief Minister says this. The governor also reports this. But, in spite of that, he does not think it proper not to act on it.

The minimum which we expected was to give them a very generous interpretation and to ask the Ruling party if they enjoyed majority, I gave you 15 days times or 30 days' time to prove your Majority on the Floor of the House as the Sarkaria Commission has recommended. Instead of doing that, he toed the line of the Chief Minister by dissolution of the Assembly.

SHRI BASU DEB ACHARIA : What happened in Manipur?

SHRI S. B. CHAVAN; You are trying to plead a very very bad case; you must understand this. All norms have been thrown to the wind. I not want to state anything about the conduct of the Governor. But the least I thought was that he should have been more circumspect in understanding and assessing the situation and even appearing that he was very fair to each party. In fact, he should have explored the possibility of forming a government; he did not do that; he did not ask the Ruling party - knowing full well that they had lost majority to prove their majority on the Floor of the House; and instead he just signed on the dotted lines declaring a dissolution of the House, which, according to me, is a very very serious thing.

The hon. Leader of the Opposition has

[Sh. S.B. Chavan]

said having invoked article 74, is there any provision for invoking Article 356? There are umpteen cases available rulings given by the Chair, ruling given by the Supreme Court wherein even after 174, 356 can be applied and it has an overriding effect over the ruling of the Supreme Court. I am not saying anything on my own. Please try to understand the implications of all this and do not try to unnecessarily create a situation as if something very extraordinary has been done by this Government, which, in fact, is not borne out by fact, ... (*Interruptions*)

MR. SPEAKER : Please stop this running Commentary. Enough Indulgence has been shown to you, Mr. Acharia. ...

(*Interruptions*)

SHRIS. B. CHAVAN : I have got about half a dozen cases. If the Leader of the Opposition is intrusted, I can quote all those cases wherein after invoking 174, 356 has been invoked. And all these cases- right from 1952 to 1989- are available with us. We can convince him that there is nothing extraordinary that we have done .

Now I will come to the Sarkaria Commission recommendations where the Leader of the Opposition was pleased to state that there is a total departure from what the Sarkaria Commission has recommended. The Sarkaria Commission says para 4. 11. 25 as follows:

"The Council of Ministers may advise the Governor to dissolve the Legislative Assembly on the ground that it wishes to seek a fresh mandate from the electorate."

This is public document . It has been placed on the Table of the house . If the Ministry enjoys a Clear Majority in the Assembly, the Governor may advise.

"However, when the advice for dissolving the Assembly is made by the

Ministry which has lost or appears to have lost the majority support, the Governor should adopt the course of action suggested in paragraph 4. 11. 09 and 4. 11. 13 and 4. 11. 20 above as may be appropriate.

However, if the Governor has reliable evidence that the outgoing Ministry has been responsible for serious maladministration or corruption, it would not be proper for him to install such a Ministry as a caretaker Government. In such an event and also if the outgoing Ministry is not prepared to function as a caretaker Government, the Governor without dissolving the Assembly should recommend President's Rule in the State.

So, there are a large number of other recommendations which I would not like to read and take the time of the House.

There was another very serious thing which was debated at length. I would not have quoted these incidents. But I am not forced to go into those incidents where the Chief Secretary's is involved.

There are almost four or five cases. In Nagaland there was a general consent given to the Government of India and the CBI to Enquire into the matter. Later on in 1985 and also in 1990 with retrospective effect they have withdrawn their consent . It is a very surprising sort of thing to happen in a case where corruptions involved, where the Charge- sheet has been filed in a Delhi court.

In the Delhi High Court the Charge - sheet has been filed, the investigation has been completed. But in Nagaland Since they have gone to the Guwahati High Court and got a stay order, I do not want to go into the Nagaland issue. Certainly, after getting the stay order vacated we will be able to tell you what the facts are and definitely- at least I feel quite confident of that — If all the facts are placed before the Guwahati High Court

there should be no reason why this stay order should not be successfully got vacated.

The point is, that he has income —he says -of Rs. 13, 75,000 per year and his expenditure is Rs. 13, 90, 000! In 1987, his property was worth Rs. 67 lakhs and the worth of that property at today's valuation will be a few crores of rupees. He has been found with 20 gold biscuits of foreign Markings. That case has been sent to the Customs Department.

He has — I am sorry to use the word — surreptitiously got licences for five fire arms. In fact, nobody is given a licence for more than three. In fact, here is the Chief Secretary of a State who abrogates to himself all the Powers and somehow succeeds in getting the licence for five fire-arms.

You will be surprised to know that round about Delhi he has 370 acres of land! Three hundred and seventy acres of land belongs to this gentleman!

He has thirteen flats in a commercial complex .

And with all these things,** (*Interruptions*)

SHRI GEORGE FERNANDES : A reference has been made to me and I should an opportunity to answer.

SHRI S. B. CHAVAN:** (*Interruptions*)

Not only this . There is another case of two foreign nationals involved. These two foreign nationals had gone to Nagaland without a permit to go the protected area. They had gone to Nagaland, without the Innerland permit. They have over-stayed in the inner district of Nagaland for two months. Several letters have been written to them by the Government of India . Their own officers have been writing to Chief Minister and also other officers. But strangely no action is being taken. They were the people who were Preaching secessionism

in Nagaland. So, there officers were trying to protect these foreign nationals, who were preaching secessionism in that area . They were arrested not by any other force but by the Assam Rifles . Now , they are in custody and undergoing trial in the Court. So, this is the total conduct of the Chief Secretary. I am constrained to say- ofshoud of the Chief Secretary. I am constrained to say- should not say this because it is my responsibility to Protect the Governor- that the Governor and all other officers had not acted in the way which was exacted of them . They need not support any Political party . But in the interest of Nagaland, whe ther he had discharged his responsibility is a point which I would request all the hon. Members to put to themselves and get a reply. We hardly had any option left and we thought that in to tality if all these factors were taken into account, then we hardly had any option than to remove the Governor.

SHRIGEORGE FERNANDES (Muzafarpur) : Sir, the Home Minister has made two points, on which I seek clarification. ...(*Interruption*)

MR. SPEAKER : No .

SHRI GEORGE FERNANDES : Sir, how can you say that I do not have a chance to ask questions? ...(*Interruptions*)

MR. SPEAKER : If you feel that something has been stated against You, I can give you an opportunity to explain.

SHRI GEORGE FERNANDES : That is what precisely I am asking. ...(*Interruptions*)

MR. SPEAKER : You are asking a question.

SHRIGEORGE FERNANDES : Unless I also get an answer, how am I going to explain?

The Home Minister has said that I had defended the Chief Secretary. I have not

** Expunged as ordered by the Chair.

defended the Chief Secretary... (*Interruptions*)

MR. SPEAKER : Agreed.

SHRI GEORGE FERNANDES : I have not defended the Chief Secretary. The Home Minister has uttered a falsehood. I will seek your permission to move to a motion of privilege against the Home Minister ... (*Interruptions*)

SHRI S. B. CHAVAN : You do it ... (*Interruptions*)

MR. SPEAKER : No.

SHRI GEORGE FERNANDES : No Sir. He is the Home Minister. You cannot allow a man of his stature to ** to this House . I have not defended the Chief Secretary. I know nothing about the Chief Secretary . You produce the speech of whatever kind I made in this House and produce one word of my speech , where I had defended the Chief Secretary.

Sir, It is important that this House know when did that man acquire the Propertise? In 1989, who was the Chief Minister? Which party did he belong to? He said that the cass should be withdrawn... (*Interruptions*)

Your Party supported the....** You have defined the ...**... Were you not ...**... to mislead the House and the country? You must have a sense of** Mr. Home Minister . He was your Chief Minister, Congress Pary Chief Minister. who Protected this man? ... (*Interruptions*)

MR. SPEAKER : This will not form part of the record. This is not going on record.

SHRI S. B. CHAVAN : What do you mean by saying . ' I must have a sans of **? (*Interruptions*)

SHRI GEORGE FERNANDES : I must know what is going on record... (*Interruptions*)

SHRI S. B. CHAVAN : I am constrained to say that you also must have a sense of..... (*Interruptions*)

SHRI GEORGE FERNANDES : How can this man turn it on me? ... (*Interruptions*)

SHRI S. B. CHAVAN : You do not have a sense of..... (*interruptions*)

SHRI BASUDEB ACHARIA : Congress (I) Party was in power. Congress (I) Party protected him ... (*Interruptions*)

SHRIGEORGE FERNANDES : I have the letters of Mr. Hokishe Sema, your Chief on 22nd January of this Year. Mr. Hokishe Sema was the Congress- I Party leader. He was the former Chief Minister. He was the former Governor. ... (*Interruptions*) I have the letter of Mr. S. C. Jamir dated 17th June 1989 asking for the withdrawal of the cases. The Home Minister should be... of it... (*Interruptions*)

MR. SPEAKER : Now, I am putting the Statutory Resolution to the vote of the House.

(*Interruptions*)

MR. SPEAKER : Let the tempers be... (*Interruptions*)

[*Translation*]

SHRI GEORGE FERNANDES : Two Ministers of Congress Party have done all this (*interruptions*)**

[*English*]

has to be turned on me! There should be a sense of.** There is a limit to misuse the floor of this House. This man is trying to fix me- not in ten generations... (*Interruptions*).

SHRI LAL K. ADVANI (Gandhinagar) :

Mr Speaker, Sir, we are discussing a Motion relating to adoption of President's Rule in Nagaland. I had raised this issue regarding the dismissal for the Nagaland Governor, and I had said 'I do not know'. Why? And there is no provision which enables me to discuss that issue. Now, all of a sudden, the House has been confronted by the Government version of way the Nagaland Governor was Dismissed and in that course we made allegations against the Colleagues-totally baseless allegations-and trying to suggest that whatever property has been acquired by that gentleman, who none of us knows, has been because of the support given to him by so and so. Is it not totally unfair that this kind of information should be sprung upon the House in this manner in the course of reply on the Motion relating to the President's Rule in Nagaland. Either there should be a provision wherein we can discuss the removal of a governor, why and how. Then, it would be a different matter. Here two foreign nationals coming there that too is attributed to the Governor. They have Property that has been accumulated by this particular gentleman, a reference to whom was made by Shri Frank Anthony...

MR. SPEAKER : That was the Secretary.

MR. SPEAKER: Yes, Yes, that was the Chief Secretary of Nagaland. ... (Interruptions) How is the House concerned with that, Sir?

[Translation]

SHRI GEORGE FERNANDES: Defect lies with him... (Interruptions)

[English]

SHRI LAL K. ADVANI: I said the other day, "was a notice served on the Governor you have been doing this and you have been doing that, explain your conduct" "In that course the reference was made to the Chief Secretary of Nagaland, a reference was made to these two nationals, something of

that kind only then we can discuss. Otherwise to project the whole issue in a manner as if the Opposition here is defending the wrong doings of a Chief Secretary or is trying to justify anything, is it not totally unfair, particularly in these discussions? ... (Interruptions)

SHRIBASUDEB ACHARIA : That part of the speech of the Home Minister should be expunged. ... (Interruptions)

[Translation]

SHRI VISHWANATH PRATAP SINGH (Fatehpur) : Mr. Speaker, Sir, the hon. Minister of Home Affairs..... (interruptions)

SHRI MADAN LAL RHURANA (South Delhi) : He is in the habit of delivering speeches. He had delivered speech about Kashmir and Yodhya and now he is delivering speech on this issue. ... (Interruptions)

[English]

MR. SPEAKER: Not like this. (Interruptions)

[Translation]

MR. SPEAKER: Not like this.

(Interruptions)

[Translation]

MR. SPEAKER: Yesterday, you also spoke a lot. It applies to both the sides.

(Interruptions)

MR. SPEAKER: Please take your seat.

(Interruptions)

SHRI VISHWANATH PRATAP SINGH: Mr. Speaker, Sir, the hon. Minister of Home Affairs said with great responsibility in the House that Mr. George Fernandes had protected the Chief Secretary of Nagaland and pleaded in his favour in this house. He categorically said this thing on the floor of the House. ... (Interruptions)

MR. SPEAKER: Whether it has been said or not.....(Interruptions)

SHRI VISHWANADTH PRATAP SINGH: After that Shri George Fernandes authoritatively asked on the floor of the House, go through his speech and he asserted that he had not said any such thing in his speech. Sir, it is a question of honour and credibility of a Member. If the hon. Minister of Home Affairs says this in the House, and it has gone on record, he should either prove it or he should apologize for this. There is no other alternative except this...(Interruptions)

MR. SPEAKER: Kindly listen. I think whatever you are saying is to protect the honour of each other, but this thing should have applied yesterday also. ...(Interruptions)

MR. SPEAKER: Mr. Khurana, please be seated.

(Interruptions)

[English]

MR. SPEAKER: Will you please take your seats? I was in the House when George Fernandes Ji spoke and I think what he was saying was probably what the Chief Minister has done. That thing can be interpreted in any fashion we like. But my impression is that probably he was not trying to protect anybody but he was trying to say that the previous Chief Minister had done something. That should be more than enough and this matter should be closed here...

(Interruptions).

SOME HON. MEMBERS : No, Sir.

SHRI NIRMAL KANTI CHATTERJEE: How can it be closed?... (Interruptions).

MR. SPEAKER: Please take your seats now. Khuranaji, please take your seat. Let us not be very touchy also. If you read the proceeding of yesterday and the speeches made by some of the Members, I would be

required to say something more than what I have said today. But none said this thing...

(Interruptions)

SHRI BASUDEV ACHARIA: Tell us what we have said...(Interruptions).

[Translation]

MR. SPEAKER: It is not so. If one Member has his honour, other Member has also got his own honour.

[English]

I have tried to exonerate Shri George Fernandes's honour here. There the interpretations can be two. But then you cannot stretch this beyond a certain limit.

[Translation]

SHRI LAL K. ADVANI : Mr. Speaker, Sir, there is possibility of different interpretations. So far as I remember somebody had spoken about the Chief Secretary of Nagaland.....

MR. SPEAKER: It is not only about the debates on Nagaland but about all the debates.

SHRI LAL K. ADVANI: Mr. Speaker, Sir, at present we are having a discussion on President's Rule in Nagaland. Two aspects of this issue have arisen as result of the reply. The first is about the conduct of the Governor. Mr. Speaker, Sir, you had told me and I also admit that there is a grey area in the constitution, but no provision has been made in the Constitution, on the basis of which we say anything about the Governor. There is no provision of impeachment. It has been said in a very specific manner as to why the Governor had been removed. Two reasons have been cited. One reason is that of the Chief Secretary and second reason is that he had supported two foreign nationals. We don't have any information about that.

MR. SPEAKER: That was not about the Governor that was about Chief Secretary.

(Interruptions)

SHRILAL K. ADVANI: That was about the Governor. You may go through the debate. It was asked whether there was no alternative other than removal of the Governor... (Interruptions)

MR. SPEAKER: Please take your seat now. I have said what I had to say. It should be more than sufficient.

(Interruptions)

[English]

SHRI RAM NAIK (Bombay North): The hon. Minister should express regrets. (Interruptions)

MR. SPEAKER: Let him explain (Interruptions)

MR. SPEAKER: Please bear in mind that in the morning Members from this side were asking for apology. We did not allow them to press that point. Let us not go on like this all the time.

(Interruptions)

SHRILAL K. ADVANI: Both these things have been referred to in the context of the removal of the Governor and he said that there was no other way except to remove the Governor.

MR. SPEAKER: S. K., he will explain it here.

AN HON. MEMBER: That should be expunged. (Interruptions)

SHRI LAL K. ADVANI: I am merely pointing out, in both these matters, while the Governor is a grey area, I pleaded that there should be a provision or something in the Constitution to indicate how a Governor should be removed, and in that course, he made a totally irresponsible allegation against an hon. Member of this House that he was defending a person who had amassed so much wealth. It is totally unfair... (Interruptions). I am sure that he should be willing to withdraw that allegation. That allegation should not be on record... (Interruptions).

MR. SPEAKER: I will see what has to be done about it later.

(Interruption)

MR. SPEAKER: I do not want to continue this kind of discussion...

SHRI RAM KAPSE (Thane): I want a ruling from you on this. (Interruptions)

(Interruptions)

MR. SPEAKER: I have said that I will see what has to be done about it.

(Interruptions)

MR. SPEAKER: Please take your seats first. Well, we are all hon. Members and all friends here. In the heat of speeches, we certainly make certain remarks. They are made by many Members, I know, from here and there.

MR. SPEAKER: Please take your seat now.

(Interruptions)

Now we should not attach too much importance to that and supposing...

MR. SPEAKER: Not necessary. The question is that the Statutory Resolution moved by Shri S. B. Chavan ...

(Interruptions)

SHRIGEORGE FERNANDES : I urge upon you to appoint a committee of the House. *(Interruptions)* I appeal to you to appoint a committee of the House and if that committee finds that I have defended the Chief Secretary, I shall resign from the House. You appoint a committee of the House. I am concerned with my honour. *(Interruptions)* You appoint a committee of the House. I am not prepared to equate myself with them. I refuse to be equated with anybody else. You appoint a committee of the House. Let my speech be gone through by a committee of the House. If the committee holds me responsible, I will resign my seat in the House. *(Interruptions)*

MR. SPEAKER : I will appoint a committee on the speeches made by you also.

(Interruptions)

SHRI GEORGE FERNANDES : Sir, with the greatest respect to you... *(Interruptions)*

MR. SPEAKER : Not like this.

(Interruptions)

MR. SPEAKER : I will appoint a committee on the speeches made by you also.

(Interruptions)

SHRI GEORGE FERNANDES : That is not the point. *(Interruptions)*

MR. SPEAKER : Please have faith in me. If I have the slightest doubt that it touches a fringe of your honour, it will not be in the record. You can be rest assured.

SHRIGEORGE FERNANDES : Thank you Sir.

MR. SPEAKER : But then justice has to be done equally to all .

(Interruptions)

MR. SPEAKER : You cannot have a licence to abuse them and they cannot have a licence to abuse you.

SHRI GEORGE FERNANDES : I will stand by that.

MR. SPEAKER : I shall now put the Statutory Resolution to the vote of the House.

Let the Lobbies be cleared.

MR. SPEAKER : Now, the lobbies have been cleared.

The question is:

"That this House approves the Proclamation issued by the President on the 2nd April, 1992, under article 356 of the Constitution in relation to the State of Nagaland. "

The Lok Sabha divided :

18.51 hrs.

Div No. 14

AYES

Adaikalaraj; Shri L.

Ahirwar, Shri Anand

Ahmed, Shri Kamaluddin

Aiyar, Shri Mani Shankar

Akber Pasha, Shri B.

Anbarasu Era, Shri

Antulay, Shri A.R.

Asokaraj, Shri A.

Athithan, Shri R, Dhanuskodi

Banerjee, Kumari Mamata

Bansal, Shri Pawan Kumar	Dennis, Shri N.
Bhadana, Shri Avtar Singh	Deora, Shri Murlī
Bhagat, Shri Vishweshwar	Deshmukh, Shri Anantrao
Bhagey Gobardhan, Shri	Deshmukh, Shri Ashok Anandrao
Bhakta, Shri Manoranjan	Dev, Shri Sontosh Mohan
Bhatia, Shri Raghunandan Lal	Devarajan, Shri B.
Bhoi, Dr. Krupasindhu	Devi, Shrimati Bibhu Kumari
Bhonsle, Shri Tejsingh Rao	Dighe, Shri Sharad
Bhuria, Shri Dileep Singh	Dutt, Shri Sunil
Birbal, Shri (Ganganagar)	Faleiro, Shri Eduardo
Brar, Shri Jagmøet Singh	Farook, Shri M. O.H.
Brohmo Chaudhury, Shri Satyendra Nath	Fernandes, Shri Oscar
Buta Singh Shri	Gaikwad, Shri Udaysingrao
Chacko, Shri P. C.	Gajapathi, Shri Gopi Nath
Chaliha, Shri Kirip	Galib, Shri Gurcharan Singh
Chandrakr, Shri Chandulal	Gehlot, Shri Ashok
Chandrasekhar, Shrimati Maragatham	Giriyappa, Shri C. P Mudala
Charles, Shri A.	Gogoi, Shri Tarun
Chaudhary, Shri Kamal	Gomango, Shri Giridhar
Chaudhary, Shri Ram Prakash	Handique, Shri Bijoy Krishna
Chaudhri, Shri Narain Singh	Hooda, Shri Bhupinder Singh
Chennithala Shri Ramesh	Imchalemba, Shri
Chidambaram, Shri P.	Inder Jit, Shri
Chowdhary, Shrimati Santosh	Islam, Shri Nurul
Damor, Shri Somjibhai	Jakhar, Shri Balram
Deka, Shri Probin	Janarthanan, Shri M. R. Kadambur

Jangde, Shri Khelan Ram

Kurien, Prof. P.J.

Jatav, Shri Bare Lal

Lakshamanan, Prof. Savithri

Jeevarathinam Shri R.

Malik, Dharampal Singh

Kahandole, Shri Z. M.

Mallikarjun, Shri

Kale, Shri Shankarrao D.

Mallu, Dr. R

Kaliaperumal, Shri P. P

Marbaniang, Shri Peter G.

Kamal Nath, Shri

Mathew, Shri Pala K.M.

Kamat, Shri Gurudas

Mathur, Shri Shiv Charan

Kamble, Shri Arvind Tulahiram

Meena, Shri Bheru Lal

Kamson, Prof. M.

Meghe, Shri Datta

Kanithi, Dr. Viswanatham

Mirdha, Shri Nathu Ram

Karreddula, Shrimati Kamala Kumari

Muniyappa, Shri K. H.

Kasu, Shri Venkata Krishna Reddy

Muralee Dharan, Shri K.

Kaul, Shrimati Sheila

Murthy, Shri M. V. Chandrashekar

Kaur, Shrimati Sukhbuns

Murugesan, Dr. N.

Khan, Shri Aslam Sher

Muttemwar, Shri Vilas

Khan, Shri Ayub

Naik, Shri Venkatesh

Khursheed, Shri Salman

Naik, Shri G. Devaraya

Konathala, Shri Rama Krishna

Naikar, Shri D. K.

Krishan Kumar, Shri S.

Nandi, Shri Yellaiah

Krishnaswamy, Shri M.

Narayanan, Shri P. G.

Kshirsagar, Shrimati Kesharbai Sonaji

Nawale, Shri Vidura Vithoba

Kudumla, Kumari Padamasree

Netam, Shri Arvind

Kuli, Shri Balin

Nyamagouda, Shri S.B.

Kumaramangalam, Shri Rangarajan

Odeyar, Shri Channaiah

Kuppuswamy, Shri C. K.

Padma, Dr. (Shrimati)

Palacholla, Shri Venkata Rangayyah Naidu

Pandian, Shri D.

Panigrahi, Shri Sriballav

Panja, Shri Ajit

Patel, Shri Harilal Nanji

Patel, Shri Praful

Patel, Shri Shravan Kumar

Patel, Shri Uttambhai Harijibhai

Patil, Shrimati Pratibha Devisingh

Patil, Shri Vijay Naval

Patra, Dr. Kartikeswar

Pattanayak, Shri Sarat Chandra

Pawar, Shri Sharad

Pawar, Dr. Vasant Niwritti

Peruman, Dr. P Vallal

Pilot, Shri Rajesh

Potdukhe, Shri Shantaram

Prabhu, Shri R.

Prabhu Zantye, Shri Harish Naryan

Prabhani, Shri K.

Prasad, Shri V. Sreenivasa

Rahi, Shri Ram Lal

Rai, Shri Kalp Nath

Rajendra Kumar, Shri S. S. R.

Rajeshwaran, Dr. V

Rajeswari, Shrimati Basava

Raju, Shri Bh. Vijayakumar

Rajulu, Dr. R. K. G.

Ram Babu, Shri A. G.S.

Ramchandran, Shri Mullappally

Ramamurthy, Shri K.

Rao, Shri P. V. Narasimha

Rath, Shri Rama Chandra

Rawat, Shri Prabhu Lal

Reddaiah Yadav, Shri K. P.

Reddy, Shri Anantha Venkata

Reddy, Shri Mahasamudram Gnanendra

Reddy, Shri M. G

Reddy, Shri K. Vijaya Bhaskara

Reddy, Shri Y. S. Rajasekhar

Sadul, Shri Dharmanna Mondayya

Sai, Shri A. Pratap

Sahi, Shrimati Krishna

Sajjan Kumar, Shri

Sangma, Shri Pumo A.

Sanipalli, Shri Gangadhara

Sayeed, Shri P. M.

Scindia, Shri Madhavrao

Selja, Kumari

Shankaranand, Shri B.

Sharma, Shri Chiranji Lal

Shingda, Shri Damu Barku

Shivappa, Shri Kodakani Gowdana	(Tindivanam, Shri K. Ramamurthe)
Shukla, Shri Vidiyacharan	Tope, Shri Ankushrao Raosaheb
Sidnal, Shri S. B.	Topno, Kumari Frida
Silvera, Dr. C.	Tytler, Shri Jagdish
Singh, Shri Dalbir	Umbrey, Shri Laeta
Singh, Shri Khelsai	Upadhyay, Shri Swarup
Sigh, Shri Manphool	Urs, Shrimati Chandra Prabha
Singh, Shri Motilal	Vandayar, Shri K. Thulasiah
Singh, Shri, S. B.	Verma, Kumari Vimla
Singh Deo, Shri K. P.	Vijayaraghavan, Shri V. S.
Sodi, Shri Manku Ram	Vyas, Dr. Girija
Solanki, Shri Surajbhanu	Wasnikn Shri Mukul Balkrishna
Soundaram, Dr. (Shrimati) K. S.	Williams, Shri R. G.
Sridharan, Dr. Rajagopalan	Yumnam, Shri Yaima Singh
Sreenivaasan, Shri C.	NOES
Sultanpuri, Shri Krishan Dutt	Acharia, Shri Basu Deb
Sudaraj, Shri N.	Advani Shri Lai K.
Suresh, Shri Kodikkunil	Agnihori Shri Rajendra
Swamy, Shri G. Venkat	Ansari, Shri Mumtaz
Tara Singh, Shri	Azam, Dr. Faiyazul
Thakur, Shri Mahendra Kumar Singh	Baitha, Shri Mahcendra
Tharadevi Siddhartha, Shrimati D. K.	Bala Dr. Asim
Thomas, Prof. K. V.	Bandaru, Shri Dattatraya
Thomas, Shri P. C.	Barman, Shri Palas
Thorat, Shri Sandipan Bhagwan	Barman, Shri Uddhab
Thungon, Shri P. K.	Basu, Shri Anil
	Basu, Shri Chitta

Bhargava, Shri Girdhari Lal	Gupta, Shri Indrajit
Bhattacharaya, Shrimati Malini	Hossain, Shri Syed Masudal
Chakraborty, Prof. Susanta	Jaswant Singh, Shri
Chatterjee, Shri NirmaJ Kanti	Jena, Shri Srikanta
Chauhan, Shri Chetan P. S	Jha, Shri Bhogendra
Chikhliia, Shrimati Bhavna	Kalka Das, Shri
Choudhary, Shri Ram Tahal	Kapse, Shri Ram
Choudhary, Shri Lokanath	Kashwan, Shri Ram Singh
Choudhary, Shri Saifuddin,	Katheria, Shri Prabhu Dayal
Chowdhary, Shri Pankaj	Katiyar, Shri Vinay
Das, Shri Anadi Charan	Kesri Lal, Shri
Das, Shri Dwaraka Nath	Khan, Shri Ghulam Mohammad
Das Shri Jitendra Nath	Khan, Shri Sukhendu
Datta, Shri Amal	Khanduri, Shri Bhuwan Chandra
Deshmukh, Shri Chandubhai	Khurana , Shri Madan Lal
Dome, Dr. Ram Chandra	Kumar, Shri Nitish
Drona, Shri Jagat Vir Singh	Lodha, Shri Guman Mal
Dubey, Shrimati Saroj	Madhukar, Shri Kamla Mishra
Fatmi Shri Mohammad Ali Ashraf	Mahendra Kumari Shrimati
Fernandes, Shri George	Malik, Shri Purna Chandra
Gangwar , Dr. P. R.	Mallikarjunaiah, Shri S.
Gautam, Shrimati Sheela	Manjay Lal Shri
Giri, Shri Sudhir	Maurya, Shri Anand Ratna
Girija Devi, Shrimati	Misra, Shri Janardan
Gohil Dr. Mahavirsingh Harisinhji	Misra, Shri Satyagopal
Gopalan, Shrimati Suseela	Misra, Shri Shyam Bihari

Mollah, Shri Hannan

Rai, Shri Lal Babu

Mukherjee, Shrimati Geeta

Rai, Shri M. Ramanna

Mukherjee, Shri Subrata

Rai, Shri Nawal Kishore

Mukhopadhyay, Shri Ajoy

Rajesh Kumar, Shri

Munda, Shri Kariya

Ram Badan, Shri

Murmu, Shri Rup Chand

Ramdew Ram, Shri

Naik Shri Ram

Rawal, Dr. Lal Bahadur

Oraon, Shri Lalit

Rawat, Prof. Rasa Singh

Pal, Shri Rupchand

Ray, Shri Rabi

Pandeya, Dr. Laxminarayan

Ray, Dr. Sudhir

Passi, Shri Balraj

Raychaudhuri, Shri Sudarsan

Paswan, Shri Chhedi

Reddy, Shri B. N.

Paswan, Shri Ram Vilas

Roshan LaL, Shri

Paswan, Shri Sukdeo

Roy, Shri Haradhan

Patel, Shri Brishin

Sanghani, Shri Dileep Bhai

Patel, shri Chandresh

Saraswati, Shri Yoganand

Patel, Shri Haribhai

Sethi, Shri Arjun Chatan

Patel, Shri Somabhai

Shah, Shri Manabendra

Pathak, Shri Harin

Sharma, Shri Jeewan

Pathak, Shri Surendra Pal

Shastri, Acharya Vishwanath Das

Patidar, Shri Rameshwar

Shastri, Shri Rajnath Sonkar

Patnaik, Shri Sivaji

Shukla, Shri Astbhuja Prasad

Pramanik, Shri Radhika Ranjan

Singh, Shri Abhay Pratap

Prasad, Shri Hari Kewal

Singh, Shri Ram

Premi, Shri Mangal Ram

Singh, Shri Ram Prasad

Purkayastha, Shri Kabindra

Singh, Shri Ramnaresh

Singh, Shri Vishwanath Pratap	Yadav, Shri Chandra Jeet
Swami, Shri Sureshanand	Yadav, Shri Chun Chun Prasad
Syed Shahabuddin, Shri	Yadav, Shri Devendra Prasad
Tandel, Shri D. J.	Yadav, Shri Ram Saran
Thangkabalu, Shri K. V.	Yadav, Dr. S. iess P.
Tirkey, Shri Pius	Yadav, Shri Surya Narayan
Tomar, Dr. Ramesh Chand	Yadav, Shri Vijoy Kumar
Topdar, Shri Tarit Baran	Zainal Abedin, Shri
Tripathi, Shri Prakash Narain	MR. SPEAKER: Subject to correction*, the result of the division is:
Trivedi, Shri Arvind	Ayes: 206
Vadde, Shri Sobhanadreesware Rao	Noes: 142
Varma, Shri Ratilal	<i>The motion was adopted</i>
Vekaria, Shri Shivilal Nagjibhai	MR. SPEAKER : The House stands adjourned to meet at 11 A. M. tomorrow.
Verma, Shri Shiv Sharan	
Verma, Shri Sushil Chandra	18.50 hrs.
Verma, Shri Upendra Nath	
Virendra Singh, Shri	<i>The Lok Sabha then adjourned till Eleven of the Clock on Friday, April 24, 1992/ Vaisakha 4, 1914 (Saka)</i>
Yadav, Shri Arjun Singh	

*The following Members also recorded the ir votes-

AYES :

Shri Paban Singh Ghatowar, Shri M. Baga Reddy, Shri G. Made Gowda, Shrimati Surya Kanta Patil, Rao Ram Singh, Shri A. B. A. Ghani Khan Shri Gurcharan Singh Dadahoor.

Noes:

Shri Simon Marandi, Shri Sharad Yadav, Shri Tara Chand Khandelwal, Shri N.K. Baliyan, Dr. G. L. Kanaujia, Shri Ram Nihor Rai, Shri Lakshmi Narain Mani Tripathi, Shri Rampal Singh, Shri Devibux Singh, Shri Ram Narain Berwa, Shri Shyam Lal Kamal, Shri Chhotey Lal, Shri Mahesh Kanodia, Shri Mohan Singh.