

12½ hrs.

RE. IMPOSITION OF THE PRESIDENT'S RULE IN GOA

SHRI EDUARDO FALEIRO (Mormugao): Mr. Deputy-Speaker, Sir, on going through the List of Business for today we find there is no mention regarding imposition of President's Rule in Goa on Saturday nor do we find that the Presidential Order in this regard is to be laid on the Table of the House.

Sir, this matter has been dragging on since last Monday. On last Monday Shashikala government fell and thereafter this matter has been raised by my hon'ble colleagues including a mention under Rule 377 was made. Government, however, preferred to remain mum and silent. My submission is that on Thursday and Friday the whole process was completed. On Friday this government behind the back of this Parliament went and obtained the Order dissolving the Assembly imposing President's rule in Goa. This, Sir, is a gross impropriety for the following reasons. Firstly, the representative government has been removed in a part of this country and representative government is the corner stone of our Constitution. Secondly, this breach is a violent breach of the principle of federalism and autonomy of States which includes Union Territories with legislative assemblies. They are entitled to representative government. *(Interruptions).*

Goa is not a colony. Even if it were, Parliament should have been taken into confidence. You are the custodian of the rights and privileges of this House even against the Executive. Therefore, I am bringing to your notice this impropriety committed by the Government of India.

(Interruptions)

MR. DEPUTY SPEAKER: Order please. You have had your complete say.

SHRI SAUGATA ROY (Barrack-pore): On a point of order. We have given adjournment motions on two earlier occasions on this subject. Now we want to bring this Adjournment Motion on the unwarranted dissolution of the Goa Assembly when there is a possibility of forming alternative Government there. There is a precedent and I will give you the precedent. You will remember that in the year 1977, in March, when this House was in session, the Kashmir Assembly was dissolved on the advice of Sheikh Abdullah whose party had become a minority in the Kashmir Assembly at that time. Our party gave notice for an adjournment motion and the adjournment motion was admitted. Now we have given notice of an adjournment motion regarding the dissolution of the Goa Assembly when the possibility of forming an alternative Government is there. This is not an ordinary matter. This is matter of urgent public importance.

MR. DEPUTY-SPEAKER: It is not a point of order. I am sorry, this is not a point of order. Whatever you have given cannot come under the subject is point of order.

SHRI VAYALAR RAVI (Chirayinkul): I rise on a point of order. Please see Rule 51 of the Government of Union Territories Act, 1963. It says:—

'If the President, on receipt of a report from the Administrator of a Union Territory or otherwise, is satisfied—(a) that a situation has arisen in which the administration of the Union Territory cannot be carried on in accordance with the provisions of this Act, or (b) that for the proper administration of the Union Territory it is necessary or expedient so to do,

[Shri Vayalar Ravi]
the President may, by order suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the Union Territory in accordance with the provisions of Article 239'

What does Art. 239 of the Constitution say? It says this. There are two kinds of Union Territories. One is, Goa, Pondicherry and so on. The other is, Lakshadweep and so on. One is elected assembly and the other is where there is direct control. What does Article 356 of the Constitution say? Sir, may I read out Art. 356?

MR. DEPUTY-SPEAKER: Yes.

SHRI VAYALAR RAVI: Article 356 of the Constitution says this:

'If the "President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may, by proclamation

(a) assume to himself all or any of the functions of the Government of the State.

Under sub-clause (3) of the same Article the proclamation 'shall' be laid before each House of Parliament' and it will cease to operate if it is not approved by them within two months. So, is obligatory this under-sub-clause (3) it is obligatory on the part of the Government to place it before the House.

MR. DEPUTY-SPEAKER: Please take your seat. I have understood your point. You say about States like Goa, Pondicherry etc. There are States like Mizoram. This does not apply. But even so, there are certain precedents where they have been laid on the Table of the House. I

hope the Government will lay it on the Table of the House during the course of the day or the next day.

SHRI EDUARDO FALEIRO: Let the Prime Minister make a statement. A person cannot impose his will on the whole country. (*Interruption*).

श्री राम बिलास पासवान (हाजीपुर) : उपाध्यक्ष महोदय, मैं आप का ध्यान नेपाल की ओर खींचना चाहता हूँ जहाँ इन्तारी की समस्या में भारतीय रुकें हुए हैं। वहाँ पर जनतंत्र माम का कोई चीज नहीं रह गई है। बी० पी० कायराता जैसे लोगों की जेल में बन्द कर दिया गया है।

(*Interruptions*)

MR. DEPUTY-SPEAKER: Mr. Bora, you please take your seat. Now Papers to be laid on the Table, Shri Barnala

12.08 hrs

PAPERS LAID ON THE TABLE
PREVENTION OF CRUELTY (CAPTURE OF ANIMALS) RULES, 1979

THE MINISTER OF AGRICULTURE AND IRRIGATION (SHRI SURJIT SINGH BARNALA): I beg to lay on the Table a copy of the Prevention of Cruelty (Capture of Animals) Rules, 1979, (Hindi and English versions) published in Notification No. SO 1056 in Gazette of India dated the 24th March, 1979, under sub-section (4) of section 38 of the Prevention of Cruelty to Animals Act, 1960. [Placed in Library. See No. LT-4377/79].

DRAFT NATIONAL POLICY OF EDUCATION, 1979 AND ANNUAL REPORT AND REVIEW OF LALIT KALA AKADEMI, NEW DELHI FOR 1977-78.

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE