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MR. DEPUTY-SPEAKER : Before I request the next speaker, I would like to make an announcement regarding statement to be made by the hon. Minister of Home Affairs with regard to the dissolution of Arunachal Pradesh Legislative Assembly.

I request the hon. Minister to make the statement.

14.55 hrs.

STATEMENT BY MINISTER
DISSOLUTION OF ARUNACHAL PRADESH
LEGISLATIVE ASSEMBLY

Title: Statement regarding dissolution of Arunachal Pradesh Legislative Assembly.

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): Thank you, Sir.

As per the existing constitutional provision, the total number of Ministers including the Chief Minister in the Council of Ministers in the States were to be brought down to fifteen per cent of the total number of members of the Legislative Assembly but not less than twelve within six months from the 7th January, 2004, that is 6th July, 2004.

The Legislative Assembly of Arunachal Pradesh had a strength of 60 members. Therefore, the number of Ministers including the Chief Minister in the Council of Ministers in Arunachal Pradesh was to be reduced to twelve by the 6th July, 2004.

On the 6th July, 2004, the Council of Ministers of Arunachal Pradesh had a total of 33 Ministers. All the Ministers except Shri Kameng Dolo, Deputy Chief Minister tendered their resignations to the Chief Minister. On the advice of the Chief Minister, the Governor accepted the resignation of 21 members on 6.7.2004.

After downsizing, the Council of Ministers met on the same day and resolved to recommend to the Governor to dissolve the Arunachal Pradesh Legislative Assembly with immediate effect, and authorised Shri Gegong Apang, Chief Minister to advise and recommend to the Governor to dissolve the Assembly. The Governor, in exercise of powers conferred under Article 174(2)(b) of the Constitution, on the recommendation of the Council of Ministers, dissolved the Arunachal Pradesh Legislative Assembly with effect from 6.7.2004. He sent a report to this effect to the President on the 7th July, 2004.

On the 7th July, 2004, a group of former members of the Legislative Assembly numbering 25 belonging to different parties, 13 of them belong to the Congress Party, 10 of them belong to the BJP and two of them were independents, met the Governor and presented a petition alleging that the dissolution of the State Assembly was illegal and undemocratic, and that the whole process was undertaken to avoid any investigation into the financial scam which was being looked into by a House Committee constituted for this purpose. The Governor had sent a letter to the President of India on the 7th July, 2004 evening recommending action under Article 356(1)[c] of the Constitution.

Later, in the evening of the same day (7.7.2004), the full Cabinet met the Governor and impressed upon him that the dissolution of the State Assembly on the 6.7.2004 under Article 174(2)(b) of the Constitution is irreversible and absolute and hence there is no justification in sending the communication to the President recommending implementation of the provisions under Article 356(1)[c]. The Governor subsequently wrote another letter to the President on the same date stating that the earlier letter recommending action under Article 356(1)[c] should be ignored as the same was signed under duress. This letter dated 7th July, 2004 was received by the President on the 8th July, 2004 morning.

On the 8th July, 2004, the Governor wrote another letter to the President stating that he has further reviewed the situation in the light of the representations submitted by various groups of the Legislative Assembly and also the constitutional aspects of the issue. He has stated that the dissolution of the

Legislative Assembly already notified was final and no review is permissible under the Constitution of India. He has further mentioned in the letter that the law and order situation is normal as on the date and there is no constitutional breakdown and therefore, his earlier recommendation to invoke Article 356(1)[c] may be ignored.
