

[Sh. Sobhandreeswara Rao Vadde]

Finance Company which has collected crores of rupees from persons who applied for housing finance has failed to honour its commitments with the customers. Its office at Vijayawada is closed. The persons who applied for housing finance have deposited nearly 20 per cent of the loan amount with Tapovan, are now experiencing untold agony as their hard-earned savings are lost. The Government must immediately freeze the accounts of Tapovan at all the place where it has branches as well as at Delhi, where its registered office is located. The Government must also take suitable action against persons concerned in the Management for cheating the public and to ensure refund of deposits.

- (vi) **Need for comprehensive central survey of barren areas of Kanpur Dehat, Fatehpur and that of adjoining river Yamuna and also to provide facilities for innovative farming there**

[Translation]

SHRI KESRI LAL (Ghatampur): Mr. Deputy Speaker, Sir, I would like to say that even now our country is predominantly agrarian and most of the population is engaged in agriculture for earning livelihood directly or indirectly. Till date an agricultural policy could not be formulated to fulfil the needs of agriculture in the country and to make it advanced. Even at present, the most of agriculture is dependent on nature for irrigation. Agricultural land of Kanpur Dehat, Fatehpur and of adjoining areas of river Yamuna in Uttar Pradesh is also in the same condition. Agricultural facilities are not available in whole of this area and despite hard labour, the farmers find it difficult to earn their livelihood. The farmers, despite all their efforts, live in an atmosphere of constant uncertainty. Therefore, the economic

condition of farmers always remains precarious. The small and marginal farmers are mostly the victims of this situation.

Therefore, I request the Government that a large scale survey should be conducted in Kanpur Dehat, Fatehpur and of adjoining ravine areas of river Yamuna, for providing adequate facilities in the region. To make the agriculture viable the necessary information may be made available to the farmers so that they may get its benefit and their standard of living may improve.

12.42 hrs

STATUTORY RESOLUTION RE:
APPROVAL OF PROCLAMATION IN
RELATION TO STATE OF MEGHALAYA
AND
MOTION RE: REVOCATION OF
PROCLAMATION IN RELATION TO STATE
OF MEGHALAYA

[English]

MR. DEPUTY SPEAKER: We will now take up the Statutory Resolution. Time allotted for this is two hours. Item Nos. 7 and 8 are to be taken together.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRIM. M. JACOB): Sir, I beg to move:

"That this House approves the Proclamation issued by the President on 11th October, 1991 under Article 356 of the Constitution in relation to the State of Meghalaya."

Copies of the Proclamation and Reports of the Governor of Meghalaya have been laid on the Table of the House.

The Governor of Meghalaya in his

521 *Statutory Resolution* AGRAHAYANA 18, 1913 (SAKA) and Motion re. 522
re. *Approval of Proclamation in* *Revocation of Proclamation in*
relation to state of Meghalaya *relation to state of Meghalaya*

Report dated the 8th October, 1991
addressed to the President of India....

SHRI JASWANT SINGH (Chittorgarh):
Sir, may I request the hon. Minister to yield
for a minute.

Sir, this discussion on Meghalaya was
to be taken up last week. We were assured
that this be deferred until the Report of the
Governor is received. Thereafter, on Friday
last we were informed that the Governor's
Report has been received.

Just now, a meeting has been called, of
the leaders of all the political parties to
discuss the Governor's Report. In the
absence of the Governor's Report, no
discussion is fruitful. As a meeting is taking
place in the Office of the Minister of State in
the Ministry of Parliamentary Affairs or the
Minister's room himself, I request you and
also to the treasury benches that until that
meeting is completed this discussion on
Meghalaya be deferred, otherwise, the
mover of the Motion and the Governor's
Report, all these factors are absent.

Anyway, now that Advani ji has arrived
my point is redundant because the Minister
has also arrived.

SHRI M.M. JACOB: Sir, I can move the
motion and then we can have the Lunch
break. We can resume the discussion after
Lunch.

SHRI JASWANT SINGH: What has
been decided. Sir?

SHRI LAL K. ADVANI (Gandhi Nagar):
That we meet after Lunch.

SHRI JASWANT SINGH: Sir, we can
take up this item after lunch. In the mean
time we can dispose of some other item.

SHRI M.M. JACOB: If you permit me,
Sir, I can move the motion. By that time it will
be the time for lunch. After Lunch we can
resume the discussion.

The Governor of Meghalaya in his
Report dated the 8th October, 1991
addressed to the President of India had
reported that as there were reports that
some members of the ruling Meghalaya
United Parliamentary Party had switched
their support to the Opposition-led-United
Meghalaya Parliamentary Forum, a Special
Session of the State Legislative Assembly
was convened on 7th August, 1991 on the
advice of the Chief Minister so that Shri B.B.
Lyngdoh, the Chief Minister, could prove his
majority in the House. On 7th August, 1991
when the Confidence Motion was moved in
the House, it was found that the ruling side
had 30 Members against 27 of the Opposition
in a House of 58. But before the Motion was
formally disposed of, the speaker, on a
complaint from a Congress(I) member,
suspended the voting rights of 5 Independent
MLAs. and adjourned the House *sine die*.

The Governor further reported that on
17th August, 1991, the Speaker passed the
final order on the complaint of the Congress
(I) MLA, and disqualified 5 Independent
MLAs belonging to the then ruling group.

The Governor further mentioned that
on 27th August, 1991 SHRI J.D. Pohmen,
leader of the Congress Legislative Party and
its allies, formally staked his claim to form
the Ministry.

In the meantime, the Supreme Court of
India, on a special leave Petition filed by the
disqualified MLAs, passed an order on 23rd
August, 1991 to maintain the *satus quo*.

On 6th September, 1991 the Supreme
Court issued an interim order staying the
operation of the speaker's Ruling in respect
of the 4 Independent MLAs. The Governor
mentioned that as per newspaper reports,
the Speaker announced that he would
reluctantly ignore the Supreme Court's ruling
as, in his view, the Supreme Court had no
jurisdiction in the matter.

The Governor further mentioned that
the session of the Assembly concerned on
9th September, 1991 was cancelled in view

[Sh. M.M. Jacob]

of the prevailing tension arising from the Supreme Court ruling and the decision of the Speaker not to allow the disqualified Independent MLAs to enter the Assembly. There was a likelihood of large scale disturbances leading to serious law and order problem.

The Governor further mentioned that on the advice of the Chief Minister, the Assembly was summoned on 8th October, 1991. The governor further stated that on 7th October evening, he received a letter from the Deputy Registrar of the Supreme Court enclosing a copy of Supreme Court's order to the effect that the ruling of the Speaker dated 7th and 17th August, 1991 had been stayed. The letter further stated that the court expects the Governor of Meghalaya to take necessary steps to ensure its strict compliance and prevention of its violation by any person as provided under article 144 of the Constitution. The Governor sent a copy of this letter to the Speaker for his information, as he wanted the Speaker to take note of the same.

The Governor further mentioned that on 8.10.1991 the Legislative Assembly met and the Motion of Confidence in the Ministry headed by SHRI B.B. Lyngdoh was moved. The Government stated that according to the information received by him, there were 26 Members of the Opposition UMPF and 30 Members of the Ruling MUPP Group in the House, including the 4 disqualified Members in respect of whom the Supreme Court had stayed the ruling the Speaker. After division, 30 Members had affixed their signatures for the Motion and 26 against. But the Speaker announced the result saying that 26 Members had voted for the motion and 26 had voted against the motion and, therefore, there was a tie. The speaker, therefore, used his prerogative of casting vote, in favour of Opposition UMPF Group. Thereafter, he adjourned the House *sine die*.

The Governor sent a further Message

on 9.10.1991 mentioning that he had advised the Chief Minister to tender his resignation in view of the ruling given by the Speaker on the Confidence Motion on 8th October, 1991. However, the Chief Minister refused to resign.

The Governor further reported that the possibility of dismissing the present Ministry and installing another Ministry did not appear to be feasible as he was of the opinion that neither the present Ministry can function in the House without the Opposition cooperating, nor the Opposition with equal number of Members if given a chance to form the Ministry, would have been able to function in the present situation because this Group also consisted of 5 Independent Members whose loyalty could not be predicted.

Further, the Opposition Group, if it were allowed to form a Ministry, would have to depend on the Speaker's Casting Vote to transact any business.

The Governor, therefore, recommended that action may be taken to impose President's rule under article 356 of the Constitution of India, keeping the Assembly under suspended animation and the situation watched. The Governor further suggested that if this was not considered agreeable, he would invite the Leader of the Opposition to form a Ministry and ask him to prove its majority on the floor of the House within a period of 3 weeks.

The Union Government considered the reports of the Governor and the situation in Maghalaya and decided to recommend to the President of India to issue a Proclamation under article 356 of the Constitution, and keep the Legislative Assembly under suspended animation. The Proclamation under Article 356 of the Constitution was issued by the President on 11th October, 1991.

I may mention that this Supreme Court on 12.11.1991 has given judgment on the constitutional validity of the Constitution (Fifty-second Amendment) Act, 1985. However,

525 *Statutory Resolution AGRAHAYANA 18, 1913 (SAKA) and Motion re. 526*
re. Approval of Proclamation in relation to state of Meghalaya
Revocation of Proclamation in relation to state of Meghalaya

the detailed judgment is yet to be received.

I may also mention that the Governor in his latest report dated 4th December, 1991 has indicated that even if President's Rule is revoked, the stalemate will continue and it will not be feasible for either Group to form the Government as they will not be able to conduct any business in the Assembly.

In view of the circumstances, which I have just explained, I commend, Sir, that the Proclamation issued on 11.10.1991 under article 356 of the Constitution in relation to the State of Meghalaya, may kindly be approved by this august House.

MR. DEPUTY SPEAKER: Shall we start it after lunch?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Yes.

SHRI LAL K. ADVANI (Gandhi Nagar): I beg to move:

"That this House recommends to the President that the Proclamation issued by him on the 11th October, 1991, under Article 356 of the Constitution in relation to the State of Meghalaya, be revoked."

MR. DEPUTY SPEAKER: Shall we start it after lunch.

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY SPEAKER: Mr. Guman Mal Iodha, still there are ten minutes.

SHRI RANGARAJAN KUMARAMANGALAM: We could adjourn for lunch and meet against at 2 P.M.

MR. DEPUTY SPEAKER: We have got another ten minutes.

SHRI LAL K. ADVANI: The Government proposes to discuss with the opposition this particular issue. So, I suggest since the Minister has already suggested that we now adjourn for lunch to meet again at 2 P.M. that let us have it after lunch.

SHRI M. M. JACOB: I agree.

MR. DEPUTY SPEAKER: The House stands adjourned to meet at 2 P.M. after the Lunch

12.53 hrs.

The Lok Sabha then adjourned for lunch till Fourteen of the Clock

The Lok Sabha re-assembled after Lunch at four minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER *in the Chair*]

STATUTORY RESOLUTION RE:
APPROVAL OF PROCLAMATION IN
RELATION TO STATE OF MEGHALAYA
AND

MOTION RE: REVOCATION OF
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STATE OF MEGHALAYA

— *CONTD.*

[*English*]

MR. DEPUTY SPEAKER: We take up the Statutory Resolution which has already been moved. SHRI Lal K. Advani.

SHRI LAL K. ADVANI (Gandhi Nagar): Mr. Deputy-Speaker, Sir, I wish we had, been given a copy of the Governor's report that was received last Friday because I have with me a copy of the Governor's report of October and last Monday when this particular matter was listed for consideration, it had been put off on the ground that we are awaiting a fresh report from the Governor on the latest position in the State and it would be proper to consider the Motion only after that