

[Sh. V.S. Krishna Iyer]

I request the Government to immediately restore the original timing of the Mahalakshmi Express to help larger number of passengers from Karnataka and also Goa to get early connection to Bombay.

12.33 hrs.

STATUTORY RESOLUTION RE: APPROVAL OF PRESIDENT'S PROCLAMATION IN RELATION TO THE STATE OF MIZORAM

[English]

MR. DEPUTY SPEAKER: We will now take up the next item, Statutory Resolution.

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): Sir, I beg to move:

"That this House approves the Proclamation issued by the President on 7th September, 1988 under Article 356 of the Constitution in relation to the State of Mizoram."

The Governor of Mizoram in his report dated 6.9.1988 addressed to the President, informed that on 23.8.1988, nine Members of the Legislative Assembly belonging to the ruling Mizo National Front Party broke away and formed a new party under the name Mizo National Front (Democrats). The break-away group withdrew support to the Government headed by Shri Laldenga and informed the Governor accordingly. The Governor further reported that although the paper sent to him was in the name of 9 members including the Deputy Speaker of the Mizoram Legislative Assembly Shri K. Thanfianga, yet it was signed by only 8 MLAs. It was not signed by the Deputy Speaker who was away in the U.S.A. However, there was a declaration made by one of the MLAs stating that Shri Thanfianga had pledged his consent to this effect before leaving for the U.S.A.

The Governor further reported that on 30th August, 1988 a delegation led by Shri Rokamlova, MLA and General Secretary of MPCC(I) met him and informed him about the formation of a Joint Legislature Party by 13 Congress (I) MLAs and all the 9 MLAs of the newly formed MNF(D) Party under the banner of United Legislature Party led by Shri Lal Thanhawla, M.L.A.

The Governor further informed that the Chief Minister submitted a joint complaint to the Speaker of the Mizoram Legislative Assembly praying for disqualifying the 8 MLAs on the ground of defection. The Speaker accordingly issued show cause notices to 8 MLAs as to why they should not be disqualified from the membership of the Assembly and asking them to appear before him on 7.9.1988 at 10.00 A.M. as per the provisions of the 10th Schedule of the Constitution.

The Speaker simultaneously in the same show cause notice also suspended them during the pendency of the proceedings. According to the Governor, there is no provision either in the Tenth Schedule or in the Members of the Mizoram Legislative Assembly (Disqualification on Ground of Defection) Rules, 1987 whereby a member of the Assembly could be placed under suspension during the pendency of the proceedings for disqualification. The Governor felt that the disqualification. The Governor felt that the disqualification proceedings were initiated in a hasty and abrupt manner inasmuch as no bulletin or copy of records and minutes of the proceedings were made available to him along with the papers forwarded. Even the copy of the show cause notice forwarded was blank.

The Governor has further reported that on 31st August 1988, Shri Lal Thanhawla, called on him and staked his claim to form a Ministry on the ground that he was the unanimous leader of the United Legislature Party comprising 22 members of the Mizoram Legislative Assembly and that the MNF Government headed by Shri Laldenga had

since been reduced to a minority having been left with the support of only 16 MLAs (including the Speaker) in a House of 40.

The Governor has said further that from all information available to him including reports in the press, his firm impression was that the Speaker had taken the view that the number of break-away group was only 8 and not 9 so that provisions under para 6 of the Tenth Schedule do not get attracted. This was despite the fact that an earnest attempt had been made to convince the Speaker that Shri K. Thanfianga, Deputy Speaker, who was then in the U.S.A. had got an authentic message sent through the Assistant Liaison Officer, Mizoram Bhavan, New Delhi confirming that he was with his 8 MLA colleagues who had broken away. The Governor felt that the Speaker had exhibited an attitude of pre-determination and bias in the matter of disqualification of these 8 MLAs even though it was not permissible under the Constitution or under the relevant rules.

This report of the Governor of Mizoram was followed by another dated 7th September stating that the eldest son of the Deputy Speaker Shri K. Thanfianga came to see him and complained that when he went to the Speaker alongwith a letter from his father conveying support to the newly formed MNF(D), the Speaker refused to receive the letter. Shri Thanfianga's son, therefore, went and handed over the letter to the Governor. In this letter, which was addressed to the Speaker, Shri Thanfianga had, before leaving for the USA, indicated his decision to withdraw his support to Shri Laldenga from the date of split in the original MNF Party.

The Governor was convinced that the letter of the Deputy Speaker quoted above and the message from him received through ALO, Mizoram Bhawan, New Delhi were authentic and genuine.

In view of the position stated above, the Governor felt fully convinced and satisfied that a situation had arisen in Mizoram in which the Government of the State could not be carried on in accordance with the provi-

sions of the Constitution of India. He accordingly recommended that the State should be placed under President's Rule and the Legislative Assembly kept under suspended animation.

After careful consideration of the report of the Government and other relevant factors, the Government came to the conclusion that keeping the Assembly under suspended animation as recommended by the Governor might make the situation in Mizoram more confused and would encourage the various political parties to take recourse to undesirable practices. It was, therefore, decided that the Proclamation under Article 356 of the Constitution would be issued and the Legislative Assembly dissolved.

The President issued Proclamation under Article 356 of the Constitution on 7.9.1988 and dissolved the Legislative Assembly.

With these words, Sir, I commend the Proclamation issued on 7th September 1988 under Article 356 of the Constitution in relation to the State of Mizoram for the approval of this august House.

MR. DEPUTY SPEAKER: Motion moved:

"That this House approves the Proclamation issued by the President on the 7th September by the President on the 7th September 1988 under article 356 of the Constitution in relation to the State of Mizoram."

SHRI E. AYYAPU REDDY (Kurnool): Mr. Deputy Speaker, Sir, the constitutional rectitude and bona fides of the Central Government are the two casualties in the imposition of President's rule in Mizoram. The imposition of President's rule in Mizoram preceded by imposition of President's rule in Mizoram preceded by imposition of President's rule in Nagaland will go down in history as two of the ugliest

[Sh. E. Ayyapu Reddy]
precedents in the historical digest of cases under Article 356.

With great respect to the Home Minister I have to say that all constitutional proprieties, norms, principles have been violated in the imposition of President's rule in Mizoram. To state the facts, Mr. Laldenga, the Chief Minister, had a majority of 25 in a House of 40. His party was elected with a strength of 24—one Member from the People's Conference which was split and joined him. He was commanding a total strength of 25.

On the 29th August, it was reported that eight Members went and filed an application withdrawing support to Mr. Laldenga, though it contained the names of nine Members. Actually it was signed by eight members only. The question whether the ninth Member was a part of that contingent or part of that team is a disputed question. Mr. Laldenga claims that the Deputy Speaker has not withdrawn his support. Somebody vicariously, on his behalf is alleged to have gone and reported to the Governor that he had also withdrawn his support. I shall not go into these questions of dispute but I shall confine myself only to the constitutional issue in this respect.

On the 29th August, the withdrawal of support by eight or nine Members was reported to the Speaker and probably to the Governor also. The Chief Minister requested the Governor to summon a special Session of the Assembly on the 14th September, that is, even within 15 days after the alleged withdrawal of support, he requested the Governor to summon the Assembly to get a Motion of No Confidence passed. Now instead of summoning the Assembly to test the majority or minority against the Chief Minister, the Governor recommended for the imposition of President's rule and on the 7th September while actually the Chief Minister was present for summoning of the Legislative Assembly, the President's rule was imposed. What is the justification for imposing President's rule in such a manner? Mr.

Laldenga has stated immediately after the imposition in a Press interview and I quote:

"I do not know what kind of democracy exists in this country. They did not allow me to prove my majority."

He requested the Governor Mr. Hiteswar Saikia to convene the Assembly Session on 14th September to prove his strength in the House. He felt that the Centre should have waited. He said, "I would have gracefully stepped down, if it was proved on 14th September, that I was in a minority. "What is the reply, what is the explanation for these basic demands of a Chief Minister that his majority or minority should be tested on the floor of the House? The system of dismissing a Chief Minister without giving him an opportunity of proving his majority in the legislative forum is totally opposed to the Constitution.

It is like a judge disallowing the accused to prove his innocence, disallowing the accused of his right to examine Defence witnesses, and pronouncing a judgement of conviction. Will we tolerate such a judicial system; will we tolerate such a Judge? If a Judge denies the right to the accused to defend himself, and to examine witnesses on his behalf, we will say that there is no fair trial at all. The entire trial becomes vitiated, it becomes void and it will be considered—if a conviction is recorded by the Judge—to be not only a judicial impropriety, but a judicial murder.

Here in this particular case, what is the explanation of the Central Government for not giving Mr Laldenga an opportunity to prove his majority on the floor of the House? I have to quote Sarkaria Commission's report on this much debated constitutional question. I may be permitted to quote that Commission on this aspect, viz. the dismissal of Chief Ministers. I quote:

"The State Governments are, unanimous suggesting that the question whether a Ministry has lost majority support in the Legislative Assembly should be decided on the floor of the

House and that the Chief Minister should be given a reasonable opportunity to establish such majority. In order that this principal is invariably followed, one of the State Governments has suggested that Article 164 should lay down that a Chief Minister will hold office so long as he continues as leader of a majority of the members of the Assembly. Another State Government has suggested that Article 164 of the Constitution should specifically provide that if it appears to the Governor that the Ministry has lost the confidence of the Assembly, he should, of his own motion, summon the Assembly to enable the Ministry to secure a vote of confidence. In this connection, it has also been suggested by one of the State Governments that a Minister may be dismissed only on the advice of the Chief Minister.'

This is the recommendation of Sarkaria:

"The question of majority can be easily tested on the floor of the House when the Assembly is in session. However, during the period the Assembly remains prorogued, a Governor may receive reliable evidence (e.g. one or more letters signed by, or a no-confidence motion proposed by, a majority of members with their signatures authenticated by the Secretary of the Assembly) that the Ministry has lost its majority. Should the Governor in this situation on his subjective satisfaction dismiss the Ministry without giving it a chance to prove its 'majority' on the floor of the House?"

That is the question posed; and the answer given by Sarkaria is this:

"Arid legality apart, as a matter of constitutional propriety, the Governor should not dismiss a Council of Ministers, unless the Legislative Assembly has expressed on the floor of the House its want of confidence in it. He

should advise the Chief Minister to summon the Assembly as early as possible. If the Chief Minister does not accept the Governor's advice, the Governor may, as explained in paras 4.11.19 and 4.11.20 below, summon the Assembly for the specific purpose of testing the majority of the Ministry.

In deciding on the date of summoning, the Chief Minister should be allowed such time as the Governor in his judgement considers reasonable."

This is the recommendation of the Sarkaria Commission. This is not merely an expert body going into, and making a unanimous recommendation on the unanimous opinion of all the State Governments. This means its accepting the principle which was adopted by the Conference of Speakers.

It has got very strong constitutional implications. As I said in the beginning, the constitutional rectitude of the Central Government was a casualty in the imposition of this President's Rule. Mr. Laldenga asked that he should be given an opportunity to test his majority or minority on the Floor of the House. The Sarkaria Commission suggested that the Chief Minister should be given 30 days time to prove his majority or minority. In this case, the Chief Minister asked only for 14 days; on the 14th September, he requested for an opportunity and he was not given that opportunity. How can you justify that? How can you justify your setting at naught the recommendations of the Sarkaria Commission. In your explanatory note, we do not find any sort of light thrown on this aspect. You have completely ignored that aspect.

The other important question is whether the Speaker has the right to disqualify a member. Unfortunately, the Constitution Fifty-Second Amendment made the Speaker the sole authority to decide with regard to disqualifications; whether it is a split or whether it is a defection is entirely within the jurisdiction of the Speaker. We, in our wisdom, did not think of providing an

[Sh. E. Ayyapu Reddy]

appellate authority over the decision of the Speaker. We expressed full confidence in the wisdom and in the integrity and impartiality of our Speaker and, therefore, we have all the powers to the Speaker. I would only quote Section 6 of the Anti-Defection Bill. On page 4, it reads as follows:

"Decision on questions as to disqualification on ground of defection:-

(1) If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final:

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

(2) All proceedings under subparagraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212.

7. Bar of jurisdiction of courts.—Notwithstanding anything in this Constitution, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule."

So, the sole authority to decide was the Speaker. Then who is the Governor to question the right of the Speaker to suspend a

member? Now it has been taken that there is no provision in the Act to suspend a member. It is a very well accepted judicial principle that when an authority has got a right to dismiss, it has also got the auxiliary power to suspend; it is a different aspect altogether. I am not going into the impartiality or the correctness of the judgment of the Speaker of Mizoram Assembly. Probably he is wrong; probably he has exhibited total partiality. But, unfortunately, the constitutional authority is that man, that is, the Speaker. We are not even told about the extraneous authority, not a court; and the proceedings shall be deemed to be the proceedings of the Parliament, of the House. That is the constitutional position. Unless you change that constitutional position, there is no other method of overcoming the decision given by the Speaker. Of course, resort is being had by various members who are sought to be disqualified, to the courts under Article 226 of the Constitution. But the Act itself is clear that the Speaker is the final authority and his decision cannot be questioned. His rulings cannot be questioned. It is equivalent to his giving a ruling. Therefore, you are going into the fundamentals. Shri Hiteshwar Saikia, the Governor had no right to sit in judgment over the findings of the Speaker.

Then Mr. Laldenga's statement is there—I do not know what kind of democracy is there in this country—that "They did not give me the opportunity to test my majority on the floor of the House. That will have an international appeal." We may try to water down this fact, but that certainly will have an international appeal.

With regard to Shri Laldenga's performance as a Chief Minister, I do not want to go and give a good certificate. I do not want to enter into the merits of his performance as a Chief Minister. Most probably, the people who have defected or who have split from his party had justifiable reasons or grounds to withdraw their support. But that is not the question here. The question is constitutional propriety and constitutional right. Mr. Laldenga was one of the persons, one of the most important leaders, from Mizoram who

had led insurgency and underground rebellion for more than two decades. Then there was a memorandum of understanding. That was hailed as a great achievement. I would certainly hail it as a great achievement and give credit to the Prime Minister, Shri Rajiv Gandhi, for arriving at that memorandum of understanding. And at that time, if the hon. Home Minister recalls the discussion and debate which took place in the House, Mr. Madhav Reddi, who participated in the debate, put a relevant question: "Do you have full confidence in Mr. Laldenga?" And it was Buta Singhji who gave the reply. His reply was, "Laldenga had full confidence in the Central Government." It is the other way about. Now, I put the question. "Does Mr. Laldenga still continue to have full confidence in the Central Government? Is he still under the impression that there is fairplay and justice, played by the Central Government?" His remarks will clearly disclose that he had no such illusion. Why do we give this opportunity to him?

Yet another important constitutional question is the dissolution of the Assembly. The Governor did not recommend the dissolution of the Assembly. He merely wanted it to be kept under suspended animation. But the Central Government took the decision to dissolve the Assembly. Under what provision have you done it? Under what provision of the Constitution have you done it?

Now, Mr. Laldenga has stated that there was no breakdown of law and order. The Governor also has not stated that there was no breakdown of law and order. The Governor also has not stated there was no breakdown of law and order. The Governor also has not stated that there was a breakdown of law and order. All that he has stated is that meetings were being arranged by both the rival groups. Is it a sin? Is it not a democratic practice? The other thing is, posters were pasted in Aizwal and both the groups were doing propaganda, tension is mounting up.

There was an apprehension that there was going to be some sort of... (*Interruptions*)

AN HON. MEMBER : Horse trading!

13.00 hrs.

SHRI E. AYYAPU REDDY: No horse trading, but some sort of violence. It was an apprehension. But there was not a single incident. Not a single incident has been reported anywhere. Mere apprehension by whom? Apprehension of the Governor that there is likely to be some sort of conflict between the two sections of the Mizo National Front. If Government can be dismissed on such mere apprehensions, then there is an end of the democratic process envisaged under the Constitution. We will be opting out for a non democratic government, not a democratic Government as envisaged under the federal set up of the Constitution.

Sir, the reasons given by the Governor for the imposition of the President's Rule somehow or other do not satisfy any person who has got an impartial objective view of the Constitutional requirements.

The cat come out of the bag when the leader of the Congress party Shri Lal Thanhawla stated that if the Speaker had not imposed disqualification or had not made up his mind to impose disqualification on these eight persons, the Assembly would not have been dissolved and he was certain that if the Speaker had not imposed this disqualification, the Assembly would have been there and he would have become the Chief Minister, thereby clearly exposing the political interest which motivated the imposition of the President's Rule.

Sir, I oppose this resolution and I say that it is one of the most ugly precedents under Article 356.

13.02 hrs.

*The Lok Sabha adjourned for Lunch till
Fourteen of the Clock.*

The Lok Sabha reassembled after lunch at five minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER *in the Chair*]

STATUTORY RESOLUTION *RE:* APPROVAL OF PRESIDENT'S PROCLAMATION IN RELATION TO THE STATE OF MIZORAM — *Contd.*

[*English*]

MR. DEPUTY SPEAKER: Shri Tombi Singh.

SHRI N. TOMBI SINGH (Inner Manipur): Mr. Deputy Speaker, Sir, I rise to support the Motion moved by the hon. Home Minister Shri Buta Singh Ji, to approve the President's rule in Mizoram.

The very unfortunate circumstances that happened in Mizoram during the last week of August and the first week of September led to the imposition of President's rule in this very sensitive North-Eastern State. This august House remembers that our Prime Minister, Shri Rajiv Gandhi, had made great efforts and our Party — the Congress Party — had made great sacrifices in order to bring peace and law and order to the State of Mizoram. The Accord was signed. The Congress Party which was in power at that time, had to sacrifice in order to show the sporting spirit in the interest of peace and law and order in the State. So far the Congress Party's position has been very objective.

I would like to make a few important points. The first is in reply to the hon. Member, Shri Ayappu Reddy who opposed this motion. The first question is whether the Governor has made any misuse of the Constitutional authority that he has, in recommending the suspension of the Assembly in Mizoram, and whether the Government of India has made any departure from the Constitutional requirement or for that matter, had committed any Constitutional impropriety in imposing President's rule in Mizoram. What has happened in Mizoram is a very

special situation. Soon after Nagaland, this State also had to be brought under President's rule. But the two situations differ from each other. Whereas in one case the Congress Party had just split, in the case of other, the MNF — the ruling party of Mizoram — had split, and in both the situations the Opposition had expected that the Governor, and for that matter the Government of India would be acting subjectively. I do not want to indulge in discussion on the Nagaland problem because we had thoroughly discussed that subject. In both the situations the Government of India and particularly the Congress leadership has been very objective. In Mizoram what happened was that the MNF had split. The other aspect is that eight members of the split group were physically present in Mizoram and one member was in USA — the Deputy Speaker of the Assembly of Mizoram was in USA for treatment. In the drama lasting for seven days, it is worthwhile to note that Mr. Laldenga had misused his authority as leader of the House and had also very wrongfully subjectively and very aggressively advised the Speaker to misuse his office to disqualify the eight MLAs who were in the split group. He spoke to the Press continuously, even before taking his action. All the national dailies or the newspapers published in the country stand evidence to that. Side by side, the then Chief Minister Mr. Laldenga, could not ensure his leadership, whatever might have been his other qualities as an insurgent leader, as a terrorist leader.

But then when he came to this political leadership, as a Chief Minister in an elected Assembly, working according to the provisions of the Constitution, we have to say that he failed and he could not control his House. Let us forget about other things. He could not control his House and naturally 9 Members opted to go out of his party and revolted against his leadership, against his failures, against his misconception and they formed a party. They demanded that they be recognised as a Group, a split party. They formed a party called Mizo National Front (Democrat). In unity with other party, the Congress Party, they demanded very legitimately that they should be called upon to form an alternative

Ministry. Meanwhile, in spite of the Governor's insistence that the provision for the suspension of the Members through a show cause notice not provided in the Constitution, the Speaker had not only called for a show cause notice from 8 Members but in the same letter of the show cause notice he had also passed orders to suspend the MLAs in order to strengthen the hand of Mr. Laldenga who claimed that he should be given a chance to prove his majority in the Assembly.

Shri Ayyapu Reddy has said that the Governor had not acted objectively, constitutionally, by denying the 14 days time to show his majority in the House. It is a very interesting situation. On the one hand Mr. Laldenga had impressed, had prevailed upon the Speaker to disqualify them. The advice was given on the 31st of August that the 8 Members should be disqualified and then the Governor was informed soon after by the Chief Minister that he had acted on the advice and accordingly he had disqualified the 8 Members. There was absolutely no time to suspend the 8 Members. There was no time at all. This was a total political collusion to create a constitutional crisis. Therefore, the Speaker had failed to act according to the Constitution to show his objectivity, his propriety, as a Speaker. But Shri Ayyapu Reddy had not said anything against the Speaker. He had just said that he might be wrong that he had taken action erroneously. But he should have acted upon them because the natural consequence of the Speaker acting erroneously means the Constitutional crisis and he had questioned the authority of the Governor as to whether the Governor had any authority to suspend or to pass any judgement or sit on the judgement of the Speaker. Sir, the Governor is endowed with the authority to see that the functioning of the State is in accordance with the provisions of the Constitution. Therefore, I would say that the Governor had gone through the report and he had recommended to the President of India. I have also gone through the reports, the statements from the Speaker, from Shri Laldenga and from other sources during the hectic cam-

paign this way and that way and I have also listened to many points made by the hon. Member, Shri Ayyapu Reddy. Sir, I would like to maintain that the Governor had acted very objectively and he had acted correctly in order to establish the legality of the Constitutional propriety of that State. There was no alternative under the present situation because he was responsible to see that the Constitutional provisions are implemented in the State. It is a very sensitive State. How can a Governor see things happening under his nose which might lead to other unwarranted situations? This is one aspect.

The other aspect that I would like to emphasise is that I had been to the State of Mizoram which is close to my State, it is my neighbouring State, I had made an objective study because as my friends from both sides know that I see the interests of the North-East, not merely from the party point of view because these north-eastern States form a very peculiar kind of family with peculiar problems and they need special handling. Thereafter, soon after the President's rule was imposed, I had made my own tour not to contact my party people, only I met much less my party people, but I met cross-sections of people because I wanted to ensure that the North-Eastern States, particularly these small small border States, function and right thinking and democratic perspective is promoted here and no untoward and unconstitutional things crop up. I was very happy to see the people in Mizoram very happy not because Laldenga is out, not because some other alternative party is invited to form the Government, but just because there is at least a realisation among the MNF people, among the nine members of the MNF revolting against Mr. Laldenga. There is nothing personal about it when I mention about this. There is nothing political about it also because Mr. Laldenga had failed to deliver the goods; after becoming an elected Member of the Assembly and thereafter becoming the Chief Minister of that sensitive State he failed to provide a link between his own Government and the people on the one hand and the Government of India on the other because after all in India

[Sh. N. Tombi Singh]

the States have to function in relation with the Government of India, particularly when the North-Eastern States are financed totally by the Government of India from the national exchequer. So, we need a proper understanding, we need a proper linking. So in the field of linking of his government, even in regard to the supply of essential commodities, not to speak of the major development schemes, he failed to provide the necessary daily link with the Government of India and nobody knows what was in his mind, we do not know what was in his mind, perhaps he talked more of foreign powers, foreign connections, than this national government. This means that he had been misled and he had certain wrong conceptions. Therefore, that was exposed, that betrayed his own ignorance of the necessity that he should fulfil in the State of Mizoram his duty as the Chief Minister. Then the most educated, enlightened section of his Members, those nine who had split from him, were genuinely against him. There is nothing political in that because we are convinced that Mr. Laldenga was not delivering the goods and further, as a prolongation of his leadership, his government in that State will be a danger to the State of Mizoram. This was something very convincing to them. Naturally, they just fell off. Now, what is most important about the total situation and our view, the angle from which we should see, is that our Opposition friends should appreciate the position, they should go through the Report of the Governor which is self-contained and self-explanatory, and I think there is not much to say against it.

What was the alternative? Practically, there was no alternative. When you demand that the Governor should have given 14 days' time for show of strength, I remember a story, a very interesting story which everybody knows. In a church, somebody was asked, do you have any enemies. He said, No. I do not have any. Then, it was remarked, "Then, you are a good man. How do you win over your enemies." He said, you see, my matter is very simple. I finish my enemies. So, naturally, I do not have enemies." That is

very simple. That way, Mr. Laldenga had prevailed upon the Speaker to disqualify the 8 MLAs. During the suspension of the 8 MLAs, he wanted the show of strength. Naturally, he had 16. On the other side, naturally, it would be less because 8 MLAs had been disqualified. So, he ensured it. Normally, one month is demanded. Of course. Mr. Laldenga was very humble that he should have been given only 14 days. Even one day or two days do not make any difference. He had met the Speaker and got the 8 MLAs suspended through the Speaker. His position was very much ensured. In this kind of situation, how could a Governor who is overall incharge of the Constitutional functioning of a State, of a sensitive area, sit silently? I think, the report is very objective, very well written, self-contained, self-explained. I do not like to comment on that. I would rather appreciate that he has done everything. After that, as I said, the people are happy that grants are coming. Regularly food supplies are coming. Development works, communication works, all activities of the Government are just coming up in full swing, just because the administration under the leadership of Mr. Laldenga, Chief Minister had failed then. This is the position. When I met officers, peons, businessmen in the streets, they said, "Yes, things are much better now, because he had mismanaged things". So, in this situation, how could we just be happy with that. But somehow God has given us this change. It is because, nobody has done it. The failure of his own administration, within the bounds of his own house, has promoted the change in the situation.

I would like to make a few suggestions. The Government of India is very good that it has taken full responsibility although the Governor had proposed only "suspended animation" of the Assembly. The Government of India had thought, in this sensitive border State nothing less than dissolution of the Assembly could work. Yes, I think, it is a proper decision, correct decision. Now this decision should be viewed in this context. Mr. Laldenga makes certain slogans that he has met Mizos, well thinking, good thinking,

right thinking persons, educated persons, uneducated persons, businessmen. He thrives on certain slogans. For instance, whenever his other calls do not bring much response from the people he would say, "Yes, I would be a Napoleon. I would make a Greater Mizoram. I will take areas from Assam, areas from Burma. I will take areas from Manipur and then from Tripura, all these places. Even from Bangladesh, I will take some areas. He makes this claim and then he just encourages his followers on this line. How could such a slogan be of any interest in the present state of things in India, particularly in the Northeastern area where Tripura says, I will enlarge myself, extend myself. Manipur will say, I will have Bigger Manipur because we have good reasons to claim many areas of Assam historically. But why should we do it? There should be *status quo* so far as the inter-State territories are concerned. But then, Mr. Laldenga would say, "Yes, I will take areas from Assam, from Manipur, from adjoining areas". A leader of his calibre, of his distinction and great name and fame should know how to talk and how to adjust with the national mainstream, how to adjust himself to the needs of his party and his neighbouring States. Perhaps it is unfortunate. How can he function there as a good administrator? We function as good neighbours and we also function as good administrators and good leaders of our State. But in both ways, he had failed and then why should we the Congress people and the unfortunate Governor just face all this blame? The failure is the failure of Mr. Laldenga and his politics. Naturally, the reports come from within and nobody should suspect that the Congress had tried to split the party. Many claims are made. But all these claims are political claims, so far as Opposition reading is concerned. To the best of my knowledge, I would like to impress upon the House that this is a very great pointer to what is going to happen in Mizoram and in the neighbouring States. We should be able to put our own house in order and administer our own house properly rather than throwing the blame on others and so far as the Congress is concerned, the final step that the Government of India had taken has shown

that we are not in this game of splitting our opponents.

Another point which I would like to mention before I conclude is that Mizoram is a total Christian State. We have States where communal harmony is disturbed. But, in Mizoram, every tourist or political observer gets the impression that Mizoram is a total Christian State. There are non-Christians too. That is the general atmosphere prevailing there. There are few MLAs representing non-Christians. I was going to impress upon the hon. House that this atmosphere that you see in Mizoram is very unique. Nagaland and Meghalaya are Christian States. But we find that the situation in these two States differs. Of course, the State I represent has Christians, Hindus and Muslims. It is a miniature India with Hindus in the minority.

PROF. N.G. RANGA(Guntur): Inter-tribals are also there.

SHRI N. TOMBI SINGH: Mizoram is a tribal State. There is no issue of tribals and non-tribals. That is one advantage.

SHRI R.L. BHATIA(Amritsar): He says inter-tribals are there.

SHRI N. TOMBI SINGH: I would like to impress upon the Home Minister that sufficient care has to be taken to protect the minorities. Some minorities are there. Maybe they are negligible. They are non-Christians. The total thinking, the over-all position, the political thinking, is so dominating that if you go as a Hindu or if you go with the usual mannerisms of a dhoti, perhaps you will be looked upon with suspicion. Why? This has gone to some depth. The Christian Missionaries and the political attitude, has gone to some depth. We have been able to remove this kind of mixing of politics with religion in my State. We do not have that much of bias and prejudice. We have to provide—maybe negligible—protection to some of the minorities there. If we can do that, it is going to be an ideal State because the Mizos, as Christians, have a

[Sh. N. Tombi Singh]
discipline and character of their own and that reflects to politics also. When we question some of our party Members: "How about your contesting as independent Members, provided you do not get nomination?", they say, "No, no. It is against our character". So, that way, some character is maintained by them and it reflects and contributes to the political behaviour of the people, political behaviour of the political party etc. Now, what we need in Mizoram is certainly a good leadership which can deliver the goods, which can provide good liaison between the Centre and the State and liaison between the people and the Government. This is what we need today. Perhaps, the next election that is coming shortly will be able to solve this problem and people will learn lessons from their experience because they have had, during the last few years, enough of experience. They have tried in different fields. They have tried in many sensitive aspects as to which is right and which is wrong. On the basis of what they have experienced so far, we think the people themselves will choose their own Government, their own leadership which would look after them in matters of their good administration, development and also their protection, safeguarding their own folklore, tradition, tribal languages in which they are very rich.

Sir, with these words, I would like to conclude. I wish the people of Mizoram, all prosperity and peace. I also wish the Government of India and the people working there as representatives of the Government there. They should see things from proper angles and not merely from the coloured angle because that area is still a backward area needing special attention. With these few words, I support this Motion and thank you for the opportunity that you have given to me.

MR. DEPUTY SPEAKER: Mr. Sharad Dighe.

SHRI SHARAD DIGHE (Bombay North Central): Mr. Deputy-Speaker, Sir I rise to support the Resolution of Shri Buta Singh

approving the proclamation issued on 7th September 1988 in relation to the State of Mizoram. The main thrust of the criticism of the hon. Opposition Member who spoke first viz. Shri Ayyapu Reddy, was that this action was against the constitutional propriety and constitutional rights. In order to meet this criticism, we should understand the facts and the events which led to this proclamation of the President's Rule. On 29th August, following Shri Laldenga's decision to expel two Members of his party, Mr. Chawngzula, Vice-President of the ruling Mizoram National Front and eight others raised the banner of revolt against the Chief Minister Shri Laldenga and announced the formation of a parallel Mizoram National Front (Democratic) Out of the 25 seats, they claimed the support of 9 members and the controversy arose with respect to the former Deputy-Speaker Shri K. Thangfianga. It was alleged by Shri Laldenga that Shri Thangfianga was not with these dissidents whereas the dissidents claimed his support in their favour. Unfortunately, that Deputy-Speaker was, at that time, at Boston for some medical treatment. And, therefore, physically, it was not possible to produce him before the Speaker or any other higher authority. Taking advantage of this, Mr. Laldenga was all the while saying that the Deputy Speaker was with him and not with this Group which had split. And the critical position arose because of that one member only. If nine were the dissidents under the Tenth Schedule of the Constitution, it would have become a split and they were entitled to form a Group of their own and they would not attract the provisions of the Anti-Defection Law. And if they become eight, then the provisions of the Anti-Defection Law would be attracted and they would be disqualified. Therefore, that was the main thing.

Now, for that purpose, statements were made, affidavits were filed. Not only that. But the report says, as I heard, that the son of that Deputy-Speaker also came with a letter to the Speaker that he was with the dissidents. But that letter was not even accepted by the Speaker. Therefore, the main difficulty arose or really speaking, the constitu-

tional crisis arose because of, I should say, the conduct of the Speaker himself. He took the position that the Deputy-Speaker was not a member, was not supporting the dissidents. And therefore, he went ahead to take proceedings against these persons who according to him, were covered by the Anti-Defection Law. Therefore, he publicly also stated: "I am satisfied that there is no split in the ruling MNF headed by Laldenga." That is what he stated.

Now, up to that one can understand. When he issued the show-cause notice to these dissidents calling upon them to show cause why they should not be disqualified and after hearing them, if he had disqualified them that would have been perfectly constitutional. But a very curious procedure followed by the Speaker was that he in the meantime, suspended them. Now we have passed this Anti-Defection Law and amended the Tenth Schedule. Under that there is no provision for suspending any member before he is disqualified. The whole procedure laid down in that constitutional provision as well as under the rules which are framed is that the show-cause notice must be given. They should be heard and then the Speaker or the presiding officer can take a decision later whether they are disqualified or not and then they can be declared as persons who are disqualified. Thereafter, they cease to be the members of Parliament or Assembly, as the case may be. But hastily, perhaps, in order to support the then Chief Minister the Speaker acted unconstitutionally. His behaviour, conduct and acts were unconstitutional. There was no provision in the Constitution or in the rules to suspend them. But by suspending them, he wanted to show that whenever the Assembly would be called Mr. Laldenga would be in majority and his Government would not be defeated. That was the main purpose for doing all these things. Therefore, these events have been taken notice of the Governor. My submission is that he is entitled to take notice of that. It is true that under our law, the Speaker's ruling in this respect is final. There is no authority created which can sit an appeal over the judgement or the ruling

of the Speaker, as far as anti-defection law is concerned. But that does not mean that the head of the State who is also head of the legislature and all the three wings of the State cannot take note of it, that something unconstitutional is going on and therefore that should not be encouraged.

Therefore my submission is that even though the Governor had no right to sit in appeal over the judgement and the ruling of the Speaker, he can very well take note of the constitutional provisions and come to the conclusion that a situation has arisen where the Government cannot be carried on or is not being carried on under the provisions of the Constitution. Therefore the report was made that the Government cannot be carried on under the Constitution and further steps ought to be taken.

Shri Ayyapu Reddy also raised another point. He said that the Governor had recommended the animated suspension of the Assembly. I don't know whether it is there because when I heard the report from the Minister I did not hear that part of it. So assuming that it is there in the report, even then the President has a right to dissolve. He is not bound to follow the full advice of the Governor. The provision under Article 356 is 'on Governor's report or otherwise'. He may act upon the Governor's report or even otherwise if he is satisfied that the Government cannot be carried on under the provisions of the Constitution, if that is his subjective satisfaction, then it is sufficient. That has been held in several cases by the Supreme Court also. Therefore the President was right in spite of the fact that the Governor did not advise him or did not recommend dissolution of the Assembly, the President was right in dissolving the whole Assembly itself. Therefore from that point of view also there is no violation of the constitutional propriety or constitutional right.

It was also stated by reading out certain parts of the Sarkaria Commission's report that an opportunity should have been given to the Chief Minister to prove his majority in the House. Why was he not given when he

[Sh. Sharad Dighe]

was asking for an opportunity and was prepared to call the Assembly on the 14th of that month and why so hastily the proclamation was issued? But there also I would submit that when the Governor was satisfied and because of the special circumstances under the Anti Defection Law, a situation had arisen that by calling the Assembly or by allowing the Chief Minister to call the Assembly the whole spirit of the Anti Defection Law was to be defeated. It was an unconstitutional act to suspect these members. They would not have been allowed to attend that Assembly and an artificial support would have been shown to Shri Laldenga which in fact he was not enjoying from the members of the Assembly. From that point of view, also it was correct on the part of the Governor not to allow him to call the Assembly and not to give him an opportunity to prove his majority on the floor of the House. It was obvious that he had lost the majority, he had lost the confidence of the House and therefore stern action had to be taken.

In these circumstances I fully support the proclamation and the reasons given behind them. Thank you.

[*Translation*]

*SHRI BAJU BAN RIYAN (Tripura-East): Mr. Deputy Speaker, Sir, the Hon'ble President has proclaimed President's rule in Mizoram under article 356 of the Constitution and a resolution has been brought before us for the approval of this action. Sir, I oppose this resolution. I am opposing it because this President's rule has been imposed there only for protecting the interests of the Congress party. We have the Anti-defection Law. But this law is being used in different ways under different situations. It is being used in one way when the situation is in favour of the Congress party — and it is being used in a totally different way when it is against the interests of the Congress party. Recently in Nagaland also President's rule has been imposed. There

the Congress was in power. But there the supporters of Congress withdrew their support and raised the question of forming an opposition Government. They could form an alternative Government under the anti-defection Act. It was not outside the scope of the Tenth Schedule. But there the President's rule was imposed after obtaining the recommendations of the Governor in its favour. Just after that came Mizoram. In Mizoram out of 25 members if nine members were present and withdrew their support to the Government, then the Congress could have formed the Government there. The Congress engineered this process there with the object of forming their own Government. But under our Constitution whichever party forms the Government in any State after being voted by the people, should be allowed to run the Government for at least five years. That is the rule. Specially at a place like Mizoram, where Shri Lai Denga had spent several years underground and had directed the terrorist activities from his hideouts before entering into an accord with the Central Government. He adopted the democratic process and formed the Government in Mizoram after proper elections. In the beginning a coalition Government was formed there with the support of the Congress. Afterwards he formed the Government of his own party. Now the attitude of the Congress is — Laldenga is very good so long as he remains with the Congress but he becomes very bad as soon as he goes against the Congress. This is what I object to. Now the Laldenga Government was dismissed. I am not going into whether Laldenga Government functioned meritoriously or not, whether it was good or bad. But the attitude of the Central Government is not healthy. Their attitude that no non-congress government will be allowed to function in any State is nothing new. In 1957 after the assembly elections, our Communist Party formed the Government in Kerala. That Government was pulled down in 1959, illegally. After that the United Front Government in West Bengal was also dismissed. In this way if we examine we will find that one

* Translation of the speech originally delivered in Bengali.

after another many non-Congress Governments in many States have been dismissed during the Congress Party rule at the Centre. Coming to Mizoram Sir, I want to say that nine legislators reportedly withdrew their support to the Government. The Deputy Speaker was away in U.S.A. for treatment. He was one among the nine stated to have withdrawn support. Papers signed by the said nine members were sent to the Governor, stating that they were withdrawing support to the Laldenga Government. Now the question arises when did the Deputy Speaker who was in U.S.A put his signature? Did he sign the papers two months ago or three months ago? Many people have the apprehension that the signature of the Deputy Speaker was not genuine, who will prove that it was fake? There is ground for this suspicion. He was in U.S.A. but papers signed by nine members went to the Governor. He might have support for this move of defection, that is a separate matter. Can you see what would have been the result if the Speaker of the assembly did not take a bold step regarding the signature of one member and consequently the total number of members withdrawing their support. But this bold step of the Speaker is being variously criticised by the Congress Government and members of the ruling party also. They are saying that the Speaker has done an injustice. His action was wrong. If the action of the Speaker went in favour of Congress, then he would have been praised sky-high for this very action. Since his action has frustrated them, he is being criticised. Sir, the main aim of the Congress is that, they will not allow the Government of any other party in any State of the country. Only Congress must rule everywhere. Atleast in the sensitive State of Mizoram they should have allowed the Laldenga Government to function for atleast 5 years, because they have come to power after a long struggle. All over the country extremists are raising their heads today on account of the economic disparities of various regions. If these people could be inducted in the democratic process and could come to power after proper elections and allowed to run the Government for atleast 5 years, then the people could judge their

performance. They could see for themselves whether they can achieve anything or not. The people could see for themselves that even if the so-called extremists came to power, they were not able to do good for the people. Then they would have been removed after 5 years through next elections. The extremists movement could thus received a jolt and lost mass support. The Congress Government has failed to cash on this opportunity in Mizoram. They should have tried it. A section of our people perhaps still believe that the extremists will do good work for them when they come to power and therefore they support their cause. In Tripura disruptive activities were being carried on by the TNV. Shri Bijoy Hrangkhwal was their leader. We now know about the close relations between Shri Bijoy Hrangkhwal and Sh. Lalthanhwala, the Congress ex-Chief Minister of Mizoram who played a pivotal role in bringing about the dismissal of the Laldenga Government. There was close collusion between the two. When the left front Government was in power in Tripura, the Prime Minister, Shri Rajiv Gandhi visited that State in November 1987 prior to the assembly elections for the Congress election campaign. There he said that the CPI (M) leaders particularly Comrade Dasaratha Deb and Comrade Nripen Chakravarty have liaison with the TNV leader, Shri Bijoy Hrangkhwal and it is they who have actually created the TNV. This sort of allegation was made.

Just at that time we find that Shri Bijoy Hrangkhwal, the TNV Supreme sent letters to our Prime Minister through Sh. Lalthanhwala in which he offered to withdraw the TNV extremist activities through an accord. The text of five such letters were published verbatim in a Mizo Bi-weekly called 'Zoeng' published from Aizwal. I cannot pronounce the name of the paper correctly but the spelling is as above. Those letters have been published in other All India Newspapers also. I have a copy of the 'Patriot' newspaper dated 22nd September, 1988 in which the contents of those letters have been published. This item carries the photos of Shri Hrangkhwal and Shri

[Sh. Baju Ban Riyan]

Lalthanhwala together with the contents of the aforesaid five letters. The first two letters were in 'Lusia' language. Their English translation has been given. The other three letters were in English. One more letter was sent to Shri Rajiv Gandhi. Sir, with your permission may I read these letters or lay them on the Table of the House? Let it go I will state the gist of these letters. In the first letter Shri Hrangkhwal says to Shri Lalthanhwala "you have very good report with Rajiv Gandhi. Through you we can put an end to our agitation if Shri Rajiv Gandhi agrees to do what we want." This is the first letter. A reply to that letter was sent on 17th October, 1987 after it was received by Shri Lalthanhwala on 15th October, 1987. In his reply he said "yes, Shri Rajiv Gandhi is very keen to solve the extremist problems. If you want a solution within the framework of our Constitution and if you are prepared to surrender arms and stop the killings etc., then a dialogue and discussion is possible. In reply to that letter Shri Bijoy Hrangkhwal wrote to Shri Lalthanhwala on 27th October. He actually sent two letters:- One was meant for the Prime Minister and the other was for Mr. Lalthanhwala. He requested Shri Lalthanhwala to arrange for the transmission of the letter addressed to the Prime Minister to him. Shri Lalthanhwala took the letter to the Prime Minister. On 6th December, 1987 he sent a reply to Shri Hrangkhwal with the details of the discussion that took place with the Prime Minister in this connection. In that letter he clearly said, "yes, Shri Rajiv Gandhi is prepared to hold discussions with you for the settlement of the problems. In his letter to the Prime Minister earlier, Shri Bijoy Hrangkhwal had set two condition only for holding negotiations. They were as follows:-

(i) Immediately dissolve CPM-led Ministry of Tripura, and

(ii) Declaration of Cease-fire on both sides.

These were the only two conditions for sitting for negotiations. ¹⁴¹ are not aware

of these letters when the ceremony of surrender of arms by the insurgents were going on with much fanfare. Only after the above letters were published in the 'Zoeng' paper, the people of the country came to know who are the people who are encouraging these extremist and terrorist elements. It is surely the Central Government and the Congress party. They are inciting and engineering the extremist agitations in various ways for their own interests. Specially in Tripura there is the TNV, behind TNV there is Congress, behind the Congress there is the Tripura Upajati Yuva Samiti. All of them are encouraging the extremist activities. The main aim of Congress is to remain in power by any means, fair or foul. They never care for the democratic processes set down in the Constitution for coming to power through proper elections etc. They just do not bother about that in their hunger for power. They are prepared to adopt any unfair means, theft, cheating and all towards that aim. As I said their main aim is to stick to power somehow. When other methods fail, they are prepared to buy the elected representatives like M.Ps, M.L.As through money power with a view to form the Government. This is the level to which this Congress Government has fallen. That is why today we, the various opposition parties can not remain quiet and be silent spectators. Under opposition leadership we are forced to demand the dismissal of this corrupt Congress Government. This Government must be removed. On account of their crimes, their wrong policies and their economic programmes there is tremendous discontentment, dissatisfaction and intolerance among the people. This discontentment has resulted in communal troubles, caste wars and various types of violent agitations. This has given rise to the Babri Masjid and Ram Janambhoomi issues. This Government is responsible for all these ills, all over the country. Their only aim is to remain in power by hook or crook. With the sole objective of remaining in power, the Congress Government is imposing President's rule in State after State wherever a non-Congress Government is in existence. They are intolerent of any non-Congress Government in any State. When a

non-Congress Government is voted to power, the Congress do not allow them to function for a full 5 year term. They try to pull them down. With that attitude this resolution has been brought in this House for seeking approval of President's rule in Mizoram. Therefore I strongly oppose it.

In the future also President's rule should not be imposed in any State with the objective of keeping one party in power perpetually. The President must not submit to the designs of the Congress Party in this manner and play like a puppet in their hands. I urge upon this House to keep a watch over such things. With that Sir, I conclude my speech.

15.00 hrs.

DR. G.S. RAJHANS (Jhanjharpur): Mr. Deputy Speaker, Sir, I have travelled widely in the North-Eastern States. I am acquainted with their problems. You look at the sequence of events. Under such circumstances, Shri Hiteshwar Saikia had no other alternative with him than the one he had taken recourse to. Trying other option would have resulted in chaos, horse-trading and violence. You should go through the reports of the independent newspapers in this regard.

SHRI SAIFUDDIN CHOWDHARY (Katwa): Name them.

DR. G.S. RAJHANS: You go through all the newspapers.....(*Interruptions*)..... All the clipping are available. The Statesman, the Tribune, the Hindustan Times and all other newspapers(*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY : It is correct that all newspapers are impartial(*Interruptions*).

[*English*]

DR. G.S. RAJHANS : Please allow me to speak. I am raising my voice and you just cannot stop me. By raising your voice you cannot stop me.

[*Translation*]

I will relate the whole State in detail. Shri Laldenga, his younger brother and the State Power Minister are all corrupt. This has been reported not only in my newspaper but in all the newspaper as well(*Interruptions*). I am talking about Hiteshwar Saikia. These three people had taken Mizoram in their grip and had started exploiting the people.

The people were ruined. Shri Laldenga went underground only for two months. He spent his whole life in England. Why did his associates who remained underground in the malaria infested places of Burma and Bangladesh leave him. It was because Shri Laldenga had taken a different path. He had become dishonest. I did not want to state the facts but you compelled me to do so. The people there were ruined(*Interruptions*). 9 members of the MNF broke away and formed a separate party called the Mizo National Front Democratic party. One of them had gone to U.S.A for medical treatment. It was alleged that his signatures were fake. He even informed the Delhi office form U.S.A. that he was with the rebets. He even sent a message through his son but the Speaker was not prepared to accept it. I will provide a very crude example. Shri Laldenga had captured all the booths to ensure his victory and even won over the Speaker. He said that he would not allow his opponents to vote and as a result, he would automatically become the Chief Minister. Having won over the Speaker, Shri Laldenga got 9 M.L.As suspended. There is no provision for suspension f Members either in the constitution or in the Anti-Defection Bill. Laldenga said that he should be given time till 14th September to prove his majority. How will he prove it? He will do so by capturing booths and by not lettering all the people cast their votes. Thus by indulging in unfair means, he will say that he has won the elections.

SHRI SAIFUDDIN CHOWDHARY:
They had reached an understanding....
(*Interruptions*)

DR. G.S. RAJHANS: Man learn by his mistakes.... (*Interruptions*)... It is by committing mistakes that a person learns. We had given an opportunity to Shri Laldenga to form Government and it is an indicator of Shri Hiteshwar Saikia's honesty that he did not give an opportunity even to the Congress party to form Government. What was wrong if Congress and Shri Laldenga both were not given the opportunity to form their Governments? It is necessary to consider all these things patiently. In this connection, I want to draw your attention to an important point. The Anti-Defection law was framed after much deliberations but no one could surmise that there could be loopholes in its implementation. You should pay a little more attention to this fact that whatever happened in Tamil Nadu was repeated in Mizoram. The Speaker of the Tamil Nadu Assembly in alliance with Shrimati Janaki Ramachandran, had created a Pandemonium in the Assembly and suspended many Members and asked the rest to form the Government. Whatever happened in Tamil Nadu was repeated in Mizoram. It may be repeated in a third state in the near future. Therefore, is it not the high time to reconsider the Anti-Defection Act?

15.07 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Is it within the Speaker's power to nullify the will of the people with a stroke of his pen and suspend or dismiss the elected members? Is the Speaker of any State Assembly empowered to do so against the will of the electorate? Two incidents of this nature have already occurred in this country. Hence, the time has come to accord serious thought to this issue. The Anti-Defection Act should be amended and the power to decide whether there has been any disqualification should be entrusted with a 4 membered committee comprising the Governor, the Speaker, the leader of the Ruling party and the leader of the Opposition. The Speaker and the Chief Minister cannot do it on their own. Therefore, neither the Governor nor the President can have any way out except

to dissolve the Assembly and dissolving the Assembly would mean imposing additional taxes on the people and increasing the burden of taxation. Holding elections time and again is not good. Therefore, I will say that these things should be reconsidered afresh. Just now our friend has stated that an elected Government should be given adequate time of 5 years to function effectively. But if within these 5 years there is large scale plundering of the wealth of the State, then where will the people go? If such a Government is allowed to continue for 5 years or till the time another Government comes to power, then the State will become bankrupt. Therefore, the public should remain vigilant and the M.L. As should have the power to break away in required numbers as per Anti-Defection Act and form a Government in case the leadership or the Chief Minister is corrupt. As regards Laldenga, I would submit that he is a first class orator and has stated in his speeches that he would turn the whole nation into a Mizoram with due support from the people. He said that if people gave him blood he would give them Mizoram. The people are swayed by his oratory. He talked big but he always worked with an eye on his self-interest. Is it fair to allow a corrupt Government to function for 5 years so that it can plunder the entire wealth of the state? These things cannot be allowed.

This North-Eastern state is very sensitive and we have a great stake in its stability. It is one such state where there are little-industries. You will be surprised to know that there is not a single industry in this state.

Therefore, the people should think about its economic development. I hope that President's Rule would be over at the earliest in Mizoram and popular rule will be restored. The people there have become scared of the vested interests. Now the people can disassociate themselves from such persons and cast their votes freely and help in forming a clean Government. I am not saying that the Congress Party should only come to power there. But if the people want a Congress Government then what is the

harm in that? It is for the people to decide about it.

Now the time is ripe to consider the stability of Mizoram and ensure a clean Government there. We fully support the work done by Shri Hiteshwar Saikia. I am fully confident that elections will be held at the earliest in that state and the people will get an opportunity to exercise their voting rights.

With these words I support this resolution.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Chairman, Sir, in the green vastness of the mountainous terrain of the eastern borders of our country lies Mizoram which is indeed a micro State compared to the giant States in our Union with a population of five lakhs, spread over an area of about 21,000 square kms., a State which is indeed peripheral but not to our national concern as being strategically located, a State which does not draw too many headlines and a State which was in a state of insurgency for nearly 20 years. The people of India heaved a sigh of relief when an Accord was signed by the Government of India on the 30th June, 1986 which brought peace to Mizoram after two decades of disturbances. Laldenga came back into focus. Today some of my friends here are trying to paint him as a devil. I do not know why the Prime Minister invited such a devil and signed an Accord with him.

Then came the glorious moment when this Parliament accorded the status of a State of the Union upon Mizoram and elections followed. There was public rejoicing. There was dancing in the streets of the capital upto the dead of the night. There was a sense of participation by the people of Mizoram in the building of a new era of peace and prosperity. This was the great moment in our history because tiny as it is, marginal as it is, peripheral as it is, it is still an equal member of the Union of States which is

India. But what has happened now has pinpointed the fact that sometimes Constitution can be twisted. Sometimes, constitutional provisions can be misused, to deny the full fruits of democracy to a people, the right to develop under their own leadership. Dr. Ambedkar was absolutely right in the last phase of writing of our Constitution, when he said that a Constitution can be as detailed as you make it, but it requires gentlemen to run the Constitution.

Mizoram elections transformed Laldenga the terrorist, the insurgent into an elected Chief Minister. As I said, this transformation was a welcome transformation. But this went on for a year and a half. Not a word was said at that time about mismanagement or mis-Government. I am not aware of any statement by any Minister of the Union Government to decry the way things were being run by the Laldenga Government in Mizoram. And today our friends in this House say that Mizoram under Laldenga was a haven of corruption.

S. BUTA SINGH: Ignorance... The country cannot pay for your ignorance... (Interruptions) Regarding your ignorance about the facts regarding what is happening in Mizoram, I will definitely enlighten you.

SHRI SYED SHAHABUDDIN: You can misinterpret the facts. Now it has been said that the Government was in the hands of three Ministers. I do not know the facts. I have certainly not gone into the details, but these facts are being brought out, now. Why? That is my question.

Now I think what went wrong really was this, that Laldenga was expected to fall in line with the usual pattern of things: to be an ally of the ruling party. He had the audacity to fight the elections on his own, not as an ally, not as a junior partner; and that was an affront to my friend Mr. Buta Singh. Therefore, on the very first day perhaps, the thought arose, how this Government could be destabilized, how its disintegration could be set into motion by the ruling circles here. This conspiracy, if I may call it so, led to the

[Sh. Syed Shahabuddin]
break-up of the Mizo National Front.

Two circumstances intervened. The magical number 1 came in their way; otherwise I am absolutely certain, that if there were nine clear defections, the Governor would have immediately dismissed the Laldenga Government and called in the leader of the new alliance to form the Government; and of course, not a leaf would have stirred throughout the country. It would have been a purely constitutional, legal, democratic change of Government. Unhappily, there was this one-third principle and the margin of one which stood in their way and, therefore, President's rule had to be imposed. I consider that not only a politically-motivated decision, but I also call it an end of the dream of democracy, a dream turned into ashes. In this game of number, the Governor played his assigned role; but what about the Speaker? If the law gives absolute authority to the Speaker, how can you start questioning it in an *ex-post-facto* manner? And today, my friends are having second thoughts speaking about making some amendments to the Anti-Defection Act. I hope they will not apply it with retrospective effect to Mizoram.

If the Speaker had the Constitutional authority and the legal competence to give a ruling—and he gave a ruling—the ruling should have been respected. After all, that gentleman who was in USA, was not there for all times. He would have come back. The meeting of the legislature could have been postponed until he came back. And then if Mr Laldenga was bluffing, his bluff could have been called. Things had been done post-haste, riding rough-shod over all democratic traditions and conventions.

I shall not repeat the facts. The facts are well known to the House. The Assembly was not convened despite the request by the Chief Minister in power.

That goes clearly against whatever recommendations have been made by the Sarkaria Commission and whatever national consensus has been evolved that

whether government is competent to rule; whether it has a majority or does not command a majority must be tested on the floor of the House; it cannot be left to the sweet will or to the subjective decision of the Governor; that is the national consensus today; and what has happened in Mizoram goes against that.

What be the historic judgement on the respective roles of the Governor and the Speaker and whatever lesson we might learn from this experience in Mizoram, the fact is that proclamation of Presidential rule was in exercise of the recommendations made by the Governor but Mr. Buta Singh did one better on him. He Obviously keeping in view that the situation was fluid; and perhaps the situation could be stabilised once the Deputy Speaker came back or once some of these people had come to some sort of an understanding, the Governor had suggested keeping the Assembly in a state of suspense. But, no, even the Assembly was dissolved, and the reduced Mizoram psychologically to the same state of mind that it had before democracy was ushered in. I, therefore, consider this proclamation as a negation of democracy; it is an insult to Mizoram; it is an affront to the dignity of the institution of the Speaker; it is a slur even on the Office of the Governor because his judgment was no respected. It establishes a situation which is a threat to the integrity of the nation because it alienates a people who are valient and brave, a people who are proud of their traditions, a people whom we had tried to bring to the main stream of our political life.

Today, I have this question: Why can't we hold election immediately? Why can't a date be announced? I know, I am aware of it; I am not so ignorant. There are some indications that an election might take place; but it might or it might not. But I would be grateful to the hon. Minister if he would make a categorical declaration on the Floor of this House today that an election would soon be held and democracy would be restored in Mizoram. In the meantime, I would like to felicitate the people of Mizoram that despite

this provocative act by the Central Government, despite humiliation, they have kept their cool and they have maintained peace and the rhythm of their development.

With these words, I oppose the Resolution and once again call upon the government to hold an election immediately and not wait until they have succeeded in bringing Laldenga to his heels or in making him grind his nose in the dust.

[*Translation*]

SHRI YOGESHWAR PRASAD YOGESH (Chatra): Mr. Chairman, Sir, I support the statutory resolution moved by the Government regarding Mizoram. Just now Shri Shahabuddin tried to adorn Laldenga by using flowery words. In this connections I would like to cite a couplet of Saint Tulsidas and I quote:-

"Kaha bhayo argaj ko-lepan, markat
bhushan ang,
Pahan patit ban nahin bhedat, rito karat
rishang"

You may adorn him with decorative words but as in the case of a monkey being decorated with ornaments does not make it beautiful so it will be the same in this case as well. The Congress Government had handed over the Government of Mizoram to Shri Laldenga on a silver platter and it was expected that he will pay maximum attention to the development of the people of this small state. he had remained under-ground for a long time, had made tall promises and given big assurances, waged a hard struggle, took risks and naturally it was expected that he will definitely be sympathetic towards the development of the people of that State. Therefore, Congress had high hopes from him. All these thing notwithstanding, he could not have come to power on his won, it was handed over to him. There cannot be a better example of broadmindedness as displayed by the Congress in this case. The rebels did not belong to the Congress but to his own party, who rebelled in large numbers and as a result of which he was ousted.

When the Government was handed over to Shri Laldenga, the people give him a rousing welcome and celebrated the event. We were also happy that Congress Government which is committed to democracy supported the will of the people of Mizoram who had passed through a long struggle and our interest was only this that the people should take a decision themselves in this regard. But we were very disappointed, the country was disappointed, the people of his own party were disappointed. Why did this happen? If you delve deep into it you will yourself find an answer to it. Shri Laldenga did not make efforts to adhere to the democratic traditions. On the contrary, he tried to topple the Government with foreign support. Even in the army, he led the rebels. Therefore, he became despotic. We have observed so far that a person who becomes a despot cannot maintain or support democratic rule. Therefore, the people of his own party rebelled and broke away, as a result of which his Government was reduced to minority. Now you say that the Congress policy has been to bring their own party to power. Shri Hiteshwar Saikia was a true Congressman and strictly followed its principles and if a Congress man holds a high office, he cannot afford to do injustice to that office or to the people. We could have formed our Government but it has never been the policy of the Congress to come to power through unfair means.

The opposition parties always allege that the Government is indulging in misdeeds in the name of democracy. They are levelling similar charges in Tripura and C.P.M. Government in Kerala and Bengal also say the same thing. But what is happening there, what type of democracy is functioning there. If one goes in depth, then it will become clear that these people are creating hindrances in the pursuit of noble principles on the basis of which congress wants to lead the country. The Congress is spreading its national ideology while protecting everyone. Shri Laldenga said that he will raise this matter at international forum. This is nothing new. If interests of such person can be served by letting down the prestige of India, they will never mind. Wherever there is some

[Sh. Yogeshwar Prasad Yogesh]
disturbance Shri Shahabuddin Reaches there as he is in the habit of fishing in the troubled water. Wherever there is trouble, he goes there to forment it. He must find some pretext or the other to criticise Congress. We know him, the House also knows him and the whole country knows him. When the Laldenga Government turned into minority and was removed from office and some Members lost the right to vote, then how could they say that they should be given opportunity to prove their majority. The Congress is working in accordance with the provision of the constitution. President's rule has been imposed there. It will not go on for unlimited period. There will be elections.... The hon. Speaker himself violated those principles. After the elections, the party which will get majority, will form the Government. Just now, some of our friends were saying that there is conspiracy of Congress behind the surrender of arms by the terrorists in Tripura. Mr. Chairman, Sir, a crow is known to everyone. Its behaviour is very sly. It is said that it has only one eye. Wherever it sits, it is always suspicious of being attacked from anywhere, that is why, it continuously moves its head all the sides. Today, our friends in the opposition are behaving in the same way. They are afraid that owing to the successful policies of the Congress, the people of the States may not go against them. This is why they are always levelling some concocted charges against the Congress party. I have no hesitation in saying that they have become experts in levelling charges and crafty behaviour has become their quality. Shri Syed Shahabuddin has very correctly pointed out that this small State of 5 lakh population needs an all round development. It is hilly region and people residing there are very poor. Besides the Congress, other people also desire that there should be an all round development of the State, but due to the approach of our opposition parties it could not be done. There cannot be two opinions that development of that State is possible only through democratic system. But the opposition wants to take all the advantages themselves. They threaten to obstruct the development. In this way, devel-

opment of the country is not at all possible. This House should give full support in propounding healthy traditions and our opposition friends should also cooperate. Then only, the country and the States can be developed. In curbing the terrorism, which has been spreading in West Bengal so rapidly for some years, our hon. Minister of Home Affairs has shown unique understanding and capability. The Government of West Bengal never wanted to curb it, instead they had adopted adamant attitude, but due to the efforts of S. Buta Singh, the problem of Gorkhaland has been solved in no time. Otherwise the North-Eastern part of our country would have remain disturbed up till now. Due to the broad-minded policies of the Congress, today, terrorists are retracing their steps in Punjab. Now they are not getting so much outside help. The environment has now been changed. People are now fed up because of their treacherous role. Their activities cannot last long. Now Pakistan is on the brink of destruction, through which America was providing help to the terrorists. So terrorism in Punjab is now losing its ground. In the same way image of unblemished character of our hon. leader Shri Rajiv Gandhi is leaving impression on the minds of the people of the whole country. The opposition is now in affix. As stated by Shakespear—'He hath daily duty in life, that makes mine ugly.' One who is defeated by his own deeds, thinks himself to be ugly. Same is the situation with our opposition parties today. Today they are finding themselves incapable of confronting Shri Rajiv Gandhi and therefore, levelling baseless charges against him and trying to harm the Congress party. But your objectives will never be achieved. You will be defeated on this very land again, because the traditions and foundation of democracy are now so deep-rooted that no one can harm it now. Till Congress party is in power, its traditions shall remain alive, no one can cause any damage to the democracy. There may be any number of conspiracies or one may fan parochialism through communal riots, terrorism or regionalism or linguistic riots but they can never be successful. With these words, I support the resolution.

[English]

SHRI INDRAJIT GUPTA (Basirhat): Mr. Chairman, Sir, I rise to oppose this Resolution for approval of the Proclamation of Presidents rule in Mizoram. This Proclamation brings the number of States under Presidents rule at one time, simultaneously, to four. While Parliament is in session, four of our States are under President's rule now. It is not a matter on which we should congratulate ourselves very much. I am not in a position to pronounce judgment on whether Mr. Laldenga was a good administrator or a poor administrator. Many people are passing judgments of all sorts. If somebody is not a good administrator, I do not know whether that becomes a justification for imposing Presidents rule. Some people have argued that some sort of a small group of people or clique was running the Government. I do not know whether that is an argument even if it was correct—I do not know whether it is correct—for dissolving the Assembly and imposing President rule. Then all State Government have to be scrutinised to see what kind of administration they are running and what norms or principles they are following or not following, whether they are Congress Governments or non—Congress Governments. These are all, I think, irrelevant arguments at the moment.

My point is that in the whole background, the past history and the background of the State of Mizoram, which is known very well to the Government and to the Home Minister, this step which was taken was hasty and ill-advised and not only Mizoram but the whole country may have to pay a heavy price for it, because these people already for long long years, we could not say were feeling themselves as an integral part of the country. They were all alienated whoever may be responsible for it. They were alienated. It was a centre of armed insurgency not for a few days but for 20 long years. It was a commendable effort on the part of the Government of India and also I should say on the part of Laldenga himself to bring about that Mizoram Accord for which the credit cannot be given only to one side.

To have a successful accords, you need two sides to cooperate and come to a compromise. That Mizoram Accord was welcomed by everybody in the country. We welcomed it in this House because it meant an end to that insurgency; it meant that the inaugurants were willing to come out of the jungles to lay down their arms and to become a part and parcel of a democratic way of life of our country. Keeping this in mind I would say that the step which had been taken now, was taken hastily and in an ill-advised way. It was not necessary to move in such a hasty manner at all. And some questions now have been thrown up which have to be answered by somebody whether a Governor has the right or does not have the right to challenge a ruling of the Speaker. These are questions which go far beyond Mizoram. Secondly, what is the sanctity that is attached? Or is there any sanctity? Sanctity may not be the correct word to use. Normally the Government of India does proceed according to the recommendations of the Governor when he makes a report to the Centre. In this particular case, we find that although the Governor had not recommended the dissolution of the Assembly, the Central Government thought it fit to ignore that part of his recommendation and dissolved the Assembly. I may remind you that even in the case of Punjab which is the most tortured State of our country, when the first elected Government was dismissed, it was not followed immediately by dissolution of the Punjab Assembly. The Punjab Assembly was kept in suspension for a long time. I have forgotten now how many months it was kept in suspension—and only after that it was thought necessary to dissolve it. But here in spite of the fact that the Governor had recommended that Assembly should be kept suspended and not to be dissolved, the Centre thought it otherwise. So, I find some contradiction here in the reaction of the Centre and its attitude to the recommendation of the Governor. When this defection took place, the Assembly was not in session and during the intervening period, before the Assembly was summoned, there was a time gap, a time lag in which it would have been possible perhaps to sort these matters out. What did the Speaker do? He did something

[Sh. Indrajit Gupta]

which, of course, I do not think anybody challenges. he has the right to issue show cause notices to those mambas whom he considers to have done something which is in violation of the Anti-defection Act. Whether right or wrong his judgement may be, but it is a question of figures, of numbers. Everybody here has been talking about it. If there were nine people, the position would have been of one type, if it was eight people, then it would have been of a different type. The whole controversy arose because of one of these members. The Deputy Speaker was physically not available at that moment. The House was not in session. The propriety, the Constitutional rectitude demands that the Speaker had come to a certain decision. Of course, it is being hinted here that he had no independent judgement of his own, Laldenga had pressurized him, Laldenga had compelled him to take a certain step and all that. Well, we cannot go behind things in that way because many things are done in this country which we do not know under whose pressure or under what compulsions they are being done. The Speaker is the Speaker. If somebody starts saying that the Speaker of the Lok Sabha does something under pressure from somebody, well, I do not think this House will accept it. Nobody will accept it. So, to say that the Speaker of the Assembly in Mizoram had taken this step because he was pressurized to such an extent by Mr. Laldenga that he had no other alternative, is to really cast an aspersion on the very office of the Speaker. he did it. He issued show cause notices on these members to show why they should not be disqualified because under the Anti-defection Act, their defection did not amount to a split in the party.

A question has been raised as to whether he had the right simultaneously to suspend. As far as I know, there is no explicit provision which says that he can suspend them, but there is no explicit provision saying that he cannot suspend. That is also a fact. If there is infirmity in the law, well, you will have to look into it. If the Speaker in his judgement considers that certain members

have done something which is in violation of the Anti-defection law and for which it is necessary to serve show cause notices on them, then until the matter is finally settled, until the matter is cleared up and disposed of, whether he can also keep them under suspension or not, is, to my mind, an open question. One cannot categorically say that he has no right to suspend them. Of course, it is all a question of aspirations for power. That one understands. Many newspapers have written. I do not have the evidence of my own but many newspapers have commented about this break which took place in the ruling party, that is, in the MNF, as a result of which these eight or nine people revolted and came out. Many papers have written that money power was used behind this to get them to revolt against Laldenga. That may be true, that may not be true. But it is as true or not true as saying that the Speaker acted only under the pressure of Mr. Laldenga.

You have no evidence of that either and so many sections of the press are writing that big sums of money were used in order to entice the people away. Whatever it may be, now the Congress-I leader who was at that time the leader of the Opposition, the former Chief Minister and the Chief of the Pradeshik Congress Committee, PCCI Chief, Mr. Lal Thanhawla, what does he say? He says "the Speaker's wrong action of suspending the 8 MNF(D) MLAs led to the imposition of Central rule". He said that had he known of the Guwahati High Court's order staying their suspension, he would have strongly staked his claim on forming a Government. Guwahati High Court had already stayed that order of suspension. So, the Congress leader in the Assembly says "if I had known of the Guwahati High Court's orders staying their suspension, he would have strongly staked his claim on forming the Government. Shri Lal Thanhawla, who returned from New Delhi this morning said he had been holding talks with the party High Command the whole of the last night but had not been told of the Centre's plan to impose President's rule." So, Sir, the excuse or the explanation which has been put forward by

the Governor as a justification is to my mind a thoroughly lame excuse. He held the press conference in which he said that neither a coalition Government with a razor thin majority nor the continuation of the Laldenga Ministry which had been reduced to a minority would have been conducive to the functioning of a stable Government. Now both propositions in my opinion, that is to say, whether there would have been a Government with a razor thin majority or continuation of the Laldenga Ministry, cannot be stabilised by the subjective judgement of the Governor. They have to be tested and all norms and all accepted norms have said that this testing must be done on the floor of the House. Whether it would be a razor-thin majority or majority at all or more than a razor-thin majority, whether it would enable Mr. Laldenga to continue or not a continue, who is to decide? How is it to be anticipated by the subjective judgement of the Governor? This way the Governor cannot go on, if you want really to maintain the democratic character of the Constitution which we try to work. Then he criticised the Speaker and claimed that the Speaker had acted in a partisan manner. I do not know if a Governor is entitled to impute motives to the Speaker in this way. He charged the Speaker with being bent upon disqualifying the 8 dissident MLAs and then he said that violence was apprehended because some meetings were being held and posters were being put up and all that and therefore there was no alternative but to recommend President's rule.

I suggest, Sir, that this Governor's report, the arguments used by him are extremely weak and extremely laboured and they constitute, one may say, extremely lame argument. The point is that no situation of this kind can be tackled effectively that is by the subjective judgement of a Governor. It has to be done on the floor of the House and I believe the Chief Minister is also within his rights to demand that the House be called and he be allowed to test his strength on the floor of the House. Mizoram is not going to be the only example of this kind of a thing. It has happened many times and it will happen

many times in future also. But that was not permitted, and in a haste, a part of the Governor's recommendation was accepted that President's Rule should be imposed; the other part of his recommendation that the Assembly should not be dissolved but should be kept suspended, that part of it, was conveniently rejected. So, I am sorry to find now that in his opening remarks moving this motion for approval, the Home Minister of course has not said a single word about whether elections are going to be held soon or not. Everybody agrees that President's Rule is a thing which should not be allowed to last a single day longer than is absolutely necessary. But the people of Mizoram, I suggest, have not welcomed it. I don't agree when Mr. Tombi Singh was making out a case that the people of Mizoram are rejoicing and delighted at the fact that President's Rule has been imposed, the same people who were celebrating all night long that the accord on Mizoram brought Laldenga and the MNF to power which they consider to be a great victory and triumph for so many years of struggle and now suddenly if we are asked to believe that the same people have turned against Mr. Laldenga and are welcoming the imposition of President's Rule, I think it is a bit hard to swallow. I may say here also that the only way out now, if you want to save the situation and if you do not want to provoke the people of Mizoram into other desperate courses again, is to practise some restraint and at the moment, the only restraint that can be practised is respect of prolongation of President's Rule. There should be some restraint and instead of going in for some sort of a political adventurism, it is better to declare early elections in Mizoram and allow people to elect their own government again by democratic process. I must say that I don't agree with Mr. Laldenga if what I find here, in one of the papers, what he is quoted as having said is correct, I can only ascribe it to the fact that he must have allowed himself to be provoked very much, where he has spoken not only about the necessity of preparing for a fresh armed struggle—this interview is quoted as his saying:

"I have lost faith in the Centre. I do not

[Sh. Indrajit Gupta]

know what kind of democracy exists in the country. They did not allow me to prove my majority. I had requested them and the Governor H. Saikia, to convene the Assembly on September 14 to prove my strength in the House. The Centre could have waited till then. I would have gracefully stepped down if it was proved in the House that I was in the minority."

Then he says:

"Lawful means were not employed.....So I have to become an outlaw once again with a price on my head. If the Centre does not hold elections immediately, I will have to pick up arms again."

And then he said something which, if it is correct, I think is very dangerous and ill-advised also. He said:

"That is why I have sent letters to the AASU, IPF and some Khalistan groups to build bridges with those who believe in armed struggle."

I think Mr. Laldenga was really allowing himself to get too much provoked because nobody, no power on earth, not even the Central Government can prevent elections being held. The only question is whether the elections will be held soon or whether they are unnecessarily delayed. And I believe that Mr. Laldenga has sufficient popularity and influence among the people of Mizoram not to be at all afraid of the next elections. Those elections should be held soon. Otherwise, all these things which he is saying now:-

"The Mizo youth do not want to pick up arms, but if they are forced to do so by the Centre, they will. Already there are posters put up in Aizawl....."

This is all a quotation, it is supposed to be the quotation from Mr. Laldenga:

"Already there are posters put up in

Aizawl saying, 'Mr. Rajiv Gandhi, please do not force us to go back to the jungles.' That is why I sent the letters so quickly" etc. etc.

So, Sir, what I am saying is, this is also a political question. It is not a question only of technicalities of the Constitution or law. Of course, you cannot ignore the law or the Constitution, that is true. But after all, the Government is here, at the Centre, of such a vast country, with so many different types of people, so many different ethnic groups, so many people of different linguistic groups, different religions, tribals, non-tribals and all that. It is a political question, a question of testing the political sagacity of the Centre as to whether they behave in a way which will again alienate all these people on the distant Northeastern border of our country or they will take steps to see that those people are quickly again brought back and re-integrated into the national mainstream. I believe, what they have done is wrong a very wrong step, very harmful step has been taken—for the reasons which I have outlined.

I would ask them to rectify the situation as soon as possible by announcing the earliest possible elections in Mizoram.

[*Translation*]

SHRI VIR SEN (Khurja): Mr. Chairman, Sir, I want to draw the attention of the House towards some fundamental principles of democracy. Any Government can remain in power till it has got confidence of the House. There is no doubt in the case of Mizoram that the Chief Minister and his council of Ministers had lost the confidence of the House. I believe that as per the convention of British Parliamentary democracy, whenever any council of Ministers or Chief Minister realises that he has lost confidence of the Houses he should immediately resign. So in this case it was beyond doubt that Shri Laldenga realised that he has lost confidence of the House, so in such a situation, holding on to the office is nothing but violation of principles of democracy.

15.58 hrs.

[SHRI SOMNATH RATH *in the Chair*] -

In this case instead of resigning on moral grounds and in accordance with democratic principles, he tried to obtain the vote of confidence of the House somehow and for this he made some calculations that how many Members can remain present in the House and by diminishing the rest he can prove majority. He used this trick. Shri Indrajit has mentioned, God knows whose pressure worked or not, but it is clear that the hon. Speaker himself did not follow the prescribed procedure. There is no scope of suspending anyone under Anti-Defection Law. According to the rules of procedure of Lok Sabha if action has to be taken against someone there is a clear cut procedure which should be followed by the Speaker i.e. a petition should be submitted and it will have to be scrutinised and if the Speaker thinks it proper, then the question of privilege is take up and then it is referred to the committee in the same manner. I do not think that the hon. Speaker of Mizoram has followed any procedure in so far as this matter is concerned.

16.00 hrs.

Those principles should be followed by him. The first and the foremost duty of a Speaker is this that he should be impartial in the House with regard to the questions on which he is required to take a decision. During the time of Purushotham Dass Tandon, a question was raised in the Uttar Pradesh Assembly as to whether a speaker should remain affiliated to the Party to which he belonged on his appointment as Speaker, Upto this, Shri Tandon announced that he would be totally impartial while discharging the duty of speaker but maintain his relationship with the Party outside the House only for the propose of participating in the freedom struggle. This has been the traditional profile of the Speaker in our country. The Speaker of the Mizoram Assembly has broken this tradition.... (*Interruptions*) I am not speaking in anger. What I am saying is this that the

Speaker did not have the authority to suspend the Members. The objective behind the suspension was to restrain those eight members from exercising their voting right when the Assembly meets. This way the remaining Members would vote and the Party will stay in power by providing majority in the House.

[*English*]

SHRI INDRAJIT GUPTA (Basirhat):
Assembly was not in Session.

[*Translation*]

SHRI VIR SEN : Assembly was to be called. How could the Speaker suspend the Members when there is no provision for suspension? This clearly shows an ulterior motives on his part. When the Chief Minister or his cabinet lost the confidence of the Members, they should immediately resign regardless of whether the Assembly is in Session or not. Let me cite the example of Uttar Pradesh again. In 1967 Chaudhary Charan Singh crossed the Floor along with 14 other Members. At that time, Shri C.B. Gupta was Chief Minister. He promptly stood up in the House and announced his resignation on the plea that he lost his majority in the House.

[*English*]

SHRI CHOUDHARY KHURSHID
AHMED (Faridabad): As he said it in the
House itself?

[*Translation*]

SHRI VIR SEN : He said this in the House. He could have manoeuvred and got the House adjourned to prove a majority the next day. But he did not do so as he realised that he had lost the confidence as well as the majority that he enjoyed in the House and the situation called for his resignation. Nobody needs to prove anything in this matter. The Speaker was pressurized into taking this decision after a lot of behind-the-scenes efforts.

[Sh. Vir Sen]

As to the question that the advice of the Chief Minister being binding, I feel that in such matters where the Governor or the President has been empowered to act in their own wisdom, this matter is of little significance as to what advice has been given by the Chief Minister. In those circumstances, he has no say to influence the decision whether the House should be dissolved or how long a Session should last. As to the question of the Constitutional machinery having failed, the Governor has to act in his own wisdom. He need not look to any other source or authority for suggestions or for that matter an advice. There was no need to have acted on the Chief Minister's advice.

Shri Shahabuddin alleged that this decision was taken in haste. He also said that no decision should have been taken until the Deputy-Speaker returned. The Deputy-Speaker is yet to return. Two months had already passed since he had gone to America for medical treatment. Any number of months could pass before he is able to return. If the Deputy-Speaker returns after a year, would the Laldenga Government have been allowed to continue in office for all that period? I feel that Shri Shahabuddin's argument is very platitudinous. Perhaps even he will find it hard to accept his own argument. He has advanced such arguments just for the sake of argument only.

It was said that opportunity should have been provided for forming an alternative Government. If an alternative Government had been formed, I have doubt that even that step would not have escaped from criticism. They would have been accused of disbanding the other Party to come into power themselves. So either way the steps were bound to invite criticism. I want to quote a line from a poem:

" Puy na piye lagi payodhar jonk"

Even if a person is allowed free access to the teats of a cow, he is not willing to drink the milk. It means that criticism is inevitable

regardless of whether we do good or bad. So why not adopt the better way?

They had to oppose this resolution. So question is this that what was the best way to tackle that situation. No further delay was possible in such a situation. The speaker had created such a situation wherein sitting of the Assembly would not have been able to arrive at a decision. No other alternative was left. According to the Constitution, there was no way the Governor could have been advised by the Chief Minister.

The people of Mizoram also complained that their self-respect and aspirations had received a severe blow. And they were perfectly justified in their complaints because Laldenga had started functioning in a dictatorial and feudal manner. This is the reason for Laldenga's own people turning against him. (*Interruptions*)

Why did his own people turn against him? They felt that by not fulfilling the aspirations of the masses the principles of democracy were being trampled upon. They wanted to remove that Government and establish a truly democratic Government in its place.

I have no doubt in it that fresh elections will be held and a new Government will be established over there as soon as possible. (*Interruptions*)

I hope there will not be any problem in holding early elections.

With these words, I lend my support to the Resolution.

[*English*]

SHRI BHADRESWAR TANTI (Kaliabor) : First of all, I oppose the Statutory Resolution moved by the Hon. Home Minister for approval of this proclamation of President's Rule in Mizoram.

Democracy is at stake. We people in the country are very much concerned about our

rights, But we are not at all concerned about our duties. That is why, our country is lagging behind. You compare with other developing countries. How much have we achieved after forty years of independence ? The Prime Minister, time and again, has said that our industrial belt has widened and we have achieved a lot.

How much have we achieved, how much have we developed and how much have we progressed in comparison to other States like Korea which is a very tiny State ? Ours is a very vast country. (*Interruptions*)

SHRI T. BASHEER (Chirayinkil) : You must remind him what is going on in the House.

MR. CHAIRMAN Please take your seat.

SHRI BHADRESWAR TANTI: I am very much concerned that democracy is at stake. Why? At a time, four States are under President's rule. Where is the democracy how? Punjab is under President's rule; Tamil Nadu is under President's rule; Nagaland is under President's rule and Mizoram is also under President's rule (*Interruptions*).

SHRI ANIL BASU (Arambagh) : President's rule means Congress rule.

SHRI BIRADRESWAR TANTI: This Government is a total failure. Now, so many accords have been made in the name of democracy—Punjab Accord, Sri Lanka Accord, Assam Accord, Mizoram Accord, GNLF Accord.....(*Interruptions*)

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): Sri Lanka is not under the President's rule. (*Interruptions*)

SHRI BHADRESWAR TANTI: I know that. What right have you got to make an Accord with a foreign country when you cannot control your own people, when you cannot look after your own people? How can you make an Accord with other countries? (*Interruptions*)

PROF. MADHU DANAVATE (Rajapur): Please tell him that there is a presidential system in Sri Lanka. (*Interruptions*)

SHRI BHADRESWAR TANTI: There is a Tripura Accord with the TNV. They have murdered democracy. There is no democracy.

SHRI T. BASHEER (Chirayinkil): Please tell us what is going on in AGP also.

SHRI BHADRESWAR TANTI: You also know that. If there is anything, you take action against them. What about Bofors? What about Submarine Deal? The people of this country are very much concerned. (*Interruptions*) What is their answer to the people of the country? Everything is true except 7%! You are eulogising Mr. Hiteswar Saikia, Democracy was restored in Assam in 1983. I am citing an example. In Sonari constituency, a school teacher was taken forcibly by the CRP people to make him vote. Only one vote was caste and the candidate was a declared elected! This is your democracy. Under Mr. Hiteswar Saikia's Government in 1983 six hundred innocent persons were killed in Assam and still he was honoured as a man of the nation by the Central Government. Ultimately he was promoted to the post of Governor. Now he is the Governor of Mizoram. This is your modus operandi towards the people of the country, in dealing with the affairs and the problems of the country.

They don't have any replay. This year there were five times the devastating floods in Assam and of late in Punjab and an earthquake in Bihar. More than 80 lakh people have been rendered homeless. I have nothing to say for whatever the Government do for other States. (*Interruptions*)

SHRI R.L. BHATIA: It is not even 1/10 of Punjab. You don't know what type of worst floods were there in Punjab.

SHRI BHADRESWAR TANTI: One hundred crore rupees have been given to the people of Punjab. I have nothing to say on

[Sh. Bhandreswar Tanti]

that. But why have you taken so much a partial attitude against the people of Assam by giving them a step-motherly treatment? In Assam about 30 lives have been lost, 80 lakh people have been rendered homeless and standing crops have been damaged, cattle have been washed away, dwelling houses have also been washed away. Now you will see a grim picture of the human life in Assam. You are playing with the lives of the people of Assam. Only Rs. 20 crores have been given by the Central Government and that amount also has not reached as yet. That is the modus operandi towards the people of Assam. (*Interruptions*)

You have killed democracy. You have dissolved the Assembly in Punjab. After that were you able to control the extremists there? Killings of the innocent people are still going on there.

Now I come to the State of Mizoram. After forty years of independence you will not find anything there, not even a single industry has been set up there; nothing of the sort, no medical facilities are there. All these forty years who were in power? The reply would be that the Congress was in power. Although you were in power all the time, what have you given to the people of Mizoram?

You ultimately came out with an agreement with Mr. Laldenga and restored democracy. Now after restoring democracy, you have murdered democracy there. You cannot reach Mizoram within two days. This is the taste of democracy to the people of Mizoram and to the people of the country, those who are living below the poverty line.

Now the Speaker has taken an action which is not in the Anti Defection Law. All right. But Shri Rajiv Gandhi had directed Shri Lalthanhawla to reach within 24 hours and form the Government. Mr. Lalthanhawla could not reach and as a result of which in the mean time the President's rule was proclaimed. That is the fact.

You are riding a mad horse. Time has

come now to go to the root of the matter to realise and solve the problems. But who will realise; who are in the administration now? How will the people over here realise the problems of Mizoram? Can a pilot realise? A blackmarketeer who has got no experience in administration will not realise. A commission agent will not realise. In this way how the Congress will survive. It will get a bad name. What we say you people do not understand and what you say the people of the country do not want.

This is your last chance for survival. People are very much dis-satisfied with the Central Government here. Recently after the earthquake the Prime Minister visited Bihar on an helicopter to have bird's eye view. So how can he realise as to how many people were rendered homeless and were affected by the earthquake. So if you want to restore democracy you must consider all these aspects. You must honour democracy. By force you cannot run the Government over there. You cannot violate the rules and the Constitution. You have taken oath under the Constitution. I find at the moment out of 65 Ministers only 3 Ministers are present in the House. How will they realise the burning problems of the people of the country!. Daily when we go through the newspapers we find so many innocent people are being killed but Mr. Buta Singh has got no answer for that.

SHRI BALWANT SINGH RAMOOWALIA (Sangrur) : Mr. Chairman, Sir, I stand to oppose the Proclamation issued by the President on the 7th September, 1988 under article 356 of the Constitution in relation to the State of Mizoram. Why do I oppose it? These days this great country is facing a serious threat at the hands of forces wedded to the ideology of terrorism, extremism and fundamentalism. The apprehension that I have in my mind is that this step of Sardar Sahib by imposing President Rule in Mizoram had further strengthened the forces of terrorism, extremism, fundamentalism and hot-headed people in Mizoram National Front. That is way I express my deep concern that this step can strengthen these forces.

I congratulate the Central Government for having an accord on Mizoram after a long time. But having completed the accord, the Central Government should have given an opportunity to the elected people to govern.

The situation in Mizoram is that there is no major industry. Handloom and handicrafts are the cottage industries. Rice milling, oil and flour milling, mechanised bamboo workshops, saw milling, brick-making and furniture workshops are the small scale industries. You can see, such type of industries cannot provide much employment to the poor people. I had been to Mizoram. Mizoram produces about 70 per cent of the total ginger produced in the country. So, we could have given an opportunity to the people of Mizoram to have an elected Government and provide them an opportunity to rule so that they could strengthen their agricultural production also.

The report of the Governor, which was sent to the Union Government, says: Mr. Saikia justified the imposition of Central rule. He said that neither a coalition Government with a razor-thin majority nor the continuation of the Laldenga Ministry "which had been reduced to a minority", would have been conducive to the functioning of a stable Government. I ask the hon. Minister, "Why was the Chief Minister not provided an opportunity to prove his majority on the floor of the House?" He should have been given this opportunity. Through you, I humbly request my learned friend, the Home Minister, that an impression should not go in the country that party interests are dearer to you than the democratic values. Unfortunately such an impression is going regarding President's Rule in Punjab, in Tamil Nadu, Nagaland and Mizoram.

Mizo National Front secured 24 seats out of 40. A party which came into power securing 24 seats out of 40 seats should have been given an opportunity to prove its strength on the floor of the House. After a long time, the people have come into the mainstream. But again a feeling of allineation has come over there. I would request the

hon. Home Minister to have the elections at the earliest opportunity. A delay in the elections in that State will create only chaos, lead the State towards a mess, and the moderates in the whole of Mizoram will be weakened.

With these few words and suggestions, I conclude.

SHRI MINISTER OF HOME AFFAIRS (S. BUTA SINGH): Mr. Chairman, Sir, first of all, I would like to thank the hon. Members for participating in the discussion on the issue of President's Rule in Mizoram. Unfortunately most of the Opposition leaders, including the opener, have tried to apportion the blame to the ruling party. It has become a fashion with the Opposition that if anything goes wrong in the country, the ruling party must be blamed for that (*Interruptions*)

Mr. Chairman, I really like this kind of interruption. I want hon. Members to scratch their heads and try to revive their memories. Who brought Mr. Laldenga to power? It was six months before the elections that the Congress party abdicated power in favour of Mr Laldenga. Was he not put in the chair when he was nowhere either as a member of the Assembly or anybody? Whose interest were we serving? Was it in the interest of the Congress Party or in the national interest? I would like to know that from the hon. Leaders of the Opposition.

When we signed the Accord, we were fully aware that we were doing something very very essential for the national unity. We sacrificed the political interests and we said: "Here is a leader, who has been fighting against the nationalist forces for the past two decades; we want to bring him to the national mainstream. : We afforded him the opportunity. The man who was ruling the State on the strength of the majority in the House gave his position to Mr Laldenga and became his deputy. Was it not in the national interest? It was in the national interest. We served for six long months and we could have as well during those days when Mr Laldenga was negotiating his accord with

[S. Buta Singh]

us, if we had narrow interests managed, but we allowed him an opportunity. Let me also remind this august House that Mr Laldenga has not so far accused us of this kind of political interests. What Mr. Laldenga has said about the Governor's rule in Mizoram is that it is undemocratic and unconstitutional. That every citizen has a right to comment. But the events show, not only the report of the Hon. Governor which has listed the facts leading to the situation, but it became necessary for him to advise the President for imposition of President's rule in Mizoram. Mr Laldenga continued in power roughly for two years, Six months before he became a Member of the House and year and a half later During these two years there was not a single occasion when Mr Laldenga complained to the Central Government of any unfair deal with him with regard to the implementation of the Accord which is total and hundred per cent. There has not been a single lapse on the part of the Central Government in the implementation of the Mizoram Accord. I dare say here on the floor of the House that we have faithfully implemented the Accord which we arrived at in Mizoram in the larger national interest. Therefore, to say that the Accord was motivated is also very unfair and incorrect.

SHRI E. AYYAPU REDDY: I do not think anybody attributed motives for the Accord. Everybody welcomed the Accord.

S.BUTA SINGH: We have no political motivation and I was really very sad when I heard the news that Mr Laldenga's Government was falling. I contacted Mr. Laldenga. I requested him that we would wish him to continue in power, because he had still to take steps in the building of new Mizoram to assimilate the aspirations of the people of Mizoram in the national interest. Should we require our assistance, we were willing to help him. But, unfortunately, Mr Laldenga, as any politician, started influencing the Speaker, in the most undemocratic manner. On the 30th August, Mr Laldenga made it known to the press about those eight M.L.As. First of all, let me clear the myth of

eight or or nine M.L.As. The Deputy-Speaker who was in the United States for treatment has given a press conference after coming back from the United States. He has clarified almost all the questions which were raised in the name of Deputy-Speaker of Mizoram Assembly. He has categorically stated that before he left, he had given it in writing to his family. "Should the occasion arise, should the eight M.L.As decide to go away from Mr. Laldenga's party, I will be with them."

"You can present this piece of paper at an appropriate time". At the time when these people walked out of his party, he sent a long telex message not to the Congress Party but through the official channels of the Mizoram Government in Delhi, he himself to the Liaison Officer. He requested the Liaison Officer that this telex should be appropriately addressed to the Governor, to the Speaker and to the Chief Minister. It has all come on record. It had come through the proper channel. Later on when he came back to India, he affirmed. He said: "All these steps I had taken" and he has given his reasons. Shri Indrajit Gupta is not here; he wanted to know about this. My friend Shri Shahabuddin is not here. He is known for his eloquence without knowledge or facts of the situation on the ground. Unfortunately in this case he has betrayed his great knowledge of facts. He has not cared to go in the whole background in which the whole situation developed. Nobody has persuaded the followers of Mr. Laldenga to break away, even Mr. Laldenga till today has not made this allegation that the Congress Party has lured these 8 MLAs. It has not come from Mr. Laldenga as yet. May be in the bad company of my friend, my comrade, he may influence Mr. Laldenga to make such a statement. One can't say. But as on today nobody including Mr. Laldenga has blamed that 8 MLAs were persuaded to break away from him by any political party or the Congress Party.

Mr. Laldenga who continued to rule for a little over a year-and-a half developed certain situations in his own regime which resulted into his misfortune. Reports show

that Mr. Laldenga had taken decisions before he came into office that they will have nothing to do with the vending licences of liquor. By this single decision he alienated himself and a few of his colleagues from the rest of the Party or the rest of the society in Mizoram. People reacted very badly to his decision when he introduced the system of vending licence of liquor in Mizoram. As a matter of fact, I have a long list of peoples' view over some of his decision which became so unpopular that most of his ardent followers, comrades in arm, left him. He took certain decisions which smacked a something going against the decision of his own party which was conveyed to the people of Mizoram through their manifesto. Then there are certain Acts. I would not like to highlight some of the things which were happening there because we do not want to put Mr. Laldenga in a bad shape. We want the people of his thoughts to contribute to the natural instinct of our nation. Therefore, I would still not like to highlight those points which led to this but the fact is that a large section, one-third of his party, walked out because they had very serious fundamental differences on policy, on certain steps, on this way of governing and so on. After the imposition of the President's Rule, out of 19 local Dailies, 17 supported the President's Rule. 17 Newspapers had written positively in favour of the President's Rule. That speaks tonnes, Mr. Shahabuddin, that the people are happy with the President's Rule because Mr. Laldenga in his regime of a year-and-a half could not fulfil the dreams or deviated from his declared policies. The biggest union which is supposed to be the union of elder men in Mizoram has given a verdict against Mr. Laldenga and they have celebrated this as a day of deliverance. Therefore, in the situation that has developed on the ground, the Congress Party or for that matter any other political party has not played any role in bringing Mr. Laldenga out of power.

Now, Mr Laldenga is supposed to have made certain statements which Mr. Ramoowalia and my friend Mr Indrajit Gupta today mentioned. I was not here but the

Press Statement which Mr Laldenga made after meeting the Hon. Prime Minister in Delhi has contradicted everything that has appeared in his name from Mizoram. He has expressed his full confidence in the Constitution of India and in the leadership of Shri Rajiv Gandhi. He has promised that he is bound to go by the contents of the Accord and as a loyal citizen of India, he will play his role under the Constitution of India. This should be welcomed by everybody. This is the point I wanted to highlight.

Now, Sir, some of the hon. members have questioned two or three steps. One is as to why the Chief Minister was not allowed to convene the Assembly. The fact is that on the 31st of August, the Speaker gave out a Press Conference saying that 8 of the MLAs who had withdrawn their support to Shri Laldenga would be disqualified and the first step was that they would be suspended. Now somebody has questioned the probity of the Speaker's judgement being called into question by the Governor and the Governor acting contrary to the Speaker's judgement because the Governor has no constitutional authority on such matters and so on. I remind the august House that they very oath the Governor takes, binds him. The governor while taking the oath says that he will to the best of his ability preserve, protect and defend the Constitution of India, if the constitutional provisions are eroded or tampered with.

Now, who has given the authority to the Speaker? Only the Law of Defection gives him the authority. Beyond that, he has no authority. The Speaker's control over the members is only through this piece of legislation. Beyond that, it is the duty of the Governor to preserve and defend the Constitution and see that its provisions are not violated. Well, I am not a Constitutional Pandit and Shri Chatterjee is here.

SHRI SOMNATH CHATTERJEE
(Bolpur): I am waiting only for your exposition.

S. BUTA SINGH : I will not enter into your regime.

SHRI SOMNATH CHATTERJEE : I am waiting to know how the Governor has authority over the Speaker. Let me know the process.

S. BUTA SINGH : There are two methods. One was exhibited by the hon. Speaker of the Tamil Nadu Assembly. Even though there was no letter, he stated that he heard over the telephone that so and so had resigned and he simply accepted. Is that constitutional Shri Somnathji?

SHRI SOMNATH CHATTERJEE : The point is not that. A very interesting question has been raised. I am not here to support any Speaker's actions. I am not saying anything on that. The question is this. Has the Governor got the authority to decide the validity or otherwise of the Speaker's action? That is the point.

S. BUTA SINGH : I am not a lawyer and I am a layman. Let me tell you that after all in your law, there is also something called 'facts'. And the fact is this. When the Speaker takes into his head to do something as the Speaker of the Tamil Nadu Assembly did, what do you do? In Tamil Nadu, all the political parties, including the DMK and others went to the Governor..... (Interruptions)

SHRI DINESH GOSWAMI (Guwahati) : We have a Constitutional Amendment by which we have given full authority to the Speaker and made an explicit provision that the Speaker's authority will not be questioned by anyone which includes the Governor..... (Interruptions)

S. BUTA SINGH : While providing that, we have also laid down certain norms. Is it not so? The Speaker cannot jump over the rules. He has to go by the provisions of the law. He cannot keep aside the provisions of the law. It is there in the Act itself. While implementing the rules, the Speaker has to follow a set of rules.

SHRI SOMNATH CHATTERJEE: The trouble is right at your back. You utilise the

Governors in a manner which is totally destroying our institutions. That is the trouble. (Interruptions)

S. BUTA SINGH: Even under the Law of Defection, the Speaker has to follow a set of rules.

SHRI BASUDEB ACHARIA (Bankura) : Which rule was violated?

SHRI E. AYYAPU REDDY: If the Speaker does not follow the rules, what is the constitutional remedy? (Interruptions).

S. BUTA SINGH: Here, I am at a point to explain that even the Speaker has not fully applied his mind. The Chief Minister has made known to the Press that these eight MLAs will be disqualified (Interruptions)

SHRI BASUDEB ACHARIA : Is it a function of the Governor?(Interruptions)

S. BUTA SINGH: I am still at the stage as to what the Speaker did in Mizoram...

SHRI SAIFUDDIN CHOWDHARY : How is the Governor concerned with it? (Interruptions)

S. BUTA SINGH: When it is presented to the Governor, it is the governor.(Interruptions)

Within the four walls of the House, it is the Speaker.....(Interruptions)

MR. CHAIRMAN : Order, please.

S. BUTA SINGH : In this case, the Speaker followed the course that these MLAs will be disqualified. Politically it would have meant that the total strength of the House would have come down from 40 to 32. This is the game. In 32, Mr. Laldenga would have claimed the majority (Interruptions)

I am sorry, this mathematics is not provided in the Law of Defection. You cannot first chop the limbs of the Assembly and then declare that so and so is in a majority. Who

will stop that? Will CPM stop that? Will AGP stop that? Therefore, this is a murder of democracy which only the constitutional head, that is, the Governor, must come to the rescue.

When MLAs went to the Speaker saying "Sir, this is what is going to happen and we have come to an agreement with another Party. We are in a majority. We are 22 at the moment. Therefore we are in a majority." The Governor listened to them. Governor asked for the Speaker and the Speaker confirmed it that he was going to disqualify these people. How could the Chief Minister be a party to such a nefarious game in which the Constitution, the democratically established practise of a State Legislative Assembly, could be reduced to naught? Therefore, it was not proper on the part of the Chief Minister to have asked for calling a sitting of the House where he could have managed the majority, just like an attempt which was made in Tamil Nadu. Inside the Assembly the Speaker started throwing out one by one the Members to create a majority for a person. Is that the fair interpretation of the powers of the Speaker? If that is the fair interpretation, then I leave it for the Opposition.....

SHRIDINESH GOSWAMI: Now, Anti—Defection Law is not a mere law, it is a constitutional law because it has been brought through a constitutional Amendment. It is a part of the Constitution and the Constitution says that the Speaker has full power to decide as to whether a Member has committed a mischief of defection and his power is final, not subject to challenge by anyone. Now, I am not happy with it. In fact, I had submitted in this House that this power should not belong to the Speaker. But now the Constitution says that the Speaker has the power and the full and final authority to decide whether a Member is guilty of defection. When this power is with the Speaker, can the Governor say that the Speaker does not have the power and at the same time say that he is protecting the Constitution because the moment he enquires into the conduct of the Speaker, he violates the Path

of protecting the Constitution because he acts against the Constitution.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV) : His power is within the rules (*Interruptions*)

SHRI SOMNATH CHATTERJEE : What are those rulers? (*Interruptions*)

SHRI SONTOSH MOHAN DEV : Mizoram has got the Anti-Defection Law of their own. (*Interruptions*)

SHRI SOMNATH CHATTERJEE : Sir, these are the Home Ministers of this country. The do not know anything of the Constitution (*Interruptions*)

MR. CHAIRMAN : Order please.

SHRI SOMNATH CHATTERJEE : What is this order? This is the disorder in the country. (*Interruptions*)

I could not understand this. Mr. Buta Singh should have avoided this issue instead of giving this sort of an answer. (*Interruptions*)

S. BUTA SINGH : I am really sorry. Today the hon. Members are trying to put the political interpretation.

SHRI E. AYYAPU REDDY : Sir, the Act expressly mentions that the proceedings of the Speaker under the Anti-Defection Law are equal to the proceedings in the House and they cannot be questioned. They cannot be questioned. We have specifically mentioned the Article also. The Speaker has been constituted as the ultimate authority; and nobody can question it, and it cannot be questioned. If a judge of a High court or of the Supreme Court misuses his powers, at least there is a provision for impeaching him; but there is no such provision even to impeach the Speaker. Only that House has to pass a Motion of No-Confidence in him. Therefore, as far as the proceedings under the Anti-Defection Act are concerned, the

[Sh. E. Ayyapu Reddy]
Constitution itself has completely empowered him. Therefore, where is the right of a Governor or any other person to sit in judgement over the Speaker's proceedings? (*Interruptions*)

SHRI SOMNATH CHATTERJEE : I would like to know from the Home Minister whether, if the Speaker of the Lok Sabha takes a decision regarding defections, the President of India can over-rule it or take a decision on that. On that, I would like to know from the Home Minister... (*Interruptions*) On the plea of defending the Constitution, can the Rashtrapati Ji of India over rule a decision of the Speaker and make comments about the Speaker's decision on defection matters? We must know this. (*Interruptions*)

S. BUTA SINGH : I have made it very clear even at the beginning that there is a process and there is a provision in the law itself, which the Speaker or anybody for that matter, whosoever has to operate that law, must follow, i.e. follow that procedure (*Interruptions*)

SHRI BASUDEB ACHARIA : Who will decide?

SHRI SOMNATH CHATTERJEE : Whether that provision has been followed or not- who will decide? That is the point.

S. BUTA SINGH : Here, the crisis was that MLAs, numbering nine, approached the Governor, after giving their written requests to the Speaker, saying that they had come out of that ruling party, and that ruling party had been reduced to a minority. Is it not the duty of the Governor also to ascertain the position? (*Interruptions*)

SHRI BASUDEB ACHARIA : How? (*Interruptions*)

S. BUTA SINGH : It is the duty of the Governor to ascertain. The MLAs went to the Governor; and they demonstrated. (*Interruptions*) I am not here to join issue on the law; but the fact of the situation is that one-

third of the members of the party having walked out and gone to the Governor, it presented a situation; and the Governor, in his judgement and also based on the fact that the Speaker had made it known that he was going to disqualify.....the Governor felt that there was going to be a politicalization of the law process. Therefore, he came to this conclusion. (*Interruptions*) Therefore, it is the right of the Governor; when one-third members of the party approached him, the right of the Governor is to come to a conclusion. In this matter, he has come to a conclusion according to the provisions of the Constitution of India and he has made a report to the President of India.

Shri Indrajit Gupta also questioned whether the Governor had recommend the suspended animation of the Assembly, whether the Government had recommended dissolution to the President. This is the prerogative of the President, viz. whether to accept the recommendation of the Governor, or whether in the overall national interest, he suspends the Assembly or dissolves the Assembly—it is within the competence..... of the President of India. This can not be questioned. Therefore, the President came to the conclusion that the suspended animation will definitely open floodgates.... (*Interruptions*)

SHRI SOMNATH CHATTERJEE : On a point of order. The Supreme court of India has said that..... (*Interruptions*) the President's rule can be challenged if it is not *bona fide*. It has been held by the Supreme Court. (*Interruptions*).

S. BUTA SINGH : I can cite a dozen instances where the recommendation of the Governor was altered, and the President came to the conclusion on his own, that the particular State Assembly should either be suspended or dissolved. (*Interruptions*). Therefore, the President has the constitutional right to come to a conclusion that the State Assembly should be dissolved. (*Interruptions*). And that constitutional right he has exercised.

Shri Indrajit Gupta also wanted to know about the elections. Let me remind him.....
(Interruptions).

SHRI THAMPAN THOMAS (Mavelikara) : Can the Governor usurp the position of the Speaker? We want a definite answer from him.

S. BUTA SINGH : I have already explained.

About the election, we are not interested in continuing the President's Rule a day beyond what is required. The Governor will come to a conclusion. We do not have any intention at the moment to prolong the President's Rule which will be over in the month of March 1989. We hope that the situation will develop where an election could be held. Mr. Laldenga will be free. Your parties are free You go and contest it. We are not going to block anybody. The people of Mizoram will decide whom to vote into power in Mizoram. Therefore, we are all here to strengthen the people of Mizoram who have come out after a great struggle and they want to join the national mainstream. The Government of India will explore all elements to come and strengthen the national unity in Mizoram. We will give all opportunities to all the parties including the hon. members sitting on the other side of the House.

Many opposition parties had been trying their hands on Mr. Laldenga when he was in power. They wanted to win him over. (Interruptions). We are seriously concerned in the development of these people. Since he has not been won over by them, now they are trying to be sympathetic to them; now, they are trying to make Mr. Laldenga a hero. I remember in this very House when the Accord was discussed how many opposition leaders were harsh with us why had we done it. Now I am finding them shedding their tears for Mr. Laldenga. (Interruptions). I wish them well. We will be too happy when the people of Mizoram will elect their own government and support the national unity.

With these words, I commend to this

August House to pass this Resolution by a majority.

" That this House approves the Proclamation issued by the President on the 7th September, 1988, under article 356 of the Constitution in relation to the State of Mizoram."

The motion was adopted

[English]

16.57 hrs.

STATUTORY RESOLUTION RE: APPROVAL OF CONTINUANCE IN FORCE OF PRESIDENT'S PROCLAMATION IN RELATION TO THE STATE OF PUNJAB

THE MINISTER OF HOME AFFAIRS
(S. BUTA SINGH) : I beg to move:

"That this House approves the continuance in force of the Proclamation issued by the President on the 11th May, 1987 under article 356 of the Constitution in relation to the State of Punjab, for a further period of six months with effect from the 11th November, 1988".

As the House is aware, in view of the then prevailing situation in Punjab, Proclamation under Article 356 of the Constitution in relation to the State of Punjab was issued on May 11, 1987 on the recommendation of the Governor. The Legislative Assembly of the State which was initially kept under suspended animation has been dissolved on 6th March, 1988 on the recommendation of the Governor. Approval of the Lok Sabha as well as Rajya Sabha for the issue of the Proclamation under Article 356 was obtained on 12.5. 1987.

As the law and order situation in the State continued to be disturbed, approval of Parliament was obtained for continuance of President's Rule for a further period of six months with effect from 11.11.1987 and