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[Sh. D. Pandian]

is being taught to the high school boys. They are being trained in that. Now, it has gone to almost to the remotest part of Tamil Nadu. We have given enough evidence that from which factory the spare parts are being produced and how they are being taken to Sri Lanka and all that. It is not that we want to fight with LTTE. If they fight against their Government for their rights, let them do it. But on our soil, they will have to respect the rules of our country. (*Interruptions*)

SHRI TARIT BARAN TOPDAR: What about Mr. Chidambaram's and MGR's interaction with the LTTE?

SHRI D. PANDIAN: At that time, the LTTE were here. They were attempting to get the support of India because they were friendly to India at that point of time. Only after returning to Sri Lanka, they have turned against India and they have become anti-national and were indulging in all these anti-national activities. Hence, action has to be taken against them, and correctly so, though belatedly. Any attempt to argue for such a bad case, even with a fine eloquence of Mr. Jaswant Singh and Shri Somnath Chatterjee, will not be able to help such a bad case. Do not waste your time or do not waste your eloquence. We welcome you to Tamil Nadu. Come to Tamil Nadu soon and then you will see that democracy is restored in letter and spirit and Tamil Nadu will give a lead to the whole of India. You will at least after that, respect the verdict of Tamil Nadu people and realise what we have said is true to be believed in this context.

Our position with regard to national unity and secular character or about law and order situation do not change with alignments of political parties as it has happened with some other parties.

I am sorry at the end I have to reply to my

dear friend Mr. Sivaraj from Tamil Nadu. He threw a challenge and asked whether any Member of Parliament here would be able to contest against him in the Nagapattinam constituency. The only thing is that it is a reserved constituency, where I am forbidden to contest. I think he is fully aware of it, and that is why he has thrown that challenge. But he is not prohibited from contesting from my constituency. So, I invite him, and I also invite any of his top leaders to come to that constituency. I am prepared to resign forthwith and contest again, any day, to seek the verdict of the people. Then he will know what is the mind of the people of Tamil Nadu, and what is the voice that they are representing here.

You have joined a bad company, and with the bad company you are moving. Ultimately, I can only say that I sympathize with you. Please come. (*Interruptions*) The challenge is accepted, including your Nagapattinam constituency.

18.15 hrs

BUSINESS ADVISORY COMMITTEE**Twentieth Report**[*English*]

DR. LAXINARAYAN PANDEYA (Mandsaur): I beg to present the Twentieth Report of the Business Advisory Committee.

18.15 1/2 hrs

STATUTORY RESOLUTION RE. PROCLAMATION OF PRESIDENT'S RULE IN TAMIL NADU-CONTD.[*English*]

SHRI SAMARENDRA KUNDU (Balasore): I will be very brief, and will

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actually just touch 1 or 2 points. I am appealing to everybody, including my AIADMK and Congress friends. Suppose after 2 years or 1 1/2 years another Tamil Nadu Government is dismissed under Article 356, that obnoxious provision "or otherwise," I am asking them to ponder and ask themselves whether they will not come up with the same speech which they are now making with the same accusation and taunting against Government in powers (*Interruptions*)

MR. CHAIRMAN: Please don't disturb him, because the time available is very short.

SHRI SAMARENDRA KUNDU: Please remember that all of us are in a federal structure. The people of Tamil Nadu constitute the genius of India. Emotionally and culturally, they are among the best in India. To sympathize and respect their sentiments and recognise their identity federalism must work. Otherwise, all the things that are happening in Kashmir, Punjab and Assam, similar things will be repeated. I do not want go into the diagnosis of the whole thing. But please analyze what has happened in Punjab, and how AK-47 and such other weapons have come in there. Analyze what has happened in Assam. The same thing will be repeated all over India, if we become intolerant, if for our own partisan interest we try to use the Constitution to dismiss Government every week.

It is a great challenge to the fabric of federalism. (*Interruptions*)

18.18 hrs

[MR DEPUTY SPEAKER *in the Chair*]

I want unity among all the people of India who must live together like flowers in the garland that is India. I know this: this dirty work dismissal of the Tamil Nadu Government had to be done by Mr Chandra Shekhar and my friend Mr Sahay. I know his heart

very well. He had no desire to do it, but he has been compelled to do it. Look at Mr Chandra Shekhar's letter to the Chief Ministers in January 1991. He had not mentioned the law and order situation in Tamil Nadu then. He had mentioned only Punjab and Assam.

(*Interruptions*)

SHRI ANBARASU ERA (Madras Central): No; he had mentioned it.

SHRI SAMARENDRA KUNDU: In the Republic Day speech of January 26, 1991-- why don't you out the facts? I also have got the facts-- the President not mentioned the law and order situation in Tamil Nadu. He mentioned about Punjab, Kashmir and Assam. Tamil Nadu just did not crop up. I know Mr Sahay and Mr Chandra Shekhar were given the ultimatum. Besides the charm of Jayalalitha, a magnificent lady was compelling happenings.

I have not seen such a lady in politics. She is just like a sun shining and then some clouds come and she gets hidden.

SHRI R. MUTHIAH: She is in politics. How can you say that?

SHRI SAMARENDRA KUNDU: The charm of that lady, majestic lady is not only admired by Mr. Rajiv Gandhi but also by Mr Chandra Shekhar and partly also our young friends. But Mr. Subodh Kant Sahay, you have done great injustice by putting your signatures to the order of dismissal. If I am to remember one good Government, then there is one he is the Punjabi gentleman, Mr. Barnala. I have worked with him. He is a perfect gentleman. He is pure like a shining diamond.

SHRI R. MUTHIAH: He was hand in glove with Mr. Karunanidhi. Don't defend him.

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SHRI SAMARENDRA KUNDU: But it has never happened so far in any of the States where a government was dismissed without the report of the Governor. *(Interruptions)* I have information also. He stood like a rock. Some people—I am not going to name them—had caught the feel of Barnala requesting him to give a report. Some high officials, RAW and other people were involved. He said, "Nothing doing". done. I know everything. There is absolutely no law and order. Problem causing the dismissal. It is a political vendetta. "Does it lie in the mouth of Mr. P. Chidambaram to say that a government should be dismissed in a State because smuggling activities have been going on there? In that case, smuggling activities have been increasing in the States of Gujarat and Maharashtra. Does he want to suggest Gujarat and Maharashtra be dismissed? Some fibre boats have been seized after dismissal of the Government canceling them to smuggling and therefore I saw it on the T.V. One IG of police with a big moustache was shown having seized some currency notes and some transistors. You will find transistors everywhere. But today it has become cause for the dismissal of the government without a Governor's report? What a silly thing to do. You are only digging up your graves as well as ours too. It may be your internal party affair. Please don't use your internal party squabbling to destroy the constitution. As a Member of Parliament, I am conveying my feeling and feelings of the people to you.

When I was not a Member here, as a President of "Friends of Neighbour" an organisation meant to promote friendship with neighbouring countries, I went to three countries—Pakistan, Male and Sri Lanka. I had met Mr. Jayewardne in Sri Lanka. In Sri Lanka, in the streets and walls it was written "Indian dogs go back." It was a shameful matter to show our face. Having sent troops to Sri Lanka we were dubbed as aggressors. Sri Lanka people warned that Indian forces

ie dogs must from there, otherwise they will invite troops from other countries.

Today, LTTE is bad; some time back, LTTE was good, beautiful, smiling with full of fragrance when AK-47 guns were given and our army officers trained them in thirty five camps in the soil of India we have spent crores and crores of rupees. We were also helping them. A Pakistan Journalist showed me photographs of about eleven camps where we were training them. He said, "you are training militants and you come here and tell me that we are sending militants to Punjab trained in Pakistan. I had protested but it did not carry much correction."

As far as Centre is concerned, it can become strong if the States are strong. If our States are strong, Federalism will be stronger and such dismissal cannot take place so easily. So, kindly don't make this mistake.

I know Mr. Ramachandran former Chief Minister who is no more now. He was my good friend. As a former Chief Minister, I had a personal friendship with him. When he was in New York, we spent some time together. I know—when his Government was dismissed by Indira Gandhi—what he told me about it. And Mr. Ramachandran and his party could not stand up against Shrimati Indira Gandhi. And then their party called this democracy as a bonded democracy—dismissal was unjustified and an act of dictatorship. Look up the papers. A great injustice has been done. *(Interruptions)*

Therefore, the question is that there is no short circuiting. *(Interruptions)*

SHRI ANBARASU ERA: The DMK Ministry was dismissed at the instance of Mr. Karunanidhi. So, Mr. Karunanidhi has no right to protest.

SHRI SAMARENDRA KUNDU: If that

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is so, I strongly object to that. (*Interruptions*)
I strongly object to that.

I will be committing a mistake if I do not say one thing here, in 1975 and 1977 when the entire country was under the Emergency, when many of us were in jail for 18 months it was Mr. Karunanidhi and his Government that stood like a rock never yielding to the pressure of Shrimati Indira Gandhi's Congress (I) Government. And that is why he had to pay the price because he stood for freedom, for liberty, for strengthening federalism. And again here in 1991, the same thing has happened to Mr. Karunanidhi because he supported National Front. You have to settle your affairs in the Assembly. You have given a State Assembly Constitution. The Assembly is not there to break the nose of Mr. Karunanidhi there. (*Interruptions*) You were encouraging them. You pull down the Government of Shrimati Janaki within 29 days through violence and you hatched a conspiracy starting with *hallagulla* in the Assembly to bring down DMK Government. Thereby you disabused constitution what has been given to us, by the great patriot. Dr. Ambedkar. The Article 356 is an abnoxious one. You know, he said it must not be misuse it. It should be very springly used. I demand, that in the circumstances, that Article 356 should be throughly amended.

AN HON. MEMBER: It should be deleted.

SHRI SAMARENDRA KUNDU: Not to that extent that it should be deleted, but it must be amended so that the State Governments can feel their freedom and that they have been elected for five years and they must govern.

SHRI R. MUTHIAH: What happened in 1977-78?

SHRI SAMARENDRA KUNDU: I agree with my dear friend from AIADMK. In 1977-

78 we should have amended the Article 356. There was a move, but there was no time.

MR. DEPUTY-SPEAKER: If you do not address the Chair, for every statement there will be a response.

SHRI SAMARENDRA KUNDU: There was a move that this Article 356 which was playing an atrocious role on the rights of States must be amended. Some work was done. Anybody who wants to do good work is short-lived. Good people do not live for more than 40 or 50 years. We people, the *papis* are here till 59 or 60. Similarly J.D. Government wanted to do good. But it was dimised in 11 months. You had a *hartal*.

SHRI R. MUTHIAH: You dismissed yourself.

SHRI SAMARENDRA KUNDU: It is a good thing. The Congress and AIADMK went in for a *hartal* in support of Mandal Commission. Instead of only 27 per cent reservation the DMK Government wanted 50 per cent reservation because they have 50% reservation in Tamil Nadu. But after some time AIADMK and Congress (I) had organised *hartal* in Tamil Nadu demanding more than 50 per cent reservations instead of only 27 per cent. The DMK wanted 50 per cent. The other *hartal* was for demanding more than 50 per cent. This was all done in full sympathy of the Mandal Commission which is a gift of JD Governments.

So, the question is whenever serious matters like dismissal of a Government come, we should not be swayed by passions. We should reflect ourselves and do it with out expediency. I am thoroughly disguised with what Mr. Chidambaram said. During this time it was some sort of a *gestapo* here running the Home Ministry. Police intelligence machinery were used. They tried to break and divide people and Government and protected corrupt, dirty people those who

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competent to break the—State Governments, those State Governments which did not yield to the dictates of the Prime Minister Indira Gandhi and Rajiv Gandhi. Therefore, I would again plead, before I sit down, that what has been done, it has been a hare-kiri of the Constitution and destruction of a democratic set up. We have to maintain the democratic set up. What has happened was very very unfortunate. It should not have happened. We all should see that in future it never happens again. You will fight elections; whether you win or not...*(Interruptions)*

MR. DEPUTY SPEAKER: Mr. Kundu, there are many others to speak.

SHRI SAMARENDRA KUNDU: I love to be wrong. Again the same gestapo system is beginning to flourish in the Home Ministry. Mr. Sahay, kindly bear with me. You are a young man. Please do not fall pray to that. They are going to rig the elections in a very big way, I am told*(Interruptions)* When I get some information, I will come to the House. Mr. Sahay, it is better that you go for a clean elections. You are a young man. You have a long future. Please do not agree to their suggestion. Never get into any arrangement where you may become their apparatus, instrument to completely murder democracy and the Constitution.

SHRI INDER JIT (Darjeeling): Mr. Deputy-Speaker, Sir, I am grateful to you for giving me some time and I shall try to be very brief at this late hour of the day.

There can be no two opinions that what has been done is in accordance with the letter of the Constitution. It was not necessary for the President to get the Governor's report because the President is authorised on his own to act. Nevertheless, I would like to express my great distress over the manner in which the whole operations put through. I

think, the manner in which the operations put through was not only ham-handed and clumsy but it went against the spirit of the Constitution. I venture to make this submission on the basis of what the father of the Indian Constitution, Dr. Ambedkar had hoped and prayed for. Much has been quoted about what Dr. Ambedkar said. But I do hope that you will allow me to quote a few lines of what Dr. Ambedkar had said. As we all know he said that the President's Rule should be imposed only as a matter of last resort. And then he said.

"---the proper thing we ought to expect is that such articles will never be called into operation and that they would remain a dead letter."

What he subsequently said is even more important from my point of view. He went on to say:

"If at all they are brought into operation, I hope the President who is endowed with this power will take proper precautions before actually suspending the administration of the Province."

Mr. Deputy-Speaker, I get a feeling, a feeling of great distress, that the President did not take all the proper precautions which he ought to have taken. My first point in this context is that he did not, as far as my knowledge goes, have a word separately with the Governor. The Governor did not send a report. He refused to be pressurised and the President was entitled to take his own decision on that basis. But I do think that the President should have sent for the Governor and talked to the Governor before taking this decisive, precipitate action which he took. This, I think, is the most unfortunate because the President, according to Dr. Ambedkar, was supposed to take all proper precautions before taking this precipitate step. Apart from this, I strongly feel that the action lacks conviction and credibility be-

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cause much has been said about what the LTTE did. Perhaps there is a good case; all that perhaps what Mr. Chidambaram has said earlier today may be true. Infact I think, it will be a good idea to have a parliamentary probe into the kind of allegations which have been made by him in the larger national interests. Perhaps that may be true. Therefore if this was the information with the Centre that Mr. Karunanidhi was hand-in-glove with the LTTE, then this information ought to have been used in a better way. Mr. Deputy-Speaker, Sir, as you are aware, we have an Article called the Article 256. This article empowers the Centre to give necessary directions. And if I may quote article 356 it states that the executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing law which applies to that State and the executive power of the union shall extend to the giving of such direction to a state as may appear to the Government of India to be necessary for that purpose.

In my opinion direction should have given by the Centre to the State Government of Tamil Nadu that the Government was functioning against the interest of the unity and integrity of the country. There would have been a much better case then. I think, such directions ought to have been issued. I was talking the other day to a colleague here in the House who told me that such directions have never been issued. Surely a beginning could be made some day some time.

MR. DEPUTY SPEAKER: That applies to law.

PROF. N.G. RANGA (Guntur): Such advice was given by the Prime Minister as warning.

SHRI IINDER JIT: Prof. Ranga says that the Prime Minister had given adequate warning. I would have liked that warning to be in the nature of a direction from the

Centre. The Centre could have said that the State Government was functioning in a way which was undermining the unity and integrity of the country.

PROF. N.G. RANGA: The Prime Minister had given that warning...(*Interruptions*)

SHRI IINDER JIT: I am happy to have the veteran and respected Prof. Ranga to repeat his point earlier. If such a direction or such a warning was sent by the centre to the Chief Minister of Tamil Nadu, then I would plead with the Minister that such a document ought to be laid on the table of the House. My information is that only certain things are said orally. If there was written direction, if there was written advice or a written warning, I think that warning ought to be laid on the table of the House. That would give a much greater credibility to the action taken by the Centre. The whole exercise ought to have been put through in accordance with the spirit of the Constitution....(*Interruptions*)

I think, the time has come as I pleaded earlier today, that this House ought to sit down and discuss the whole question of the appointment of Governors, their powers, the power of the Centre and how the Centre shall conduct itself. Unless we do this and unless we can bring about some sanity in the relations and in appointment of Governors and their conduct, the Centre's conduct vis-a-vis Governor, we are surely hurtling towards a great disaster. Therefore, I would plead, in conclusion, that this step ought to be taken. The House should be clear in giving some guidelines to the Centre in regard to the functioning of the Governor.

In the morning the Speaker had objected to certain expression which I made. Subsequently I had the occasion to talk to him and he said that what I said in the morning was not expunged. The point is that we have reduced the office of the Governor to less than of a chaprasi, who is the lowest func-

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[Sh. Inderjit]

tionary of the Government because even a chaprasi has to be given some notice before he is fired. Today the Governor can be removed at will. Therefore, the big crisis which the Government at the Centre is facing and I know that for a fact is that good people are not willing to come forward. What is the kind of office of Governor that we want? Therefore, this is a basic issue and I do hope that as a result of the fall out of what has happened in Tamil Nadu, as a result fall out of what has happened in the case of Mr. Barnala, in the case of Mr. Mohd. Yunus Saleem, this House will seriously consider the questions of the appointment of Governors, their role and their office.

[Translation]

*SHRI R. JEEVARATHINAM (Arakkonam): Hon'ble Deputy Speaker, Sir, I would like to say a few words in support of the President's rule in Tamil Nadu.

The first grave error Mr. V.P. Singh, after coming to power, committed was to allow Mr. Karunanidhi to hold talks with the LTTE. This encouraged a large number of LTTE militants to come to Tamil Nadu to destabilise peace in that State. The error of entrusting the responsibility of holding talks with the LTTE to Mr. Karunanidhi led to the sudden use in the anti-national activities by LTTE in Tamil Nadu. When the IPKF, which sacrificed more than 2000 soldiers in Sri Lanka returned to India, the Chief Minister Mr. Karunanidhi did not go to receive the returning army. This is the next serious mistake. I would like to reveal to the House Mr. Deputy. Speaker, Sir, certain serious information of national concern. It is alleged that the LTTE demanded a huge amount of money for their anti-national activities from Mr. Karunanidhi. Mr. Karunanidhi is reported

to have counselled them to demand the assistance from Shri V.P. Singh the then Prime Minister, who in turn sent the militants to Mr. George Fernandes. He is reported to have also telephoned Mr. Fernandes to assist the militants with money. This is hundred per cent true. I can prove this.

Another incident is also worth mentioning. The Police in Tamil Nadu arrested a Tamil Tiger who was involved in a murder case. The police contacted the Chief Minister as to what should be done in the case. The Chief Minister directed the police to produce the Tiger in a Court, and in the Court, it was manipulated in such a way that the murderer was let off with only a fine.

[English]

SHRI PAUL R. MANTOSH: On a point of order, Sir, The Hon. Member has said that Mr. George Fernandes assisted LTTE. This is a direct allegation against him.

(Interruptions)

SHRI R. JEEVARATHINAM: The LTTE had asked Karunanidhi, Karunanidhi asked Shri V.P. Singh, Shri V.P. Singh told Shri George Fernandes and Shri George Fernandes has given the money. I know that.

(Interruptions)

MR. DEPUTY SPEAKER: Well, again I would warn the Members that in the flow of your speech, you may not say something which is really not good and correct.

[Translation]

*SHRI R. JEEVARATHINAM: Let me also say something about Governor Barnala. Many have expressed their opinion about

*Translation of the speech originally delivered in Tamil.

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him. I have also great respect for him. While he took oath of Office and secrecy, he swore that he would defend the Constitution and abide by the provisions of Official Secret Acts. But, on 30th January, 1991 when he arrived in Delhi, in the morning, the discussions about the law and order situation in the State was still under discussion. But as early as at 4 O' Clock in the evening, anti social elements have taken control of Madras city. There was wide spread violence in my Constituency also. How did the news of possible dismissal reach Madras at 4 O' Clock? Mr. Karunanidhi who was addressing a public meeting in Madras told the gathering at around 4 O' Clock that he would be out of office within a few hours. The President as matter of fact signed the proclamation at 10.15 hrs. in the night. Then who gave this advanced information to the general public in Madras, at 4 O' Clock which resulted in large scale violence. Shri Barnala may be a good man, but he could not keep official information regarding possible dismissal of Government as a secret. For this simple reason, he must have been axed. But Hon. Mr. Chandra Shekhar, the Prime Minister, magnimously shifted him to another state. Mr. Barnala did not agree to this transfer and resigned. Even after his return to Madras the Governor did not keep quite. He called the journalist and told that he acted as per his conscience. This is the greatest insinuations that the dismissal was against conscience. The Governor statement was therefore against the Constitution. Mr. V.P. Singh also did the same thing. In Madras, in the morning, he however declined to comment on the dismissal. In the evening, he vehemently criticised the office of the President. The President who appointed Mr. V.P. Singh as Prime Minister came under severe attack by Shri V.P. Singh. The President's office is sacrosanct. He is next to God. Nobody should indulge in the criticism of the President. Shri V. P. Singh, it must be

remembered, did not command majority in the House. Still as per provisions of law the law abiding President appointment him as Prime Minister. But Mr. V.P. Singh ungratefully attacked him by harsh criticism. Even Mr. Karunanidhi and his DMK men did not spare the President from unjustified criticism.

[English]

MR. DEPUTY SPEAKER: Your party has been given much more time than allotted. You must conclude.

SHRI R. JEEVARATHINAM: Our party might have been given. But I am a Tamil man.

MR. DEPUTY SPEAKER: No, no. It is not like that.

SHRI R. JEEVARATHINAM: Give me one or two minutes.

[Translation]

*I have lost continuity Sir. Let me pick up the thread.

Let me say something about the LTTE activities. Schools in my Constituency have been closed for a long time, to accommodate LTTE men. They are being fed and housed in these Schools at the cost of the education of young children. Hon'ble Minister for Home must enquire into this.

Sir, Mr. Karunanidhi is solely responsible for the influx of a large number of LTTE militants into Tamil Nadu. The goals of LTTE and the goals of Shri Karunanidhi are the same. I would like to know one thing. The money which has been provided by Shri George Fernandes to the LTTE when Mr. V.P. Singh was the Prime Minister was for which purpose? Was it to be used against

*Translation of the speech originally delivered in Tamil.

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the State Government? Was it to be used against the Central Government or the Sri Lankan Government? A Prime Minister who funded the militants is no more in Office. A Chief Minister, who funded the militants and disturbed the peace of a State must also go. This proclamation made him to go and therefore, I welcome the President's Rule in Tamil Nadu.

[English]

DR. BIPLAB DASGUPTA (Calcutta South): Sir, Prof. Ranga is a very respected Member of this House and when he mentioned about this warning, I think he was referring to the discussion in the last Session of Parliament when some Members, both from the Congress (I) and the AIADMK wanted the dismissal of the Tamil Nadu Government. The Prime Minister at that time made his response in two parts. In the first part he said categorically that the Tamil Nadu Government would not be dismissed. He also expected the Tamil Nadu Government to take account of the discussion and this might be taken as some sort of warning given. My point is that since he made this categorical statement that the Tamil Nadu Government would not be dismissed, has there been any new development to warrant the dismissal of the Tamil Nadu Government?

The Congress (I) Members mentioned about various things which happened in the past. They have failed to show that there had been any deterioration in the situation, since the categorical assurance had been given by the Prime Minister in the last Session, so much so that President's rule was inevitable. They have failed to do so. They would have mentioned about it. I think it is a very important point.

SHRI GUMAN MAL LODHA (Pali): Mr. Deputy Speaker, Sir, I am thankful to you for

granting me sometime. An important aspect of the entire discussion which has arisen is regarding the federalism of our country and the Constitution. The proclamation of the President under Article 356 is to be judged under the background that our Constitution maker Dr. Ambedkar clearly mentioned at the time Article 356 was enacted that it would remain a dead letter. Now, we are really having 90 proclamations by now and it is going to be written in the Guinness Book of Records; wherever there is a blow, fraud, butchery, rape and murder of federalism and democracy, unfortunately our steps which we are taking would far exceed the other countries in the world. That is a very dark side of the picture. The whole problem is that even though we have got various other provisions, I was shocked and surprised when Mr. Chidambaram pleaded for invoking of the Article 356, he being an eminent lawyer knowing the Constitution. We have got Articles 352, 353 and 354 in which a state of emergency can be declared in a particular States in case of any internal disturbance or aggression and the Central Government gets power to issue directions not only for the purpose of administration, but even for making the laws the Parliament go to the powers. Why has the President and our Central Government not chosen that under Article 352 even if they are convinced that the activities of the LTTE are dangerous to our country and its integrity? I would therefore submit that a stage has come when all parties crossing the party lines should think over the application of Article 356, whether it has got any relevance, the abuse and misuse which has taken place right from the time of Pandit Jawaharlal Nehru in 1959 when Namboodrepad's Government was dismissed like this and after that one after the other. The judgement of the Assam High Court condemned, criticised and deprecated the dismissal of the Nagaland Government and it was held Justice Hansaria that time and again this power is being misused and the constitutional rape which is being created

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requires a rethinking about the continuation of the Article 356, whether it should be amended, whether it should be deleted or whether a rider must be put up. It is not the point whether the Government was consulted or not. The Governor may be consulted. The Constitution gives the power, 'or otherwise'. Therefore, Article 356 can certainly be brought into action without consultation of the Governor though it is a salutary provision. But the whole point is whether the constitutional machinery has failed to such an extent that the State Government cannot work at all. I am sorry to submit that in this respect, a partisan attitude has been taken a heavy vested interest in this matter and therefore, by any standard the proclamation of Presidential rule and the dissolution of the Assembly cannot be justified. It is true that people there were certainly aggrieved by the Karunanidhi Government. I went there thrice and I found that the law and order situation was bad. But the law and order is bad in so many States, not only in Tamil Nadu alone. Apart from the problem of LTTE, the other problems like smuggling are of very minor when we think of application of article 356 of the Constitution because smuggling is going on in all parts of the country, especially Bombay and Calcutta Airports and other places. That cannot be the valid ground. But even due to repression and suppression of civic rights in Tamil Nadu which had gone to such an extent that Mr. Karunanidhi has become unpopular. When our Leader of the Opposition, Mr. L.K. Advani was arrested in Bihar, several people in Tamil Nadu were arrested without any reasons or rhyme and they were put behind the bars. They were picked up from the shops, roads without any prosecution. There was resentment and therefore some of the people are very happy about his dismissal. But that cannot justify the proclamation of President's rule and dissolution of the State Assembly.

I would, therefore, submit that a stage has come when a re-thinking should be

done and all Parties should consider application of article 356, which in this particular case, is a fraud on federalism and butchery of democracy.

MR. DEPUTY SPEAKER: It was decided that we would continue up to 7 O' Clock. As a matter of courtesy, since Dr. Thambi Druai and one or two other Members would speak now, I request the Members to allow the discussion to go on beyond 7 O' clock.

SHRI ANIL BASU (Arambagh): How long we should sit?

DR. THAMBI DURAI: If we are not going to sit beyond 7 O' Clock, please allow me to continue tomorrow.

MR. DEPUTY SPEAKER: Tomorrow we have other business also. The Resolution has to be replied and there is Jammu and Kashmir Proclamation Resolution also. So, let us sit up to 7-30 p.m.

DR. THAMBI DURAI (Karur): Mr. Deputy-Speaker, Sir, thank you very much for giving me time to say something about the proclamation of President's rule in Tamil Nadu.

Some of the hon. Members spoke about article 356 and how the Central Government is using this article to impose President's rule in certain States. I want to bring the notice of the hon. Members from the Opposition Parties what they did in 1977 and what happened in 1980. The same thing has happened now also. In 1977, they used article 356 to dissolve all the 9 States Assemblies and to impose President's rule. At that time, the Congress-I was ruling in the States. The Opposition Parties which were in the Government then said, since the Congress State Governments lost the mandate of the people, they dismissed all the State Governments. The same thing happened in 1980 also. When the

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[Dr. Thambi Durai]

Congress-I came to power in 1980, they recommended and dissolved 9 States. Our beloved leader MGR was ruling Tamil Nadu and he had not yet completed 2 1/2 years but still that drastic action was taken at that time. The same House endorsed that action.

I want to bring certain points to the notice of the hon. Members from CPI. When 1976 the Karunanidhi Government was dismissed, using article 356, the same CPI party welcomed it. Why are they opposing it now? I cannot understand this. At that time, they advocated the dismissal of the Karunanidhi Government for the misrule and misusing the power. CPI also, along with us, levelled the corruption charges made against him. The same thing happened this time also.

19.00 hrs

BJP Members like Shri Jaswant Singh said that the State Unit of their Party has also demanded the dismissal of DMK Government on the pretext that Karunanidhi Government was behaving in anti-democracies manner. It is a fact because the representatives of the people of Tamil Nadu know the exact feelings of the Tamil Nadu people. We are representing them here.

When the election took place in November, 1989 it was put before the voters whether DMK Government can continue or not. That was the matter which was put before the voters in Tamil Nadu because Karunanidhi tried to destroy ADMK in Tamil Nadu. He highlighted it in the election many times whether his DMK Government can continue or not.

On 25th March, 1989 his DMK Party members assaulted our leader Miss Jayalalitha in Tamil Nadu Assembly. That was the first instance of murdering of de-

mocracy by DMK Government. We raised our voice in the same House about the brutal attack on our leader.

DR. BIPLAB DASGUPTA: Is it possible to make this allegation about Mr. Karunanidhi? Can he say so?

MR. DEPUTY SPEAKER: I think that we do not mention the names of those people who are not here to defend themselves.

DR. THAMBI DURAI: DMK Members in the Assembly assaulted Miss Jayalalitha in a brutal manner. They never bothered that she is a lady. After the bye-election in Tamil Nadu, they lost Marungapuri and Madurai East. They felt that hereafterwards they cannot come to power in a democratic manner. That is why, they wanted to liquidate our AIADMK and its leader Miss Jayalalitha and made many schemes in such a manner to see that our leader will be sent out from Tamil Nadu. Shri Somnath Chatterjee said she went into hiding in Hyderabad. It is not a fact. She gave a detailed statement how the DMK Government gave lot of problems to her. She could not have even lived in Tamil Nadu and got the medical treatment. Her doctors were threatened not to give her medical treatment. That made her to go and stay in Hyderabad and take certain medical treatment there. That is what happened. Is it democracy to destroy the Opposition Party and its leader? We are talking about equality of women. When a woman is coming forward to fight for social justice in Tamil Nadu and entered in politics, DMK wanted to see she must not be in politics. What can we expect in a democracy, especially from Mr. Karunanidhi? This is a what has happened.

MR. DEPUTY SPEAKER: Please avoid names.

DR. THAMBI DURAI: I am giving the background. Many things have happened like that. We had put before the voters whether

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the DMK Government should continue in power or not. That was the question we put before the voters. What was the voters' verdict? All the DMK Members were defeated miserably. Can you imagine in the history of DMK, it ever happened like this? The DMK Party could not get even a single seat in the Lok Sabha.

DR. BIPLAB DASGUPTA: Were they not able to get?

DR. THAMBI DURAI: They were not able to get even one seat in Tamil Nadu.

DR. BIPLAB DASGUPTA: What about the Congress in Bengal?

MR. DEPUTY SPEAKER: Don't try to convince him. He would not be convinced.

DR. THAMBI DURAI: In 1980, we sent at least two Members to the Lok Sabha. What the DMK people demanded? They wanted to dismiss our Government. You also presided over the proceedings which took place in 1980. Your name is also here. You took the Chair at that time. The DMK Leader in Lok Sabha spoke at that time and demanded to dismiss MGR Government as that Government lost popular mandate in 1980 Lok Sabha elections. He advocated to use Article 356 to dismiss MGR Government which did not complete full term and, at that time only completed two and half years. He wanted to use Article 356 to dismiss our Government on the pretext that we lost the mandate of the people of Tamil Nadu. Has the law and order situation deteriorated at that time? They said we lost the mandate and will of the people.

What happened in 1989 November? Has DMK got any representation here? This Government should have been dismissed long back in November, 1989 itself. V.P. Singh Government should have taken a decision and they should have seen that

DMK Government was dismissed. When Shri V.P. Singh came to power, instead of dismissing the DMK Government, the then DMK Chief Minister got his brother-in-law inducted into the V.P. Singh Government as Cabinet Minister. The then Chief Minister got the benefit in spite of the people's mandate against him in Lok Sabha elections. The then Chief Minister could not get even a single seat in the Lok Sabha elections but, because of his association with V.P. Singh Government, he tried to continue his Government in Tamil Nadu.

DR. BIPLAB DASGUPTA: Again the same thing has happened.

DR. THAMBI DURAI: I never mentioned any name.

SHRI PAUL R. MANTOSH: You mentioned the name of Miss Jayalalitha.

DR. THAMBI DURAI: I never mention names.

DR. BIPLAB DASGUPTA: This kind of polarisation of politics should not be permitted. (*Interruptions*)....

MR. DEPUTY SPEAKER: Dr. Thambi Durai, please address the Chair.

DR. THAMBI DURAI: I am addressing the Chair now. I am trying to say what happened at that time. (*Interruptions*)

SHRI BHOGENDRA JHA (Madhubani): Mr. Deputy-Speaker Sir, even if it is not an allegation, it is vulgar. He should come to the fact. (*Interruptions*)

DR. THAMBI DURAI: When I said yesterday that the DMK Government was instrumental in dismissing our Government in 1980, Shri V.P. Singh asked me: "Can you prove that?". I say that I can prove that. This is the magazine called *Thuglak* which is very

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popular in Tamil Nadu. It contained the Resolution passed by the DMK's Executive Committee as it appeared in Murasoli, the DMK's official magazine dated 20.1.1980. This Resolution was passed after the Lok Sabha election was over. This Resolution demanded the dismissal of Shri MGR's Government. That is their Resolution. After the passing of that Resolution only our MGR's Government was dismissed. What did it show? It showed that they were instrumental in the dismissal of our Government because it was their demand....*(Interruptions)* This is what the DMK said at that time. At that time, they wanted to inflict some punishment on us. That was the punishment meted out to us. That very same punishment they received now.

(Interruptions)

MR. DEPUTY SPEAKER: Please don't interrupt him. He is now addressing the Chair.

DR. THAMBI DURAI: Yes, I am addressing the Chair. Our leader, when he was speaking a little while ago, said that he was not happy with what is happening now in Tamil Nadu. I am also feeling the same. How did the DMK behave in 1980? They behaved in a brutal manner, killed democracy at that time and thrown out our popular Government. But We went to the people and we won and came back to power again. Let Shri Karunanidhi show his popularity now. There is no objection. That is why we are demanding earlier election in Tamil Nadu. If at all they want to get the mandate of the people let them face the election. Recently, the then Chief Minister said that he was not interested in the earlier election. He is blaming Shri Chandra Shekhar. He quoted a letter written by Shri Chandra Shekhar to him stating that the time was not conducive for holding elections there because of the 1991 census.

That is the fear for them. They are not able to face the voters. That is the problem for them. What can we do for that?

Now I come to the next point. Many Members spoke of Article 356 of the Constitution. We are also against it. But let them amend it. The Janata Government, when it was in power, had also not amended that Article. They could have done it during their regime. When somebody is suffering, then only they are criticising. Now, they are using this in their favour. Therefore, it is high time you amended it. We have no objection. Now, they are telling how the DMK Government was dismissed. Some people said that the DMK Government was dismissed without the Governor's Report. It is not an excuse. Article 356 of the Constitution contains the expression 'otherwise'. Please consider what our former Minister Shri Murasoli Maran, now a Member of Rajaya Sabha, said at that time? In 1980, he agreed that Article 356 of the Constitution could be used to dismiss our Government without the Governor's Report. He said that. The record is there. He argued that way.

MR. DEPUTY SPEAKER: Don't do that again.

(Interruptions)

DR. THAMBI DURAI: The other issue is regarding the role of the Governor. A lot has been said about that. Several Members pointed out how the Governors are behaving now. But we do not want to discuss any individual case now. The point is that Governors have, more or less, become the puppet of the Central Government. It is a fact. What happened during the regime of Shri V.P. Singh? You have not opposed the dissolution of Kashmir Assembly. Even some BJP Members also demanded the dismissal of the Farooq Abdullah's Government. Nobody objected to it at that time. What did the National Front Government do? They had

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dissolved the Assembly there also. You have not said anything. *(interruptions)*

DR. BIPLAB DASGUPTA: We strongly/ objected to that. We raised that issue.

DR. THAMBI DURAI: What did you do? At that time, you were supporting Shri V. P. Singh. You could have withdrawn the support in order to save democracy. *(Interruptions)*

MR. DEPUTY SPEAKER: Please address the Chair.

DR. BIPLAB DASGUPTA: I will put the record straight. We demanded the resignation of Shri Jagmohan. Shri Jagmohan was forced to resign on the basis of our demand only. We demanded that. It was because of our demand only that Shri Jagmohan had to go.

DR. THAMBI DURAI: Our understanding is that the DMK Government was dismissed not merely on the basis of deteriorating law and order situation in Tamil Nadu—that is not correct cent per cent—but because they indulged in anti-national activities. Many Members established that. Of course, there is law and order problem in Andhra Pradesh, Bihar or Uttar Pradesh. That is entirely a different thing. It cannot be compared with that of the situation obtaining in Tamil Nadu.

But we cannot compare the situation prevailing in Tamil Nadu with the other States like Andhra or U.P. That is our contention. *(Interruptions)* They also alleged that the MGR Government at that time helped LTTE. We are not denying that. We helped in different circumstances. The whole House also, at that time, passed resolution to help the Tamil people in Sri Lanka. They came to India as Sri Lankan Tamil refugees. At that time, it was the policy of our country to help them. Therefore, Dr. MGR gave money to help them and not to purchase arms and having training camps and doing anti-national

activities. It is not our intention to have links with ULFA as also the terrorists of Punjab. At that time, it was the policy also to see that Tamils get equal rights in Sri Lanka. Even Mr. V.P. Singh has said today that they are for Sri Lankan Tamils getting their due rights in Sri Lanka. *(Interruptions)*

DR. BIPLAB DASGUPTA: This is very serious. He says that it is the national policy to support LTTE, and in this manner to go and fight in Sri Lanka to help the Sri Lankan Government. Is this our Government's policy? We never declared it. Was it discussed in Parliament? Who decided this as national policy? I think, that statement should not be made. In the afternoon Mr. Chidambaram made a statement and I am sure he will be regretting now. He should not have made such a statement. This is an Indian Parliament. We are the responsible people. We should realise that whatever we may say, this is going to be quoted in Sri Lanka. This is a very serious thing happening here.

MR. DEPUTY SPEAKER: Mr. Thambi Durai, what Mr. Gupta is saying has lot of substance in it. I would warn the Members not to make a statement which can be misused.

DR. THAMBI DURAI: I never meant in such a manner. The LTTE people and even other militant groups came to India as refugees. We helped them on humanitarian grounds and not to have any military activities in our Indian soil. That is not our policy. When they came to India in a miserable condition, we helped them only for their livelihood and shelter. *(Interruptions)* We cannot compare the situation prevalent at the time of Dr. MGR to that of prevailing at the time of Shri Karunanidhi. We had sent IPKF to help the Tamil people and to see that all militant groups including LTTE come together and see that their problems are sorted out in a democratic way and also to bring them in

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(Interruptions)

the democratic mainstream. We wanted them to get their rights in Sri Lanka with the unity for Sri Lanka. The IPKF rendered their services on the directions of the Indian Government. When they returned home, what happened to them? What did the Chief Minister say at that time? He said, "they are squad of murderers since they killed LTTE people in the confrontation". Is this the way for a Chief Minister to act? When he is occupying such a position, he must not make such kind of a statement.

After the Lok Sabha elections in November 1989, he knew very well that his party could not succeed in any elections in the near future. That is why in a clandestine manner, he had the connection with the LTTE group and the LTTE people trained Tamils in the DMK cadre to see that they could create violence in the elections. This was the whole motive of the then Chief Minister. Therefore, we cannot allow such kind of a situation to come in Tamil Nadu. The democracy cannot be butchered in that manner. Recently, there were cooperative elections held in Tamil Nadu. He misused his power. He used to say that he was having lot of support in urban areas but he had no guts to conduct even the corporation elections in Madras, Madurai and Coimbatore. Why did they postpone it? He knew very well that his party could not succeed in any election. After March 25, 1989, when they felt that they could not succeed, they started using all the machinery for their own ends.

[Translation]

SHRI SHOPAT SINGH MAKKASAR:
Are all of you ready to resign if the DMK wins in the coming elections.

[English]

DR. THAMBI DURAI: Okay, I take the challenge.

MR. DEPUTY SPEAKER: No baba, you are not going to enter into a contract on the floor of the House.

DR. THAMBI DURAI: When many Members spoke, they said that a lot of undesirable activities were encouraged from 1983 onwards. It is not a correct statement. When Members had raised this issue, even our Central Government and the State Government denied that charge. When the Sri Lanka accused that we are having training camps, at that also we had emphatically denied it and said that we are not having such kind of camps here. It came in the Press also. (Interruptions)

I don't want to take much of the time. Already many Members have exhaustively explained as to why the DMK Government was dismissed in Tamilnadu. It is because they allowed anti-national activities and also they tried to see that opposition parties like ALADMK and Congress do not do any political activities. That was their intention. Even when we were taking some agitations in a democratic manner they did not allow us to do it in a proper manner. They tried to arrest and put false cases against us.

Even though we are not very happy with the dismissal of the DMK Government, yet we feel there was no alternative except dismissing them because of their anti-national activities. Therefore I suppose this Resolution and request that the Central Government see to it that early elections are conducted in Tamilnadu.

[Translation]

*SHRI C. K. KUPPUSWAMY (Coimbatore): Hon'ble Deputy Speaker, Sir, I would like to say a few words in support of President's rule in Tamil Nadu.

* Translation of the speech originally delivered in Tamil

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The members from the opposition who spoke on this resolution criticised the President's rule in Tamil Nadu. But they have forgotten the fact that when the same opposition came to power in 1976, within 8 months of coming to power, they toppled mercilessly several State Governments.

I would like to remind this august House that President's rule in the State has been imposed in a situation in which there was rampant corruption in all sectors of administration, when there was disturbance of law and order and peace in the State and when there were malpractices in the elections to cooperative societies and in the recruitments made to the State Police.

In 1984, when DMK lost the elections again, the DMK leader Shri Karunanidhi warned that Tamil Nadu would be turned into a Punjab. When he came to power in 1989, he set to task to turn the State into a Punjab. That is why the DMK Government has been dismissed so that Tamil Nadu remains an integral part of India. Sir, only after Shri V.P. Singh came to power Tamil Nadu was turned into a den of arms and terrorists. But during the 11 years of MGR's rule Tamil Nadu was peaceful.

They are now talking about the Mandal Commission. I would like to apprise this august House that decades back in Tamil Nadu reservation for backward classes was provided by Shri Kamraj.

Hon. Communist members and Shri V. P. Singh spoke against the President's rule. How did Shri V.P. Singh speak? There used to be a saying in Tamil Nadu. When a death occurs in a family, they used to hire people to beat the breasts and bemoan the death on payment. In the same way, Shri V.P. Singh, on hire, wailed and wept for a dead Government of Shri Karunanidhi.

Hon. member Shri Chidambaram very gracefully made his points and given his reasons cogently in support of President's rule in Tamil Nadu. Simply to rebut him, these Hon. Members spoke against the President's rule. Now, no Communist member is sitting. This shows what? You must think. These Communist members were with Shri Karunanidhi only to get some seats. Let me tell my communist friends that for two times I was pitted against a Communist candidate. Two times he lost and he has now determined to abandon the constituency.

We are the people who keenly watch the day to day activities in Tamil Nadu. I cannot describe the malpractice committed in the cooperative elections. When I went to vote in the elections, my vote has already been cast by somebody. This was condition. With the help of goondas, the elections were rigged.

Essential commodities like rice, palm oil and other commodities distributed from ration shops to the weaker sections, Harijans and those below poverty line, were smuggled out for the use of DMK cadres. DMK cadres have not spared even the food meant for the children in the Nutritious Meal Scheme.

Sir, in 1980, the same people who are shedding tears now pleaded that, since the AIADMK got only two seats in the Parliament elections, the AIADMK Government in the State should be dismissed and it was dismissed. In the same way, in the recent Parliamentary elections the DMK has drawn a blank and what is unjustified if the DMK Government in the State is dismissed?

[English]

MR. DEPUTY SPEAKER: Now, you may conclude.

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*SHRI C.K. KUPPUSWAMY: If you would have allowed some more time for the DMK Government, the treasury benches would have been emptied, they would not have spared even the railway stations. Therefore, Sir, the dismissal is absolutely necessary.

Even the financial assistance provided to the State Government for Central Schemes does not percolate to the poor. This is misappropriated for the welfare of DMK men.

During MGR's time land pattas were given to the poor. He provided lighting in every hut. But, in DMK's time, huts have been removed. The police in the State is the most competent force in the country. Its hands were bound by DMK. This, hence, resulted in the increase of terrorism, corruption and other anti-social activities. In Gopichettipalayam a police man was shot dead with AK 47 rifle. Ammunition and explosive factories are freely operating in Tamil Nadu. In this situation, don't you think, Sir, President's rule is necessary?

Let me conclude by appealing that elections to the Assembly should be conducted early. Let all those spoke here come to Tamil Nadu. Congress and AIADMK will win atleast 225 seats out of 234 seats and that would really reflect on whose side people are.

With these words, I conclude.

[English]

SHRI P.C. THOMAS (Muvattupuzha) Sir, at this late hour, I am not going to proceed with a long speech but would make only a few points.

MR. DEPUTY SPEAKER: Make some new points.

SHRI P. C. THOMAS: Only new point which I would like to put is that being a Member from a place which is very near to Tamil Nadu, we are also actually put to great distress by some of the murders and some of criminal activities of undetected criminals which have taken place in the eastern parts of Kerala. (Interruptions) But I would think that some of the political persons or leaders connected closely with the Government of Kerala- maybe because such cases cannot be detected- are also tacitly giving publicity to these activities, may be by the LTTE, and thereby they are unable to detect such cases.

I was only trying to point out that the activities or the atrocities of the LTTE militant organisation has gone to that extent that their activities are going even to the peaceful States where there is not much of militant atrocities, though we have other atrocities. I would think that this is something which was to be taken note by the authorities concerned, by the Central Government in a very serious manner. We were unfortunate to have eleven-month rule when, of course, Mr. V.P. Singh was the Prime Minister. We could not get any proper response from Mr. V.P. Singh's Government. But I remember to have heard once or twice in this House even from the side of Mr. V.P. Singh as well as from the side of other parties, who were supporting him, that some of the activities which the DMK or the Government led by Mr. Karunanidhi were not approved by them also. I remember to have heard from one of my friends sitting on the other side and who is still present here, when we were discussing some of the atrocities that he was just telling that: We are not supporting all the activities of the DMK there. I remember to have heard that they were also saying: We will not support any

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anti-national activity which is undertaken by the DMK Government."

I am happy that one of the Members here has already owned that. So, now we are at the point as to whether an anti-national activity conducted by a State Government should be very seriously viewed by the Centre or not. If that be so, what is the way in which the Centre has to take it seriously? One, it may be by giving directions. But we very well know that direction in the form of speeches and in the form of proclamations from the side of the Prime Minister as well as from the side of political leaders from Parliament have gone in a very befitting manner to the State of Tamil Nadu and to the Chief Minister of that State.

But we were yet find a proper response from the side of the DMK Government. It was a time when anti-national activities, which have been described here, like smuggling not by some persons but by a militant organisation was going on. I am trying to stress that point because the allegation is that it had been aided by the Government and it had been in collusion with the Government or abetted by the Government of that State. As the time is short and it is getting late, I am not going to describe those activities at this stage. So, this was the position. Article 356, according to me, should be used very

sparingly and it should be used only in a case where there is utter break of the Constitutional machinery, utter break of the law and order situation which cannot be controlled by a State. Only in that case, the Centre should intervene to this extent. Here is a case where we find that the DMK Government had gone to that extent. It was not a mere case of failure of law and order but a case of failure of law and order on the basis of certain very serious international activities which were indulged in by that Government. This was not only going on in the State of Tamil Nadu but it was going on abroad, going to other States like Assam and Punjab. There were links between the militant organisations of these States and the Government is alleged to have a hand in it. If this is true, I feel that this was the proper time when the Centre should have intervened and I, therefore, support this Motion.

MR. DEPUTY SPEAKER: The hon. Minister may reply tomorrow. Now, the House stands adjourned to re-assemble tomorrow at 11AM.

19.31 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, February 27, 1991/Phalguna 8, 1912 (Saka).