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Title: Need to review the decision to send a central team to assess the law and order situation in West Bengal.

SHRI GURUDAS DASGUPTA (GHATAL): Madam, with your kind permission, I would like to raise during the 'Zero Hour' an unprecedented move on the part of the Central Government.

SHRI SUDIP BANDYOPADHYAY (KOLKATA UTTAR): Madam, will you allow us also to speak? Kindly allow me to speak.

MADAM SPEAKER: All right.

SHRI GURUDAS DASGUPTA : Under the federal system of Constitution, law and order is the subject of the State but I agree that if there is a break down, the Government can promulgate article 356. If the Government has it in mind to declare 356, let them straightaway do it. On that there can be debate but I cannot question their right.

But the point is that to send a delegation to the State of West Bengal to look after the law and order situation is unprecedented because firstly, it gives a signal to the bureaucracy not to listen to the advice of the Council of Ministers and also it tantamounts to paralysing an elected Government. Let the Government come clean. Why is this duplicity? If they want to promulgate article 356, let them do it. But instead of promulgating article 356 they are holding a stick in the hand which means they are unconstitutionally preventing the Government of West Bengal from discharging its constitutional responsibility.

Madam, let us look into history. In no State, if my memory does not fail me, such a delegation had ever been sent even during a situation which called for such an action. Never has it been done...(*Interruptions*) My point is simple. If the hon. Home Minister and the Government of India believes that people are being murdered in thousands; law and order has broken down and people belonging to the minority communities are being assaulted, let them promulgate article 356, we shall face it in the streets. But without taking that course, the Government of India is indulging in unconstitutionality of preventing the Government of West Bengal from functioning and that is what I am opposing. I would like to appeal to everybody to kindly realize that if the State of West Bengal is made a victim of such an aggressive action of Government of India, then that may happen in every other State and that may result in breaking down of the constitutional foundation of India.

SHRI BASU DEB ACHARIA (BANKURA): There is a provision in the Constitution under article 355 where it is stated and I quote:

"Duty of the Union to protect States against external aggression and internal disturbance – 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."

Madam, I would like to know from the Government, particularly the hon. Minister of Home Affairs, under what provision of the Constitution a Central team is being sent to the State of West Bengal. The problem of law and order cannot be called an internal disturbance and almost all the States are facing this problem of law and order. What warranted this Government to send a Central team to the State of West Bengal? Is it being done to please one Minister of this Government? After the Lok Sabha elections, since the day results were declared, there has been a demand for imposition of President's Rule in the State of West Bengal. Elections to the State Assembly were held in the year 2006 and the next elections to the State Assembly are due in 2011. Why are they in so much hurry? In order to create such a situation, to invite such a situation, that situation is being created in the State of West Bengal.

Madam, law and order is a State subject. If a Central team is sent, which is being sent and I am told that the team would be reaching the State today.

I want to know whether this interference in the State matter is correct or not. The maintenance of law and order is the responsibility of the State as per the Constitution. We have a federal structure in our country. Just because one Minister desires, to please one Minister for the compulsion of coalition and to remain in power, the Constitution should not be violated. What is happening today? The Constitution is violated. The federal structure is being violated. The Sarkaria Commission was also against articles 355 and 356. We are against retaining article 356. The Left Parties were the first victim in our country in 1959.

I demand a response from the hon. Home Minister on whether a situation has arisen for Central intervention. Why is a team being sent from here? We have seen a number of times in the past as to how the Central Government had interfered with State matters. I oppose this move of the Central Government. The move to send a Central team to look into the law and order situation, which is entirely a State matter, is unconstitutional and undemocratic. They should desist from taking such a move and the Central team should not be sent to the State of West Bengal. The Central Government should desist from interfering with State matters which will be treated as violation of the Constitution, violation of our federal structure of the Constitution. We oppose this undemocratic, autocratic and unconstitutional move of the Central Government.

MADAM SPEAKER: Shri Sudip Bandyopadhyay.

DR. RAM CHANDRA DOME (BOLPUR): Madam, I have also given a notice to speak on this issue.â€¦ (Interruptions)

MADAM SPEAKER: Please sit down. Your name is associated with this. Your leader has spoken on the matter.

अध्यक्ष महोदया : आप उनको बोलने दीजिए। मुलायम सिंह जी, आप कृपया बैठिये।

â€¦(व्यवधान)

DR. RAM CHANDRA DOME : Under what provision of the Constitution has the Central Government sent a team to West Bengal?... (Interruptions)

MADAM SPEAKER: Dr. Dome, you may associate yourself with him.

DR. RAM CHANDRA DOME : Okay. Madam. I am also associating with him.

श्री मुलायम सिंह यादव (मैनपुरी): क्या आप हमें समय देंगी?

â€¦(व्यवधान)

अध्यक्ष महोदया : मुलायम सिंह जी, कृपा करके अपना स्थान ग्रहण करिये। His name has been associated.

...(Interruptions)

श्री मुलायम सिंह यादव : आपने मेरे लिए क्या कहा?

अध्यक्ष महोदया : कृपा करके आप बैठ जाइये, स्थान ग्रहण करिये। मैंने उनको बुला लिया है।

â€¦(व्यवधान)

SHRI SUDIP BANDYOPADHYAY : The basic question stands as to whether sending a Central team to any State is constitutional or unconstitutional. It is totally permissible under our Constitution. I appeal to both the sides of the august House on this issue. About 130 Trinamool Congress workers including the Congress workers have been killed after the Lok Sabha elections. ... (Interruptions)

MADAM SPEAKER: Shri Acharia, he was not disturbing you when you were speaking. You are always disturbing other Members when they speak. He is an hon. Member.

...(Interruptions)

MADAM SPEAKER: Only what Shri Sudip Bandyopadhyay says will go on record.

(Interruptions) â€¦ *

अध्यक्ष महोदया : आप उन्हें बोलने दीजिए। वे आपको शान्तिपूर्वक सुन रहे थे, अब आप उनको शान्तिपूर्वक सुनिये।

â€¦(व्यवधान)

अध्यक्ष महोदया : वे आपकी बात सुन रहे थे, अब आप बैठकर सुनिये। बसुदेव आचार्य जी, जब आप बोल रहे थे तो वे आपको सुन रहे थे, अब आप बैठ जाइये, आप उनको सुनिये। आप ऐसा नहीं कर सकते कि दूसरे आपको सुन लें और आप उनको नहीं सुने।

SHRI SUDIP BANDYOPADHYAY : The State Government of West Bengal is not able to control law and order on its own. One police station in Lalgargh was kept under lock and key for eight long months. They themselves requested for the Central forces. Shri P. Chidambaram was kind towards the State and he sent the Central forces to West Bengal in the District of

West Midnapore. ...(*Interruptions*) State-sponsored terrorism is going on in West Bengal. We demand imposition of article 356 immediately. In the last Lok Sabha elections, they have been defeated. They could secure only nine seats out of 42. They are frightened that they will be defeated again in the next Assembly elections. They have unleashed a rein of terror through the police. ...(*Interruptions*) Why not a Central team be sent there to assess the situation? We will defeat them in the polls with the people's support and opinion. They are taking shelter under violence and they are killing Scheduled Castes, Scheduled Tribes, minorities and women. So, the Central Government should certainly intervene. ...(*Interruptions*) We agree that law and order is a State subject. But the Central Government should intervene at this stage. We want protection from the Central Government. Let people of West Bengal get protection from the Home Ministry. We appeal to Shri P. Chidambaram to visit the State. The Leader of the House, Shri Pranab Mukherjee, is from West Bengal and he knows what is going to happen. ...(*Interruptions*) We urge upon the Government that article 356 be imposed without further delay.

SHRI L.K. ADVANI (GANDHINAGAR): Madam Speaker, it is a curious situation in which I have decided to speak. Shri Sudip Bandyopadhyay had been my colleague earlier. I have sharp differences with the Communists not only on ideology but also on various other issues, including the manner in which they have been governing West Bengal for all these years. Only some time back, Shrimati Sushma Swaraj and I had gone to Nandigram to protest against what was happening there. But I feel that this is a matter relating to the Constitution, which is a federal Constitution.

The core issue is not the Central team. The core issue is imposition of article 356. There were reservations even when the article was being incorporated in the Constitution. Very many senior Members said that having adopted a federal structure, let us not have a provision which will undermine it, which is likely to be misused. The principal architect of the Constitution, Dr. Bhimrao Ambedkar, conceded that there is a possibility of abuse. But he said, "I hope that the wisdom of the Government and the rulers would make this a dead-letter in the Constitution."

The Sarkaria Commission had gone into it in length because it was a Commission set up for the purpose of ensuring that Centre-State relations are as normal and as healthy as possible.

I would think that the Government should not think lightly in terms of article 356. I would like to caution that the Government should not think lightly in terms of invoking article 356 and certainly not in the case of law and order.

So far as my friends are concerned, I am very happy that the Marxists are conscious of imposition of the Article 356 today. ...(*Interruptions*)

SHRI BASU DEB ACHARIA : We were never in favour of it. ...(*Interruptions*)

SHRI L.K. ADVANI : Please do not forget that in 1992, you allowed Himachal Pradesh, Madhya Pradesh and Rajasthan to come under Article 356....(*Interruptions*) I know about Kerala also. That was long back. ...(*Interruptions*)

MADAM SPEAKER: Please address the Chair.

...(*Interruptions*)

SHRI L.K. ADVANI : That was long back. But I would think that there should be no double standards even about imposition of the Article 356. Therefore, today when the possibility of imposition of Article 356 is there, I would like to appeal to the hon. Minister of Home Affairs, do not do it lightly. It is a very serious matter. Article 356 should be invoked in an ultimate situation and rarest of rare situations.

Madam, this is my plea to you and my plea to the Marxists is that please do not have double standards on this matter. ...(*Interruptions*)

SHRI BASU DEB ACHARIA : No, we do not have double standards. ...(*Interruptions*)

श्री मुलायम सिंह यादव : अध्यक्ष महोदया, आपने कहा था कि आपको बुलाएंगे।...(*व्यवधान*)

अध्यक्ष महोदया : क्या आप इस विषय पर बोलेंगे?

श्री मुलायम सिंह यादव : जी हाँ।

अध्यक्ष महोदया : आपका नोटिस नहीं है मगर आप बोलिए।

श्री मुलायम सिंह यादव : अध्यक्ष महोदया, आपने मुझे बोलने का समय दिया, इसके लिए बहुत-बहुत धन्यवाद। जहाँ तक टीम भेजने का सवाल है, इससे स्पष्ट है

कि सरकार की नीयत में खोट है। यदि कानून-व्यवस्था पर चर्चा हो जाए, तो मैं कह सकता हूँ कि हिन्दुस्तान में यदि सबसे खराब कानून-व्यवस्था कहीं है तो वह दिल्ली की है।...(व्यवधान) आप इंतजाम कीजिए, एक सर्वदलीय कमेटी बिठाई जाए जिसमें आप भी रहें, हम भी रहें। लेकिन कानून-व्यवस्था के नाम पर यह बहाना है। मुझे इस पर आपत्ति है। यदि कोई घटना हो गई, कानून-व्यवस्था खराब हो गई, तो सब सूबों में यही हो जाएगा। कानून-व्यवस्था से ज्यादा सस्ता नारा और कोई नहीं हो सकता। इसलिए हम आपसे कहना चाहते हैं कि यह परम्परा गलत है। माननीय नेता, सदन यहां बैठे हुए हैं। आप पश्चिम बंगाल के हैं। अगर यह है तो मैंने एक का उदाहरण दिया, लेकिन ऐसे कई उदाहरण हैं जहां आपकी सरकार है उससे कानून-व्यवस्था ज्यादा खराब है। यहां जान-बूझकर कानून-व्यवस्था को और बिगाड़ने की कोशिश हो रही है। यहां सरकार केवल नेतृत्व कर रही है। उसके बाद यह बहाना लेकर कि किसी तरह बरखास्त हो जाए, इसलिए कानून-व्यवस्था को खुद और ज्यादा खराब कर रही है। यह असली बात है, लेकिन यह कह नहीं पा रहे हैं। इसलिए इसे आप गंभीरता से लीजिए। मैं माननीय आडवाणी जी से सहमत हूँ कि यदि इस तरह सरकारों पर दबाव और उन्हें भंग करने का बहाना किया जाएगा, तो यह काम बहुत खतरनाक होगा। अब आप सोचिए कि यदि यह स्थिति शुरू हो जाएगी तो भले ही आपकी सरकार बहुमत में है, भले ही सरकार आज मनमानी कर ले, लेकिन यह लोकतंत्र है, हिन्दुस्तान के अंदर जनता उलट-पुलट करना सीख गई है। उसने हमें भी पलटा और आपको भी पलटा है। अब जनता सीख गई है।

इसलिए मैं चाहता हूँ कि नेता, सदन इसे गंभीरता से लें और अभी तत्काल खंडन कीजिए कि कमेटी गई है, वह चाहे किसी की भी मांग से गई हो, लेकिन सरकार भंग करने का, धारा 356 लागू करने का कोई इरादा नहीं है। आपको यह स्पष्ट करना चाहिए।...(व्यवधान)

श्री जगदम्बिका पाल (डुमरियागंज): अध्यक्ष महोदया, मुझे भी बोलने का मौका दीजिए।...(व्यवधान)

अध्यक्ष महोदया : आप कृपया करके बैठ जाइए।

â€¦(व्यवधान)

THE MINISTER OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Madam Speaker, I understand that some hon. Members have raised an issue about the Central team's proposed visit to West Bengal. The Chief Minister of West Bengal and I have a good working relationship. We talk to each other frequently. Since the 18th of June, we have worked with him in maintaining law and order in several districts of West Bengal.

In the last few weeks, we think that the matter has taken a turn so that it has to be viewed with utmost seriousness. Inter-party clashes have resulted in the deaths of a number of cadres on the side of many parties. Therefore, I suggested to the Chief Minister to take a review of the situation and let me know what his views were. I also suggested to him that I could send a team of officers to hold discussions with his officers in Kolkata. We are doing this not in a spirit of confrontation. There is no reason to read any confrontational attitude in what we are doing. It is entirely non-confrontational. It is intended to assist the State Government to maintain law and order and put an end to the inter-party clashes. There is no reason, Madam Speaker, to view this through the prism of Article 356. Post-Bomma, there is no scope to misuse Article 356, and I have to come to this House and to the other House. So, there is no need to view this matter through the prism of Article 356. Since June, the Chief Minister is on record on more than one occasion, saying that the Government of India has been of great assistance to him and the visit of this team to hold discussions with the officers of West Bengal is in the same spirit in order to be able to assist the State Government in maintaining law and order.

I made the Statement in the other House. I was able to convince the leaders of the CPI (M) there. And, I am confident, I will convince the leaders of the CPI (M) here too....(Interruptions) This is in a spirit of non-confrontation. There has been no demur from the West Bengal Government. The team is intended to assist the State Government to maintain law and order and put an end to the inter-party clashes....(Interruptions)

SHRI BASU DEB ACHARIA : This is not fair.â€¦ (Interruptions)

MADAM SPEAKER: Next, Shi Rajaram Pal to speak.

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