

TN govt turns down Centre's demand

STATESMAN NEWS SERVICE

CHENNAI, July 28. — A major confrontation is brewing between the NDA government at the Centre and the AIADMK government in Tamil Nadu over the former's demand for the services of four high-ranking police officials.

The AIADMK government has replied to the Centre's letter, faxed to it last night, expressing its inability to comply with the demand. Officials said a reply had been sent today to the Union home ministry in which the state government has stated that it wouldn't be able to spare the services of the Chennai City Police Commissioner, Mr K Muthukaruppan, the Joint Commissioner of Police, Mr S George and Deputy Commissioner, Mr Christopher Nelson.

Significantly, the DMK has blamed Mr Muthukaruppan and his two lieutenants, for the violent manner in which the former chief minister, Mr M Karunanidhi, was arrested. The state government is bound to put up a strong defence for the three police officials, whose services are being sought by the Centre for Cabinet Secretariat at Delhi. The state government feels that the Centre is likely to give punishment postings to these officials.

The Tamil Nadu chief minister,

Miss Jayalalitha, today held a meeting with the chief secretary, Mr P Shankar, and the home secretary, Mr Naresh Gupta, during which it was decided that the state government wouldn't give in to the Centre's demand. The state government pointed out that the three police officials were "serving the state well" and it was unable to spare such efficient hands.

As for Mr R Rajagopalan, who was the Director General of Police here under the DMK government, the state while relenting to the Centre's demand, may put up a stiff fight for not being "consulted" before posting Mr Rajagopalan as DGP National Security Guards, a top posting considering he was shunted out by the new regime to the rather insignificant post of DGP, Police Training College.

Significantly, the Centre's demand comes in the wake of the arrest of Mr Karunanidhi in a corruption case.

Soon after his release from the Central prison on 3 July, Mr Karunanidhi mentioned the names of Mr George and Mr Nelson among those police officials who "roughed" him up during the arrest.

The state government is gearing up for a major row with the Centre over rules governing Central services, knowing well that the Centre has

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TAMIL NADU:

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bowed down to pressure from the DMK to pull up the state government following the humiliating manner in which Mr Karunanidhi as well as the two Union ministers, Mr Murasoli Maran and Mr TR Baalu, were arrested.

Mr Karunanidhi has protested the setting up of the Raman Commission of Inquiry by the state government to probe alleged police excesses during his arrest. He had taken a stand that the police officials involved should be suspended and urged the Centre to take appropriate action against the state.

"Every one saw what happened that night. What is the need for a commission?" Mr Karunanidhi said referring to the dramatic video footage which was telecast on Sun TV, a private television channel owned by his family.

PMK pariah for NDA allies in TN

HT Correspondent
Chennai, July 27

HT-9
26/7

THE PMK may be back in NDA at the national level but its re-entry into the Tamil Nadu unit will not be as easy. At least two constituents of the DMK Front have opposed its return and others feel that the party should be made to cool its heels for a while.

The two Dalit parties in the DMK Front — Dalit Panthers and Pudhiya Thamizhagam — say the PMK should be kept out till it makes a public declaration that it is not against Dalits. "Let Dr Ramadoss promise openly that his party men will not burn Dalit huts," said Dalit Panthers leader Thirumavalavan, who left the AIADMK Front when the PMK was admitted into it. Dr Krishnaswamy of Pudhiya Thamizhagam said the PMK's opportunistic brand of politics, switching sides at its convenience, should be discouraged.

The State unit of the BJP is also divided on the issue. Its General Secretary L Ganesan opposed the PMK's comeback, which was quickly described by State president Dr Kripananidhi as Ganesan's personal view. Ganesan has promised to air his opposition at the BJP's national executive meeting, currently on at Delhi.

The DMK, which first saw the PMK's exit from the AIADMK Front as a good political develop-

ment, is also wary of welcoming the party back with open arms. There is strong resentment within the DMK against the PMK for deserting the party just before the elections, paving the way for its defeat. Senior leaders in the party also feel that Dr Ramadoss could never be trusted as an ally and hence the present NDA partners should not be antagonised for the sake of the PMK.

DMK president M Karunanidhi, however, is still undecided on the issue of taking back the PMK at the State-level though the PMK's presence will help the front in the coming local body elections. There is also a view in the DMK that this would be the best time to isolate the PMK — which has actually eaten into the DMK's vote bank in North Tamil Nadu — since the party is in no position to go back to the AIADMK now.

Under these circumstances, Karunanidhi might apply the dual policy of accepting the PMK's readmittance at the national level while deferring a decision at the State level. "There already exists a similar situation in which the MDMK is in the NDA at the national level while it is opposed to us at the State level. The PMK too might be happy with such an arrangement since it is more keen to get back its ministerial berths at the Centre rather than realigning at the State level," said a senior DMK MLA.

THE HINDUSTAN TIMES

FRIDAY, DECEMBER 28, 2001

9.11.01
ANOTHER LEGAL VICTORY 110-10 28/12

IN A WAY, Ms. Jayalalithaa could not have asked for more. Her second legal victory, in the coal import deal case, has come less than a month after she was judicially absolved by the Madras High Court in the TANSI and Pleasant Stay Hotel cases. Her acquittal by a Special Court in the coal import case may not have been wholly unexpected, given the twists and turns that took place during the trial proceedings. But the verdict is of considerable political significance in the existing circumstances. An adverse ruling could have posed all manner of problems for Ms. Jayalalithaa who, at this sensitive political juncture, is banking on contesting and winning an Assembly byelection and then reclaiming the Tamil Nadu chief ministership, which she believes is rightfully hers.

With the coal import case out of her way, the path to Fort St. George has been swept almost clear. The awkward and challenging legal obstacles — which have dogged her over the past few months and resulted in her having to relinquish the chief ministerial chair — have vanished. The only remaining hurdle appears in the relatively much less intimidating form of an Assembly byelection. With the Election Commission notifying February 21 as the date on which byelections to three Tamil Nadu Assembly constituencies will be held, the AIADMK chief — who will almost certainly contest from Andipatti, from where her political mentor M.G. Ramachandran stood and won — has only a short wait before attempting to achieve her immediate political goal.

Just as in the TANSI and the Pleasant Stay Hotel cases, the acquittal in the coal case too has been total and unqualified. All those accused in the case — who include one of Ms. Jayalalithaa's erstwhile Cabinet Ministers, two former Chief Secretaries and a clutch of other bureaucrats — have been exonerated, with the

court rejecting the basic charge that there was a conspiracy over the coal import. The Special Court upheld the defence's contention that imports were necessary in the public interest and ruled that it was not proved beyond reasonable doubt that the accused had gained pecuniary advantage through illegal or corrupt means. In comparison with the other corruption cases filed against Ms. Jayalalithaa, the coal case has a peculiar or distinctive history. She was discharged in the case as early as mid-1999 by a special judge, a decision which was upheld by the Madras High Court. However, on the basis of appeals, the Supreme Court rejected her discharge from the case and ordered a retrial.

Having already taken such a complex judicial course, the retrial was characterised by the extraordinary spectacle of a string of prosecution witnesses turning hostile after Ms. Jayalalithaa became Chief Minister, following the AIADMK's stunning electoral victory in mid-2001. Most important in this context was the absolute and unreserved volte-face by a former IAS officer, who was the prosecution's star witness in the case. It would be unfair to presume that guilt would have been established or even that the verdict would have been substantially different if it were not for these unexpected twists and turns. Particularly, with respect to Ms. Jayalalithaa who had already been discharged twice before in the coal case. But the string of volte-faces and U-turns do highlight, in a stark and compelling fashion, the abnormality of a situation in which the State was attempting to prosecute an accused who was (then) Chief Minister. Such situations are as dangerous to the cause of justice as persecution and foisting of cases by a political opponent. Both engender cynicism in the public mind about the manner in which justice is rendered.

THE HINDU

28 DEC 2001

Jayalithaa cleared in coal import case

HT Correspondent
Chennai, December 27

IN THE third acquittal within a month, a special court in Chennai today acquitted J Jayalithaa and nine others in the coal import scandal. Special Judge S S P Darwesh held that the prosecution had failed to prove the existence of conspiracy and any criminal breach of trust.

Jayalithaa had in fact been discharged from the coal case by the special judge in 1999 but on an appeal by the then DMK Government, the Supreme Court reinstated her as one of the accused. She was accused of criminal conspiracy, breach of trust and causing a loss of Rs 6.5 crore to the exchequer by importing poor quality coal for the State Electricity Board's thermal stations.

Along with the ex-Chief Minister, former PWD Minister S Kannappan, four IAS officers and four officials of the Electricity Board had been charge-sheeted by the CB-CID.

Witnesses deposing before the court justified the need to import the coal and said it was of good quality. The judge held that all procedures had been followed in importing the coal and in case of any underhand deal, the Centre should also have been arraigned since it had permitted the import by relaxing Customs duty.

The judge also rejected as "unreliable" the deposition of the main prosecution witness of former PWD Secretary K Sundaram, pointing out that he had never objected to the import when he had the authority to do so. Moreover, he had contradicted himself repeatedly during the trial, the judge observed.

Darwesh said Jayalithaa was involved only at two stages of the import — writing to the Centre for duty exemption and signing the file at the final stage. Beyond that, there was no evidence of her involvement in the case and hence the question of conspiracy did not arise. Unless charges are proved beyond doubt, it is not possible to punish anyone in a corruption case, he added.

Reacting to the verdict, Jayalithaa said the acquittal again proved that the cases filed against her by the DMK were foisted for political reasons. DMK president M Karunanidhi refused to comment, saying he does not remark on judicial verdicts.

On December 4, the Madras High Court acquitted her in two Tansi land deal cases and in the Pleasant Stay hotel case. She has also been acquitted in the Colour TV scam. The three cases now pending in the special courts are the Rs 65 crore wealth case, Rs 44 crore London Hotels case and the SPCI Disinvestment case, the last being prosecuted by the CBI.

THE TELEGRAPH

29 DEC 2001

DECKS CLEARED FOR EX-CM TO CONTEST POLLS

Jayalalithaa, others acquitted in TANSI, hotel cases

By Our Tamil Nadu Bureau

CHENNAI, DEC. 4. In sensational judgments that brightened the political prospects of the AIADMK leader, Ms. Jayalalithaa, the Madras High Court today acquitted her and all others, including her friend, Ms. N. Sasikalaa, of all charges in the TANSI land deal and Pleasant Stay Hotel cases.

Delivering the all-important verdict in the TANSI land deal cases, Mr. Justice N. Dinakar set aside the conviction and the sentences (which had made Ms. Jayalalithaa ineligible to contest polls) and ruled, "Bail bonds, if any, executed by them shall stand cancelled and the fine amount paid by them shall be refunded."

In the Pleasant Stay Hotel case, Mr. Justice Dinakar doubted the very existence of the dissenting additional note of the Municipal Administration Secretary, Mr. P.C. Cyriac, and also noted that the prosecution had failed to establish the existence of *mens rea* (guilty mind) in the entire process.

'I was innocent'

Reacting to the judgment, Ms. Jayalalithaa said, "The fact that I have been acquitted in all the three cases is entirely due to God's grace. God has been very kind to me. Ever since these cases were foisted on me, I have been consistently maintaining that these were false cases and that I was innocent of any wrongdoing. I am very happy that this has been proved true." "We respect justice. I respect justice much more than a judge. Hence, there is nothing more to say about this," the DMK president, Mr. M. Karunanidhi, said. "Justice involves a long journey," he added.

Swamy to move SC

However, the Janata Party pres-



The AIADMK general secretary, Ms. Jayalalithaa, waving to supporters at her Poes Garden residence on Tuesday after the judgment. — Photo: R. Ragu

ident, Dr. Subramanian Swamy, who was allowed to make written submissions in the appeal proceedings, said that he would move the Supreme Court against the acquittals.

The judgments effectively removed the electoral disqualification Ms. Jayalalithaa faced due to the conviction, and cleared the decks for her to contest the polls again.

The verdict marked the rejection of almost all the key arguments advanced by the Special Public Prosecutor, Mr. K.V. Venkatapathi, including those relating to the ownership of the TANSI properties, the guideline value-market value factor and the "signature" of Ms. Jayalalithaa in the sale deed.

"The entirety of the evidence let in by the prosecution does not establish even a single link to show that the conspirators agreed

to have the property sold or purchased at lesser price so as to cause wrongful loss or wrongful gain..." the judge observed.

Ruling out the prosecution claim that the ownership of the TANSI property vested with the Government, he said, "TANSI property was neither a trust property, nor was it under the control of the Government. The sale deed mentions that the vendor was TANSI and it was the absolute owner of the property."

The trial judge was not justified in taking the market value to arrive at the conclusion that a huge loss was caused to the State exchequer. He said, "It is clear that the guideline value and market value are two different concepts and that the term 'market value' is vague, uncertain and a matter of guess-work."

No sinister motive: Judge

"In view of the failure of the prosecution to show that the guideline value is Rs. 7.32 lakhs per ground of TANSI Foundry land, and in view of the positive defence evidence that the value is only Rs. 3 lakhs, no sinister motive can be seen in the transaction, especially when the sale was by open tender," Mr. Justice Dinakar maintained.

Also, there was no conclusive evidence that the signature found in the document was that of Ms. Jayalalithaa. The prosecution did not prove that by sending the document to a hand-writing expert. "Even if it is assumed that Ms. Jayalalithaa had signed in the sale agreement, it cannot be taken as the factor to hold that there

was a conspiracy since I have held that the property was not purchased at a lesser price," the judge added.

There must be a specific law prohibiting a public servant from purchasing a property and if the said public servant is not bound by any law, then his act does not become illegal, he said while dealing with the prosecution charge against Ms. Jayalalithaa under Sec. 169 IPC (prohibiting a public servant from buying government property).

'Code of conduct won't apply'

Noting that the terminology "legally bound not to..." has not been defined in the Code of Conduct for public servants, Mr. Justice Dinakar said the definition of the term "legally bound to do..." found in Section 43 IPC could not be imported to the Section in question. Also, Ms. Jayalalithaa did not attract provisions of the Code since the Supreme Court had also held that the property owned by the Corporation could not be treated as property of the Government.

Since the "prosecution could not successfully establish the offences with which the appellants/accused were convicted", Mr. Justice Dinakar set aside the conviction and sentence imposed upon them.

Last year the Special Court-III had convicted Ms. Jayalalithaa, Ms. Sasikalaa and four others to three years and two years imprisonment in the Jaya Publications and the Sasi Enterprises cases respectively. Although the sale transactions took place in 1991-92, the cases against them were filed only when the DMK came to power in 1992. The main charge was that the two (as partners in the firms) committed criminal misconduct by purchasing the land (by undervaluation) and four others, mainly officials, abetted in the conspiracy.

In the Pleasant Stay hotel case, Ms. Jayalalithaa and four others were charged with granting exemption to a seven-storey building at Kodaikanal, violating rules. The Special Court-II had convicted her last year to a year's imprisonment, while sentencing others to two-year imprisonment. There are a total of 18 appeals arising out of these three cases, and 17 were taken up for hearing since one appellant in the Hotel case, Palai Shanmugam, died later.

'No legal hurdle': Page 11
Judgment details: Page 12

HIGHLIGHTS OF JUDGMENT

- It is TANSI, not the Government, which is the absolute owner of its property; and it suffered no economic loss from the deal.
- There is no specific law prohibiting public servants from purchasing Government property.
- Market value is vague and a matter of guess work, clearly different from guideline value.
- Prosecution failed to establish that the guideline value of the TANSI property was Rs. 7.32 lakhs.
- In the Pleasant Stay Hotel case, the judge raised doubts over the very existence of Mr. Cyriac's dissenting note against the G.O.
- Proposal to amend the building rules came from the Advocate-General, and not from Ms. Jayalalithaa and Mr. Selvaganapathy.
- No illegal gratification discovered and no *mens rea* (guilty mind) involved in the process.

THE HINDU

- 5 DEC 2001

Jaya acquitted in Tansi, hotel cases

Statesman News Service

CHENNAI, Dec. 4. — Madras High Court today set aside the convictions against Miss Jayalalitha in the two Tansi land cases and the Pleasant Stay Hotel case, and allowed her appeals against convictions and sentences meted out by special courts.

Miss Jayalalitha, her friend Mrs Sasikala Natarajan, and a few others, including some former ministers and bureaucrats, had been convicted to two jail terms of three years and two years' rigorous imprisonment in the two Tansi cases and one-year RI in the Pleasant Stay Hotel case. Today's verdict has removed a major legal hurdle in the way of the AIADMK chief becoming Tamil Nadu chief minister again.

However, the original complainant, Mr Subramanian Swamy, said in New Delhi that he would move the Supreme Court against the Madras High Court judgment.

On the Tansi cases, Mr Justice N Dinakar said: "I set aside the conviction and sentence imposed upon all the accused. As a result, all the appeals by the accused are allowed." The judge said the appeal filed by the state government against acquittal of the accused, under Sections 169 and 169 read with the IPC, were dismissed.

If the accused had executed any bail bonds, those should be cancelled and the fine amount, if part, should be refunded. The judge gave a similar verdict in the Pleasant Stay Hotel case, saying he would allow the appeals of all the accused. "The prosecution has not established the charges."

Reacting to the verdict, Miss Jayalalitha told journalists at her Poes Garden bungalow: "God has been kind to me ever since the cases were foisted on me. I've been telling for the past five years that they were false. The verdict has proved I'm innocent."

She said there were no legal hurdles now for her to become chief minister. Asked where she would contest from, Miss Jayalalitha said: "I'll take the right decision at the appropriate time.

Rather an appropriate decision at the right time."

Two constituencies are awaiting bypolls — Andipatti in Theni district and Saidapet in Chennai. The AIADMK chief may contest from Andiapatti. A party MLA, Mr Thanga Thamizh-selvan, had vacated the seat for her "Ammma" two months ago, while Saidapet fell vacant after the death of Y Perumal (DMK).

There was much jubilation and celebration in the AIADMK camp. Even as Mr Justice N Dinakar was reading out the judgment, sound of fireworks could be heard from the court, provoking the judge to quip: "What's all this?"

COURSE OF LAW

- 2 Feb. 2000: Jayalalitha convicted in Pleasant Stay Hotel case.
 - 8 Oct. 2000: Jayalalitha and others convicted in two Tansi cases.
 - 7 Sept. 2001: Supreme Court stops hearing of appeals by Mr Justice R Bolesubramanian and orders fresh hearing of appeals.
 - 21 Sept: Supreme Court sets aside Jayalalitha's appointment as CM and she steps down. Hearing fixed for 1 Oct.
 - 1 Nov: Arguments of both prosecution and the defence end. Judgment reserved.
 - 9 Nov: Appeal of Jayalalitha and others in Pleasant Stay Hotel case begins.
 - 4 Dec: Jayalalitha and others acquitted in two Tansi cases and hotel case.
- Source: PTI

When it became apparent that Miss Jayalalitha would be cleared of all charges, pandemonium broke out on the court premises and it took some time for the large police contingent to bring the situation under control.

Former chief minister and DMK president, Mr M Karunanidhi, said: "I respect the judgment. The path to justice is a long way." He had set the judicial process moving by setting up three special courts to try the corruption cases that originated during Miss Jayalalitha's tenure as chief minister from 1991 to 1996.

In the Tansi cases, Miss Jayalalitha, Mrs Sasikala and four others were accused of buying government land at a price far less than the market value, causing a wrongful loss of about Rs 4 crore to the government. In one of the cases, the land was bought by Jaya Publications in which Miss Jayalalitha and Mrs Sasikala were partners. Similar was the charge in the second Tansi case, involving Sasi Enterprises in which too the two were partners.

Mr Justice Dinakar said it was clear that the guideline value and market value were two different concepts and the term market value was "vague, uncertain and a matter of guess work". He said: "The market value, in my view, doesn't lie in the property contemplated to be purchased but lies in the mind of the person contemplating purchase of the property. The trial judge was not justified in taking the market value for arriving at a conclusion that there was a loss."

The arguments on the appeals filed by Miss Jayalalitha and others in the High Court stressed whether Tansi was a property of the state government and if purchase of the property by the firms owned by Miss Jayalalitha and Mrs Sasikala attracted Sec 169 IPC, under which a public servant was bound not to buy or bid for certain property.

The judge said: "In view of the failure of the prosecution to show that the guideline value is Rs 7.23 lakh per ground and in view of the positive evidence that the value of the land of the Tansi Foundry is Rs 3 lakhs per ground, no sinister motive can be seen in the transaction, specially when the sale was done by open tender." If there was no wrongful gain or wrongful loss and if the substantive offence wasn't made out, there was no conspiracy, the judge said.

Moreover, the Article of Association of the Corporation shows Tansi was a legal entity, and the property granted under Government Grants Act belongs to Tansi, not the government. "Therefore, there's no question of Miss Jayalalitha purchasing government property... Merely

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THE STATESMAN

- 5 DEC 2001

SC turns down plea to dissolve UP Assembly

OUR LEGAL CORRESPONDENT
STATESMAN NEWS SERVICE

GIRIRAJ KISHORE

NEW DELHI, Oct. 19.- The Supreme Court (coram, Khare, Aggarwal, JJ) today dismissed an interim application (filed in a pending PIL seeking dissolution of the Assemblies of Uttar Pradesh and Uttaranchal) seeking directions to restrain the Chief Ministers of both states from functioning and stop salaries and allowances to ministers and legislators as the term of their Assemblies had expired.

The court also issued show-cause notices to the Election Commission and others on a transfer petition of Uttar Pradesh government seeking the transfer of the petition pending before the Allahabad High Court to the Supreme Court. The petitions pending in Allahabad High Court are seeking dissolution and fresh elections. The election to the united Uttar Pradesh Assembly was held on 17 October 1996 and the term of both Assemblies expired on 17 October 2001 but the states and the Election Commission contended that the first meeting of the united Assembly was held on 27 March 1997 and the term of both Assemblies would expire on 27 March 2002.

Assembly: There was a sense

NEW DELHI, Oct. 19. - The VHP vice-president, Mr Giriraj Kishore, told the Liberhan Commission today that the demolition of Babari Masjid "wiped out the 450-year-old-stigma" brought by Babur. "*Sadhe char sau varsh ka kalank Bharat mata ki mathe par se dho diya gaya hai.*"

Was the mosque a "kalank" for other VHP leaders too? Mr Kishore said: "I can't say about other leaders' views. It was my personal view."

He said the mosque was a stigma because Babur had come there as an invader and built it as a "victory symbol" at the birth place of Lord Rama. "By and large for the entire Hindu community the structure was a stigma".

- SNS

of vindication in the BJP camp over the Supreme Court ruling on the dissolution of the Assembly.

On the other side, there was definite loss face for the Opposition. Most Opposition members had resigned to force a poll. The ruling party spokesman, Mr Hiriday Dixit, said Opposition members had resigned on a bogus issue.

THE STATESMAN

20 OCT 2001

Neither victor nor loser

Tamil Nadu voters want the rival fronts to work together

THE Tamil Nadu electorate has thrown up a mixed verdict in the local bodies elections which has raised apprehensions of heightened acrimony between the AIADMK and DMK fronts. This is best illustrated by the fact that the new mayors of three of the six civic bodies — Chennai, Tiruchi and Tirunelveli — will have to contend with corporations in which their rival parties are in a majority. Given the record of animosity between the two fronts in the state, there can be little doubt that this bodes ill for the smooth conduct of work in these corporations. In Chennai, for instance, while DMK supremo Karunanidhi's son M.K. Stalin has been re-elected Mayor, he will be up against not only a corporation in which his rivals have 82 members to his front's 65 but also a municipal commissioner who has been avowedly hostile towards him in the past. In the outgoing Chennai corporation, the AIADMK had a mere four members but the TMC which switched allegiance from the DMK to the AIADMK a few months ago had 52. Since the time the AIADMK stormed to power in the Assembly, Stalin had been at the razor's edge and essential civic services in the metropolis became a picture of neglect.

Chennai city is crying for attention today. The October rains have inundated many areas and all over the city the woeful laxity in earth-filling and black-topping after digging has left roads badly scarred and potholed. If this continues as the monsoon escalates, Chennai-ites are indeed in for a torrid time with traffic jams and

accidents becoming endemic. The same unenviable prospect prevails in Tiruchi where the Mayor will be from the AIADMK ally TMC while the majority of the councillors are from the DMK front and in Tirunelveli where the Mayor belongs to the AIADMK while the majority is with the DMK. In Madurai, while the Mayorship has been won by the DMK the two fronts are virtually on par in terms of the number of councillors.

For both the AIADMK and the DMK there are tell-tale signs that their failure to hold on to their erstwhile allies cost them dearly. The Tamil Maanila Congress is admittedly a pale shadow of what it was under its late founder G.K. Mooppanar but in this close battle, its continuance in the DMK front could have made a crucial difference to that front at least in some areas. Likewise, the loss to the AIADMK front of the PMK, the Congress and the CPI (M) which together accounted for 12 to 15 per cent of the total vote bank in the civic elections denied it the crucial advantage that would have catapulted it to power in most corporations in which it was made to bite dust. While the Congress and the CPI (M) did not go with either front, the PMK crossed fences and went with the DMK. This is a clear signal to the two major parties that they can ill afford the luxury of ignoring their allies or taking them for granted. Clearly, the electorate would keep both the AIADMK and the DMK under a close watch in the coming days. It would indeed be imprudent of them to ignore this reality.

INDIAN EXPRESS

25 OCT 2001

SATURDAY, SEPTEMBER 22, 2001

MS. JAYALALITHAA'S EXIT

HAVING HURRIED TO assume chief ministerial office — in the face of grave reservations over the constitutional propriety of doing so — Ms. Jayalalithaa has rushed headlong to meet what is perhaps an inevitable judicial conclusion. The Supreme Court's order quashing her appointment as Tamil Nadu Chief Minister may have embarrassed her, but it should have come as no surprise. More than once during the hearings, which were held in connection with the clutch of writ petitions challenging the validity of her appointment, the five-member Constitution Bench had expressed its serious misgivings over the swearing in of someone who was convicted for corruption and disqualified from contesting an election. The Court's scathing observations did not merely provide an inkling of the judicial mind. They also provided Ms. Jayalalithaa the opportunity to retain a measure of dignity by stepping down rather than face the mortification of being virtually told to go. For reasons best known to herself, Ms. Jayalalithaa chose to ignore the sensible advice that she resign on the basis of the clear and wholly unmistakable judicial signals. The unedifying result is for all to see: she has become the first Chief Minister to be unseated by a court of law.

In arriving at the decision that Ms. Jayalalithaa's swearing-in was invalid, the court has ensured that the spirit of the law is not subverted by exploiting possible ambiguities in its letter. By holding that a non-legislator can be appointed a Minister under Article 164 of the Constitution only if he or she is qualified to become a legislator (under Article 173) and not otherwise disqualified (under Article 191), the Court has adopted a harmonious interpretation of the constitutional provisions — one that is wholly in keeping with a sense of lawfulness as well as plain commonsense. The judgment has significant implications for the discretionary

role that Governors may play while appointing Chief Ministers, the scope of which has been considerably expanded. Governors are empowered, in fact obliged, to decline appointing a person as Chief Minister if such a person is disqualified under the constitutional provisions. In making chief ministerial appointments, the Governor's role goes well beyond adding up the numbers and swearing in whoever enjoys the confidence of the House.

In the face of this enormous legal setback, Ms. Jayalalithaa has declared that she will prove her innocence in the Courts, contest a bye-election and take over as Chief Minister once again. Ironically, this is exactly what she ought to have done in the first place — namely, settle on an alternative Chief Minister until she overcame the stigma of her convictions and her resulting electoral disqualification. It would have saved Ms. Jayalalithaa the embarrassment of being forced out of office. It would have saved Tamil Nadu of the uncertainty of being governed by a Chief Minister whose very ascension was plagued by legal doubt. Most important of all, it would have saved the nation of the unnecessary strain that was inflicted on the delicately balanced institutional arrangements that support the framework of the Constitution. The notion that an electoral victory — however impressive or sweeping — is a justification for almost anything is absurd. As the Court has firmly reasserted, the people's will can prevail only if it is in consonance with the constitutional provisions. Ms. Jayalalithaa's return to office depends on the fate of appeals against her conviction in the corruption cases. It is only fair in the circumstances that these are heard quickly and impartially by the Madras High Court. It is only proper that if Ms. Jayalalithaa does return to chief ministerial office, she does so after she establishes her innocence by being acquitted.

THE HINDU
22 DEC 2001

SC reserves judgment on Jaya's appointment as chief minister

Times News Network

NEW DELHI: As the Supreme Court on Thursday reserved its judgment on legality of the appointment of convicted AIADMK leader J. Jayalalithaa as the chief minister of Tamil Nadu, attorney general Soli Sorabjee said President's rule could be imposed in the state if the AIADMK refused to appoint another leader should Ms Jayalalithaa's appointment be found unconstitutional.

If the party enjoying the majority in the assembly did not nominate a leader for appointment as the CM, or any other party failed to form a ministry, "there would be a breakdown of the constitutional machinery in the state, which could attract Article 356 of the Constitution," Mr Sorabjee told the SC on Thursday.

If Ms Jayalalithaa continued to occupy the CM's office even after her appointment was invalidated, it would be an act "that of an usurper or that of an intruder," Mr Sorabjee said, adding: "There cannot be a headless council of ministers. The dismissal or resignation of the CM automatically involves resignation of the entire ministry."

After her appointment is declared unconstitutional, Ms Jayalalithaa would be bound to resign and if she failed to, the gov-

ernor would have to dismiss her, Mr Sorabjee added. "After the CM's resignation or dismissal...the governor, in his discretion, can immediately appoint as CM any other person belonging to the party which enjoys confidence of the House, preferably the leader of the party, which, in the present case, is the AIADMK."

A bench comprising Justice S.P. Bharucha, Justice G.B. Pattanaik, Justice Y.K. Sabharwal, Justice

whether her ministers would also go along with her? Mr Sorabjee said Ms Jayalalithaa's cabinet will have to resign if her appointment was held unconstitutional but all decisions taken by her would be 'saved' on account of the de-facto doctrine.

Mr Sorabjee said the CM cannot continue to hold office once her appointment is declared unconstitutional. The legal consequence of invalidation of the CM's appointment would be that all acts, decisions, transactions taken or done or appointments made by the CM would be without any legal efficacy and made null and void.

However, Mr Sorabjee explained that on account of the de facto doctrine, the acts, decisions and transactions done or effected and appointments made prior to the CM's appointment being invalidated would be saved and would be deemed to have been validly and lawfully done. On the contentions that courts should respect the people's mandate as that was supreme, Mr Sorabjee said, "The cobwebs have to be cleared. Which mandate is the court concerned with—is it the Constitution given by 'We the people of India...' or something else? Any other argument will run counter to the basic feature of our Constitution."

COURT DECISION

- The Centre can impose President's rule in Tamil Nadu if AIADMK refuses to elect another leader in case Ms Jayalalithaa's appointment is declared unconstitutional
- All actions, decisions and transactions made by the Jayalalithaa government would be protected even if she has to resign
- After the resignation or dismissal of a chief minister on being disqualified by the court, the governor can appoint another chief minister belonging to the AIADMK which enjoys majority in the House
- If a chief minister stays on in office after the court declares his or her appointment as unconstitutional, he or she would be usurping the office or intruding there.

Ruma Pal and Justice Brijesh Kumar on September 5 had asked Mr Sorabjee about the likely consequences and their redressal if the court declared Ms Jayalalithaa's appointment illegal.

It also asked that supposing it was to hold that Ms Jayalalithaa could not have been sworn-in and cannot continue as the CM,

SAMAJWADI PARTY IN ELECTION MODE

BY ANNOUNCING THE *en masse* resignation of his party's MLAs in Uttar Pradesh, the Samajwadi Party leader, Mr. Mulayam Singh Yadav, seems to have found an issue to kickstart his campaign for the elections to the State Assembly. The timing of the decision — just a month before October 17, 2001 — provides the basis for the Samajwadi Party to ride on a moral high ground against the BJP in Uttar Pradesh. The last Assembly elections were held in 1996 and the MLAs were declared elected on October 17 that year. However, the fractured nature of the verdict led to a situation where it took six more months for the House to be constituted. And this — that the term of the Assembly shall be counted from the date on which the House was constituted — is the basis on which the BJP, that came to power at that stage (in March 1997) after forging a post-poll arrangement with the BSP, has been clinging on to power in Uttar Pradesh. The Samajwadi Party had differed with this argument and Mr. Mulayam Singh had, for long, been holding to the position that it was amoral on the part of the BJP to prolong the term of the Assembly beyond October 2001. And in this sense, the *en masse* resignation was only expected.

The decision and the manner in which it was announced are indeed indications of the strategy Mr. Mulayam Singh had decided to adopt in the elections. The Samajwadi Party leader did not care to consult leaders of the BSP or the Congress before announcing the decision. This, indeed, is a clear signal that the Samajwadi Party is determined to go it alone in Uttar Pradesh. It may be true that the ground realities in Uttar Pradesh are such that the Congress is in no position to play a leading role in the consolidation of the anti-BJP forces. The signs of a Congress revival that were seen in the last general elections (when the party registered close to 10 per cent of the votes polled) seem to have disappeared. And the Congress stock seems to have

plummeted to where it was prior to Ms. Sonia Gandhi's arrival as party president. The same may be true of the BSP too. Despite having retained its share of votes (close to 20 per cent) the BSP is certainly not in a position to lead an anti-BJP campaign in the State. In this sense, neither Ms. Sonia Gandhi nor Mr. Kanshi Ram (and Ms. Mayawati for that matter) should have reservations about accepting Mr. Mulayam Singh's leadership insofar as Uttar Pradesh is concerned. But then Mr. Mulayam Singh would have strengthened his own position if only he had shown the maturity to be seen as forging as broad a platform against the ruling BJP and in this sense made an attempt to take the Congress and the BSP along at this stage.

Be that as it may, the response from the Uttar Pradesh Chief Minister, Mr. Rajnath Singh, to the developments is clearly inexplicable. While there may be some substance in the technical interpretation of the Constitutional provision (that the term of the House shall be taken only from the date of its constitution) it is far too simple to see the real reasons. The truth is that the BJP hopes to revive its fortunes by clinging on to power as long as it can and making full use of the Government to strengthen its appeal. That the party's prospects are not as bad as they appeared to be in 1999 (when the BJP lost heavily in the Lok Sabha elections) is a fact. And this improvement seems to have been achieved by the party thanks to the return of such social groups as the upper caste Thakurs (after Mr. Rajnath Singh was made the Chief Minister) to its fold. The party's strategy is to wait as long as possible in order to consolidate this process, even if it meant adopting brazen means. It is for this very reason that it will make immense political sense for the Congress and the BSP to adopt a strategy similar to that of the Samajwadi Party so that the BJP will stand exposed.

THE HINDU

14 SEP 2001

Supreme Court rejects Jaya's plea

PRESS TRUST OF INDIA

NEW DELHI, Sept. 4. - The Supreme Court today refused to vacate the stay on Madras High Court hearing appeals of Miss J Jayalalithaa and declined to adjourn proceedings before its five-judge Constitution Bench (com. Bharucha, Pattanaik, Saharwal, Pal, Kumar, JJ) where her appointment as chief minister despite conviction had been challenged.

The court decided to go ahead with the hearing of six petitions challenging her appointment rejecting a plea by her counsel, Mr KK Venugopal, who said the High Court should be allowed to go ahead with the three appeals she had filed challenging her conviction.

Justice Bharucha said her plea seeking vacation of the petition filed by the special prosecutor,

Mr KV Venkatapathy, seeking transfer of the appeals from Madras HC to another High Court, will be heard on Friday.

While hearing of the six petitions, the Supreme Court took strong exception to numerous telegrams received by the court purportedly sent by members of Madras Bar Association calling Mr Venkatapathy a "liar". "This is not done. I expect this to stop immediately as this is absurd," Justice Bharucha said.

During arguments on whether a convicted person can be appointed chief minister without the conviction being set aside by higher courts, the attorney-general, Mr Soli Sorabjee, said that if this was allowed it would strike at the root of the democratic polity intended to be implemented by the makers of the Constitution. If there was a substantive disqualifica-

tion operating against a person to be chosen as the chief minister, as was the case of Miss Jayalalithaa because of her convictions in corruption cases, that person could not be appointed to the post.

Whether an appeal was pending in a higher court or not was irrelevant if Articles 164(4), 173 and 191 were to be read together and interpreted in the manner the Constitution makers thought fit, Mr Sorabjee said.

Appearing for Mr Selvaraj, a DMK leader, senior advocate, Mr Fali S Nariman, contended that if a chief minister was convicted, he had to be disqualified from the membership of the House and he loses his post.

Again, if a person had been convicted, he could never be chosen as a chief minister, Mr Nariman said. "What can't be done directly, should not be

permitted to be done indirectly." Appearing for Mr Pradep Chautala and Mr Dhananjay Chauhan, senior advocate, Mr Anil Devan, wondered whether the constitutional rule of law had become so weak in India that a convicted person could hold a chief minister's office.

Mr Sorabjee, Mr Nariman and Mr Devan contended that if this was so, tomorrow a convicted dacoit or a murderer could stretch the interpretation to hold the office of the Prime Minister.

Racing against the November 13 deadline to be elected to the Assembly to continue as chief minister, Miss Jayalalithaa yesterday filed a plea in the Supreme Court seeking vacation of the stay restraining the Madras HC from hearing appeals challenging her conviction in the TANSI land scam and Hotel cases.

DOCTRINE OF DE FACTO WILL FOLLOW: SORABJEE

Spell out consequences of unseating Jayalalithaa: SC

By J. Venkatesan

NEW DELHI, SEPT. 5. The Supreme Court today asked the Attorney-General, Mr. Soli J. Sorabjee, to spell out the consequences and measures to redress the same in the event of the court taking a view that the appointment of Ms. Jayalalithaa as Chief Minister of Tamil Nadu and her swearing-in on May 14 was illegal and invalid.

A Constitution Bench, comprising Mr. Justice S.P. Bharucha, Mr. Justice G.B. Pattanaik, Mr. Justice Y.K. Sabharwal, Mrs. Justice Ruma Pal and Mr. Justice Brijesh Kumar, told the Attorney-General that it was not a mere question involving an individual as other consequences (for instance, the appointment of other Ministers of the Cabinet and the subsequent actions taken by them) might follow.

The Bench said, "suppose we were to hold that Ms. Jayalalithaa could not have been sworn in and cannot continue as Chief Minister, a question arises whether the Ministers appointed by her as Chief Minister, would also be wiped out as a team. What happens to the Government of Tamil Nadu in the interim period? We must know what are the consequences and it has to be redressed."

Mr. Sorabjee submitted that in the event of the court setting aside Ms. Jayalalithaa's appointment, the "doctrine of de facto" would follow. (According to this doctrine, it is said that all actions taken by Ms. Jayalalithaa as Chief Minister and other Ministers in her Cabinet during this period will not be nullified). Mr. Sorabjee, however, sought time to make his submissions on the points raised by the Bench.

Continuing his arguments, he said a person convicted of a grave criminal offence involving moral turpitude should not be allowed to become a Minister, much less a Chief Minister, especially when the conviction was operating on the date of appointment.

A "disqualified person" could not be a representative of the electorate and such a person could not occupy any seat or vote in the Legislature, Mr. Sorabjee contended. He said "there is an implied inhibition in Article 164 (1) prohibiting the appointment as Chief Minister a person convicted by a court of grave criminal offence, and disqualification was automatic and complete".

Mr. Sorabjee said "our constitu-

tional scheme interdicts the selection and appointment of a person who has incurred disqualification as a Member of Parliament or State Legislature". He felt that "if a person is appointed in breach of the constitutional prohibition, the appointment is bad and void *ab initio*. It is *non est*. Subsequent events cannot obliterate or overcome the initial incompetency or incapacity of the person."

"In a responsible representative parliamentary democracy, the Government is run by an elected Ministry. The concept of an unelected Minister is foreign to such a democracy." He added that Article 164 (4) — like all exceptions — should be strictly construed and should not be extended to situations not contemplated in the Constitution.

The court should decline to interpret constitutional provisions

in a manner which would attribute to the founding fathers of the Constitution an intention to permit persons who had committed grave criminal offences involving moral turpitude to head the Government at the Centre or in the States. Such an interpretation would strike at the root of democracy and the rule of law, and should be eschewed, Mr. Sorabjee said.

Appearing for the Centre, the Solicitor-General, Mr. Harish Salve, contended that unlimited powers were unknown to the Constitution, which was based on the rule of law. Article 164 (4) (by which a non-member could become a Minister) was intended to acquire the qualification (namely to become a member of the Legislature) and not to shed a disqualification within the six months time limit.

Governor's action reflected people's will: counsel

By Our Legal Correspondent

NEW DELHI, SEPT. 5. Mr. K.K. Venugopal, senior counsel for Ms. Jayalalithaa, today asserted before a Constitution Bench of the Supreme Court that the then Governor's decision to appoint Ms. Jayalalithaa as the Chief Minister of Tamil Nadu under Article 164 (4) of the Constitution "reflected the will of the people" and that the court should not interfere in her holding the office. Mr. Venugopal contended that the Governor's action was "not justiciable" and the courts should refrain from going into the question of her appointment as Chief Minister.

He maintained that the only question that should be decided by the Governor was that the person being appointed Chief Minister should enjoy the majority support of the members of the Legislature Party. If that condition was satisfied, the Governor had no choice but to appoint that person as the Chief Minister and the Governor could not exercise any discretion in this regard.

Mr. Venugopal felt it would be wholly inappropriate for the court to hold that the Governor, while selecting a person as Chief Minister, would have to convert himself/herself into a quasi-judicial body taking evidence and giving a judgment whether the person selected as Chief Minister was competent to hold the post or not.

Asked what would happen if the Legislature Party elected a 22-year old person (though the Constitution provides that only those over 25 years of age could become a member of an Assembly), as the leader, Mr. Venugopal said the Governor had no option but to appoint that person as the Chief Minister, and then Article 164 (4) (which provides a six month time limit for a non-elected member to get elected to the House) would come into operation. At this juncture, the Bench asked counsel whether or not the Governor was required to take the opinion and advice of the EC. In this case, the then Governor had not done that, the Bench added.

Counsel said that while the Constitution had prescribed "qualification" and "disqualification" for being a member of the Assembly, no such "qualification" or "disqualification" was provided for a person becoming a Minister under Article 164(4).

Constitution is mightier than people's will: SC

Times News Network

NEW DELHI: Taking a tough stand during the hearing of the petitions challenging J. Jayalalithaa's appointment as Tamil Nadu chief minister despite her convictions, the supreme court on Thursday said the constitution was supreme and the people's mandate could not override it.

Arguing against the apex court's views, Ms Jayalalithaa's counsel K.K. Venugopal said if a murderer could continue as an MP, minister, chief minister or even prime minister until his conviction was confirmed by the superior courts, it would be reasonable to say that Ms Jayalalithaa's conviction was not final until it was affirmed by the final court.

Addressing the five-judge constitution bench, Mr Venugopal said disqualifying Ms Jayalalithaa would go against the will of the people, which was "supreme in a democratic polity". Justifying the move by former TN governor Fathima Beevi to invite Ms Jayalalithaa to form the government, he said if the governor had looked into any criteria other than the fact that the elected leader of the leg-

islature party enjoyed the majority support of the House, the will of the people would have been defeated.

Responding, the bench comprising Justices S.P. Bharucha, G.B. Pattanaik, Y.K. Sabharwal, Ruma Pal and Brijesh Kumar, told Mr Venugopal, "Please consider what you are saying. Today, it is a question of a sentence of two to three years. Tomorrow, it may be a sentence for murder. Are we left with no standards at all? Restrict yourself to the law. The people's mandate cannot be more supreme than the constitution."

When Mr Venugopal pointed out that despite Ms

Jayalalithaa's conviction, the people had overwhelmingly voted for her party knowing well that if the AIADMK came to power she would be the CM, the bench said, "We are not concerned with the mandate of the people. The constitution is supreme. That is what we are interpreting, not the people's mandate."

Justice Bharucha said, "The argument is that as the lady has been elected by a party which has won an overwhelming majority in the elections, we should respect it. We will respect it provided it is not in conflict with the constitution."

Jittery Jaya may quit

Times News Network

CHENNAI/NEW DELHI: As the fate of Tamil Nadu chief minister J. Jayalalithaa hangs in the balance while the supreme court constitution bench hears the arguments regarding the validity of her appointment, rumours are rife in Chennai about her resignation. The fact that state education minister Thambidurai is in the capital along with the chief secretary has also fuelled speculation that all is not well for the beleaguered CM. Apparently, the apex court proceedings have shaken her even more than the convictions in the Tansi land deal case.



J. Jayalalithaa

THE TIMES OF INDIA

- 7 SEP 2001

SUPREME COURT FIAT IN TANSI, HOTEL CASES

'Another judge should hear Jayalalithaa's appeals afresh'

By J. Venkatesan

NEW DELHI, SEPT. 7. The Supreme Court today directed the Madras High Court to appoint another judge to hear afresh the 18 appeals in the 'TANSI' and 'Pleasant Stay hotel' cases filed by the Tamil Nadu Chief Minister, Ms. Jayalalithaa, and others, from October 1.

As a result, it will be difficult for Ms. Jayalalithaa, who is pinning hopes on her likely acquittal in these appeals, to contest the elections before the November 13 deadline to continue as Chief Minister beyond that date. In view of the fresh hearing, it might not be possible for the High Court to give its verdict immediately.

A three-judge Bench comprising Mr. Justice S. P. Bharucha, Mr. Justice Brijesh Kumar and Mr. Justice Ashok Bhan, disposing of the transfer petition filed by the special public prosecutor in the appeals, Mr. K. V. Venkatapathi, passed the order as agreed by counsel for the parties.

"The hearing of the appeals shall commence afresh before a judge, other than the judge who has already heard the appeals in part, to be nominated by the incoming Chief Justice of the Madras High Court within one week of his appointment.

"The petitioner shall furnish to the Registrar-General of the High court a list of all the documents that he still requires on or before 5 p.m. on September 10. The Registry shall comply with the petitioner's request and shall make available to him, in accordance with the High Court rules, the entirety of the record, in each of the 18 appeals before the High Court

on or before September 18 and the hearing shall commence not earlier than October 1."

A-G's request

On a request from the Attorney-General, Mr. Soli Sorabjee, that the transfer of the case from the present judge not be construed as casting of any reflection on him or the High Court, the Bench said "we pass this order so that justice is seen to be done" and recorded Mr. Sorabjee's statement in this regard.

The Bench turned down the plea of Mr. K. K. Venugopal, senior counsel for Ms. Jayalalithaa, to advance the hearing on the ground that she had to contest the elections before November 13. Mr. Venugopal pleaded that as the Election Commission would take about two months to conduct the elections, the appeals should be heard expeditiously.

The Bench said, "we understand your anxiety. We are doing whatever we could do for disposal of the appeals (in the High Court) expeditiously. But this order is reasonable and an appropriate one. It does not mean that justice will not be done to you."

'Unfair allegation'

When counsel said the real purpose of the transfer petition was "something else", the Bench observed that it was unfair on his part to make such an allegation. "We all have been lawyers. Lawyers cannot do justice to their brief if they do not get the papers of the other side," the judges observed.

The Bench allowed the parties to approach the court if there was any delay in the appointment of the Chief Justice to the Madras High

Court and consequent delay in naming a new judge for the trial.

The Bench had earlier stayed the High Court proceedings on a petition filed by Mr. Venkatapathi, who sought transfer of these appeals to some other High Court in view of the surcharged atmosphere.

Appearing for Mr. Venkatapathi, Mr. Sorabjee, assisted by counsel, Mr. P. Wilson, said the judge had on August 27 orally rejected the memo filed by Mr. Venkatapathi pointing out that the documents had not been supplied to him by the Registry as well the fact that certain documents were missing in the records already supplied.

Even at the beginning of the hearing, the judge had said he would hear the appeals on a day-to-day basis and dictate the judgment in the open court on completion of the arguments, Mr. Sorabjee submitted.

'Anti-Venkatapathi atmosphere'

The Bench observed that "there is nothing wrong in that as many judges have done so. We all have done that but we never say so at the commencement of the hearing. If a judge makes such a statement before knowing the complexities of the matter, we have no hesitation to allow what has been prayed for by the petitioner."

When Mr. Sorabjee submitted that he received two telephone calls asking him not to appear for Mr. Venkatapathi, the Bench said, a "heap of telegrams" were sent to the judges and to the court registry and "the atmosphere is distinctly anti-Venkatapathi".

Editorial: Page 10

THE HINDU

- 8 SEP 2001

Police 'excesses' rock Parliament

By Our Special Correspondent

NEW DELHI, AUG. 13. Parliament was prematurely adjourned on Monday without transacting any official business as angry DMK and AIADMK members clashed in both the Houses over the alleged police "excesses" at the DMK rally in Chennai on Sunday.

In the Lok Sabha, trouble began soon as the House assembled for question hour as angry DMK MPs trooped into the well shouting slogans against the Tamil Nadu Government and waving newspapers carrying photographs of the police

action. In an unprecedented act, Mr. V. Vetrivelan, DMK MP from Krishnagiri, took off his shirt and went round showing the bruise marks on his body. At one point, he even raised his "dhoti" to show the injuries he had reportedly sustained but was stopped midway by the timely intervention of Mr. K. Yerran Naidu of the Telugu Desam Party.

Even as senior members such as Mr. Chandrababu Naidu and Mr. Priyanka Ranjan Dasgupta protested against what was unfolding, the Speaker, Mr. G. M. C. Balayogi, or-

dered the TV cameras switched off and asked the members to return to their seats. The AIADMK MPs who till then were watching from their seats also stormed into the well of the House waving copies of *The Hindu* to support their claim that the DMK workers were to blame for the violence. While the DMK was supported by the BJP members, the Congress and RJD MPs rose in support of their ally — the AIADMK. With both sides unrelenting, the Speaker adjourned the House till 2 p.m.

When the House met after

lunch, more or less the same scenes were repeated. Mr. Vetrivelan again began unbuttoning his shirt but was prevented from taking it off. His colleagues kept up a continuous chant in favour of a Central inquiry commission, while the AIADMK members countered with slogans of their own. The House was soon adjourned for the day.

In the Rajya Sabha, the DMK raised the issue soon after the House assembled for the day. The party leader in the House, Mr. S. Viduthalai Virumbi, demanded

that the Centre take note of the developments in Chennai on Sunday. The Chairman, Mr. Krishan Kant, said the matter was a State subject and proceeded with question hour. With the AIADMK MPs led by their leader, Mr. P. G. Narayanan, joining issue, the Chairman first ordered the live telecast of the proceedings switched off and subsequently adjourned the House till noon.

When the House reassembled, Mr. Viduthalai Virumbi and Mr. P. N. Siva along with other DMK members, trooped into the well of the House, a method of protest not normally resorted to in the Rajya Sabha. While the DMK members demanded "justice", their AIADMK counterparts matched in exercising their vocal chords and countered the charges. The Chairman took less than a minute to adjourn the House for the day. The AIADMK's Mr. Narayanan alleged that the DMK workers had created a law and order problem and raised provocative slogans.

There can't be two probes: Cho

Speaking to reporters outside Parliament House, Mr. Cho S. Ramaswamy, Rajya Sabha member, said there were two versions of Sunday evening's happenings in Chennai. One, that the police exercised restraint before taking action and the other was that the police went berserk. He said it was unfortunate that people were killed and injured. On the DMK demand for a judicial probe by the Centre, he said there could not be two parallel inquiries since the State had already ordered a probe.

Centre writes again on police officer's transfer

By Harish Khare

NEW DELHI, AUG. 13. The Union Home Ministry today once again asked the Tamil Nadu Government to make available the services of Mr. R. Rajagopalan, for use at the Centre as Director General of the National Security Guards.

A Ministry communication rejected the State Government's plea that Mr. Rajagopalan could not be spared since he was holding a crucial post; instead, the Ministry reminded the State Government that Mr. Rajagopalan's services were needed for the much more essential assignment.

This communication has gone to Chennai after a day of feverish consultations between the Union Home Ministry and the Union Law Ministry over what the NDA Government could do that would be reassuring to its ally, DMK in its latest confrontation with the Jayalithaa regime in Tamil Nadu.

First, the Prime Minister, Mr. Atal Behari Vajpayee spoke to the former Chief Minister, Mr. M. Karunanidhi, and wanted to know about the nature of violence that took place during the DMK rally in Chennai on Sunday. Sources described it as a courtesy call, and the

2001; and, (f) "suspend with immediate effect the police officials including the DIG, COP Chennai and other officers who were guilty of high-handedness on June 29-30".

However, while there was little the NDA could say in the matter how a State Government should handle law and order, the Home Ministry was reportedly ready to send one more communication to the Tamil Nadu Government, demanding early compliance with its demand that the services of the three controversial IPS officers.

Law Ministry officials are believed to have already vetted the proposed *demande*, and it is awaiting the final clearance of the Home Minister, Mr. Advani. The DMK memorandum, itself, notes that in this connection the Centre could invoke Article 311, along with Rule 7(1-B) of the All India Services (Discipline and Appeal) Rules, 1969.

The Centre feels it has a right to demand the services of the three IPS officers from Tamil Nadu, because even though these officers have appealed to the Central Administrative Tribunal, the panel has not issued any notice.

SP, BSP BEGIN POLL PREPARATIONS; CONG. YET TO MOVE

Rajnath given a free hand

By Our Special Correspondent

NEW DELHI, AUG. 12. The three major players in Uttar Pradesh — the Samajwadi Party, the Bahujan Samaj Party and the Bharatiya Janata Party — have already been infected by the Assembly poll fever, but it seems the Congress is yet to realise the elections may be closer than it thinks.

The fluid situation in the State and the fractured polity has led to frantic efforts by parties to ensure that their support base does not slink away and they are able to win over new sections of the electorate. The dismissal of Mr. Naresh Agrawal from the State Cabinet has already set the ball rolling. In the months to come, sitting MLAs will be trying to gauge the mood of the electorate and many may move to greener pastures.

A State BJP leader has already predicted a movement towards

the SP and the BSP even from the BJP ranks.

The BJP high command has signalled it has given a free hand to the Chief Minister, Mr. Rajnath Singh, whom it considers its best bet (though some think he is not good enough to take the party to a win, given the gloomy scenario for the party). Apparently, at a dinner meeting last week at the residence of the party MP, Mr. Ashok Pradhan, the Prime Minister virtually silenced MPs from the State when they tried to find fault with the Rajnath Singh Government.

Mr. Mulayam Singh Yadav, SP president, has been concentrating more on Uttar Pradesh and less on Parliament, addressing at least one meeting a day. Ms. Mayawati of the BSP has been busy setting her house in order. But the Congress has not even completed the task of putting its organisation

in place. Last November, Ms. Sonia Gandhi was elected the AICC president. A special resolution authorised her to set up State executive committees, but it was only last month that the Uttar Pradesh Congress Committee was constituted. The district and city level committees are not yet in place, as a result of which the party campaign has been held up.

Sonia's plans

Senior party leaders confirm that Ms. Gandhi had plans to complete one round of the State by addressing a meeting in each of the 17 zones into which the party has divided the State. However, party managers later advised her against this on the plea that the organisation machinery was not in place. By contrast, Mr. Yadav and his son have been on the road. Mr. Akhilesh Yadav, SP chief's son and MP from Kannauj,

has begun his *kranti rath yatra*. According to SP sources, the party chief plans to visit each of the district headquarters by month-end. Senior BJP leaders have also plans to complete a series of meetings with party workers in the State, and they have begun the process of identifying workers from other State units who could be inducted into the U.P. campaign effectively. The Vajpayee Government, by making Mr. Ajit Singh a Cabinet Minister, has secured a new partner in the polls. His nine MLAs have already come in handy. Mr. Singh today categorically stated that whenever the need arose, his flock would support the Rajnath Singh government.

EC schedule

Although the Chief Minister himself has said he would prefer elections in February (the Election Commission's schedule shows U.P. elections due in March), the matter is before the High Court, as parties such as the SP have argued that the five-year term of MLAs comes to an end this October and they cannot continue beyond the term for which they were elected. However, the BJP's view is that the tenure ends only in March, 2002 as the Government was constituted six months after the elections.

The reported SP plan to get its MLAs to resign en masse in October could set the ball rolling as a result in an election later this year, for the BJP has been tinkering with the idea of dissolving the Assembly if the SP MLAs and those of other Opposition parties were to resign. There are many in the BJP who feel a later election would be counter-productive in the face of an expected Opposition claim that the party was sticking to power beyond the five-year term.

Agrawal's charge against Rajnath: Page 13

'I have a comfortable majority'

LUCKNOW, AUG. 12. The Uttar Pradesh Chief Minister, Mr. Rajnath Singh today opposed dissolution of the State Assembly saying his Government enjoyed a comfortable majority in the House.

There was also no need to advance the Assembly election as it was scheduled to be held in March next year, Mr. Singh told PTI in an interview.

On the withdrawal of support by the Loktantrik Congress Party, he said all the LCP legislators with the exception of the dismissed Minister, Mr. Naresh Agrawal, had pledged their support to him.

He also denied that his Government was "luring" LCP legislators with offers of ministerial berths. Dismissing Mr. Agrawal's claim that some LCP Ministers had sent their resignations to the Chief Minister, Mr. Singh said he had not received any resignation letter.

Asked whether an inquiry would be held into corruption charges against Mr. Agrawal, the Chief Minister said the people already knew well the misdeeds of certain politicians in the State. However, his Government would not hesitate to

expose the corrupt elements and would do everything possible to bring them to book.

The people were fed up with political blackmailers and were extending their support to the BJP to get rid of them and to help the Government accelerate the pace of development, he said. The Chief Minister claimed that four LCP MPs — two each from the Lok Sabha and the Rajya Sabha — were in constant touch with him and had assured him of their support to the Vajpayee Government.

To a question, the Chief Minister said the Samajwadi party was dominated by Mr. Mulayam Singh Yadav's family members while the BSP stood for certain castes and was run in an "autocratic" manner.

In another interview to the television channel *Aaj Tak*, Mr. Singh asked the Opposition to bring a no-confidence motion against his Government in the Assembly if it so desired. "If Mr. Mulayam Singh Yadav wants to bring a no-confidence motion in the Assembly and try to defeat our Government, he can do so."

THE HINDU

13 AUG 2001

MONDAY, AUGUST 13, 2001

119-12
THE TOLL OF OPPORTUNISM MS

THE DEVELOPMENTS IN the BJP-led ruling coalition in Uttar Pradesh consequent to the removal of Mr. Naresh Agrawal from the State Cabinet may not lead to the fall of the Rajnath Singh Government as it is. Apart from the fact that Mr. Agrawal's whip evidently did not run within the 19-member-strong LCP Legislature party (for the simple reason that all these MLAs have seemed to choose their ministerial berths rather than their "leader"), the BJP's managers seem to have roped in at least 9 MLAs belonging to Mr. Ajit Singh's Rashtriya Lok Dal (RLD) and claimed to enjoy the support of 205 MLAs in the 403-strong State Assembly. Mr. Agrawal's announcement, soon after he was sacked from the State Cabinet, that his party had withdrawn support to the Government is now backed by only one member belonging to the party. And this has led to a split in the 19-member LCP with as many as 17 MLAs (who are also Ministers in the Rajnath Singh Cabinet) conveying to the Governor that they were not party to the decision to withdraw support. And this could take the strength of the ruling coalition to a higher number than the 205 claimed. And given this reality, Mr. Rajnath Singh's claims that he continues to enjoy majority support in the Assembly may be taken at its face value. However, in the event that his majority becomes open to doubt, the Governor, Mr. Vishnu Kant Shastri, will have to order the Chief Minister to prove his claims on the floor of the Assembly.

The developments, however, are a cause for concern in a larger context. If Mr. Agrawal's writ does not run in his own party's legislature wing, the reason is that a majority of his partymen are in no mood to give up their ministerial berths. The LCP, as an outfit, was formed and was sustained only on the basis of Cabinet berths to all the MLAs who left the Congress(I) four years ago to support Mr. Kalyan Singh as Chief Minister. In this sense, the BJP had managed a majority in

the Assembly only by making a mockery of democratic principles and political values. Mr. Agrawal happened to be the leader of this group only because he was the contact person for the BJP's managers at that time. Interestingly, Mr. Rajnath Singh, as president of the Uttar Pradesh unit of the BJP, had played a crucial role in organising the defection and had no qualms about carrying on with Mr. Agrawal as Minister in his own Cabinet too. It is also a fact that after that, the LCP was just a platform consisting of such self-serving Ministers and it did not evolve as a political party in any sense. It is this character of the outfit — constituted by a set of men whose concerns began and ended with retaining their ministerial positions and the privileges that came with it — that is now in play. An important aspect of the democratic set up — the party being the basis of the discourse — stands negated now in Uttar Pradesh. This certainly is a cause for serious concern.

J. G. - UP
The time chosen by Mr. Rajnath Singh to send Mr. Agrawal out of the Cabinet is also significant. That the LCP as a party was hardly a factor in the electoral discourse in the State is a fact. Mr. Agrawal and the 18 others who were part of the outfit until now were hardly in a position to influence any poll outcome in the State; and in this sense the LCP had lost its relevance, with elections to the Assembly due in a few months. And this is where the BJP's new ally — Mr. Ajit Singh's RLD — becomes important. In this context it remains to be seen whether the support to Mr. Rajnath Singh from the nine-member-strong RLD would be without strings. Given the track record of the BJP leaders in Uttar Pradesh and also that of the RLD, it is difficult to assume that the new alignment was brought about for any larger cause. The brazen trading of ministerial berths and other public offices in exchange for legislative support has weakened the democratic set-up in the State.

THE HINDU

13 AUG 2001

LCP legislators ditch Aggrawal

STATESMAN NEWS SERVICE

LUCKNOW, Aug. 11. — Fifteen of the 19 Loktantrik Congress Party MLAs today removed Mr Naresh Aggrawal as the legislature party leader and elected Mr Syam Sunder Sharma in his place. They have also decided to support the Rajnath Singh government.

Apart from Mr Aggrawal, the three MLAs who didn't attend the rebels' meeting were Mr Baccha Pathak, Mr Vinay Pandey and Mr Vikramjit Maruya. A spokesman of the breakaway group, Mr Fateh Bahadur Singh, said the three had met the chief minister and would desert Mr Aggrawal soon.

Mr Fateh Singh said the three legislators had some "personal reasons" for not attending the meeting.

About the three, Mr Singh said: "They're nice people... There shouldn't be any problem."

The rebels held two meetings today. First, they met at the Mr Virendra Singh's house where they resolved to support the BJP-led government and remove Mr Aggrawal as the legislature party leader. Later, in the evening, they met at the VVIP Guest House and elected Mr Sharma, the home guard minister, their leader.

Mr Fateh Singh said the LCP would soon have a new president in Mr Aggrawal's place.

The chief minister kept a close watch on the MLAs' activities and

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saw to it that most of them deserted Mr Aggrawal whom he sacked yesterday.

On his arrival from Delhi, the state's former energy minister found only three of his MLAs in the party office. Why did most of the MLAs desert him? Mr Aggrawal said: "It's difficult for anyone to forgo minister's chair. Power makes everybody greedy." Incidentally, all the 19 LCP MLAs are ministers.

The former minister claimed that most of the party workers are with him. He said he had a long meeting with the Samajwadi Party leader, Mr Mulayam Singh Yadav, in Delhi.

"I had a meeting with Mulayam

Editorial: Taking away his power, page 8

Singh Yadav for over one-and-a-half-hour. As our path is the same and we're opposed to BJP's policies and programmes, it was decided we should work together for the removal of the BJP government," Mr Aggrawal said.

Meanwhile, the chief minister today reviewed the state's power situation. One of the reasons for Mr Aggrawal's removal was the grim power situation. After the meeting, Mr Singh said the situation would improve in the next three days.

Opposition demand: The Samajwadi Party, BSP and the Congress asked the chief minister to prove his majority on the floor of the

Assembly. They demanded convening of a special session of the House.

"Why is he (Mr Singh) afraid of facing the Assembly and proving majority on the floor of the House," BSP vice-president Miss Mayawati asked.

Earlier, a delegation of the state Congress met the Governor and demanded dissolution of the Assembly saying Mr Singh has lost majority and had no moral right to continue in office.

The SP state general secretary, Mr Shiv Pal Singh Yadav, said withdrawal of support by the LCP marked the beginning of the end of the BJP-led government. He asked the Governor to dismiss the government.

The BJP today suffered a major setback in the state when former party MLC and general secretary of the Uttar Pradesh Vyapar Mandal, Mr Banwarilal Kanchal, resigned from the primary membership of the party. He said "traders in the state have only faced harassment at the hands of BJP during its four-and-a-half year's rule.

Mr Kanchal, however, said his resignation had nothing to do with dismissal of the energy minister.

'No threat' The BJP president today denied any threat to the UP government, SNS adds from Delhi. He said some more parties may join the coalition, making it stronger before the polls.

THE STATESMAN

110-1 ALL BUT ONE MLA BACK RAJNATH SINGH?

LCP splits, Agrawal expelled

By Our Special Correspondent

LUCKNOW, AUG. 11. The dismissed Uttar Pradesh Minister for Energy, Mr. Naresh Agrawal, was today left in the lurch by all but one of his party MLAs who formed their own group and decided to continue their support to the Rajnath Singh Government.

At a meeting here this afternoon in which 14 of the 19 Loktantrik Congress Party (LCP) Ministers were present, Mr. Shyam Sunder Sharma was elected the LCP legislature group leader in the place of Mr. Agrawal. A resolution was adopted to expel Mr. Agrawal from the party keeping in view the Chief Minister's decision to dismiss him from the Cabinet, thus splitting the LCP.

The LCP MLAs claimed that besides the 14 MLAs who were present at the meeting three others had also decided to join the group and extend their support to Mr. Rajnath Singh. That left the lone LCP MLA, Mr. Vikramajit Maurya, to keep Mr. Agrawal company.

After arriving here from New Delhi in the noon, Mr. Agrawal claimed the support of six MLAs, three of whom — Mr. Vikramajit Maurya, Mr. Bachcha Pathak and Mr. Vinay Pandey — were with him while he addressed presspersons. By evening Mr. Bachcha Pathak and Mr. Vinay Pandey had decided to support Mr. Rajnath Singh.

The new LCP legislature group has left the issue of electing a party president to the workers. Mr. Agrawal was so far functioning as the chief of the LCP both within and outside the legislature.

On his dismissal, Mr. Agrawal charged that the Chief Minister had stabbed him in the back. While in the Government, he was trying to play the role of the Opposition and was expressing his opinion on important issues. His speech at Hardwar earlier this week was no different in tone and tenor from what he had said earlier, he said. But while his earlier statements had been ignored, this



The Loktantrik Congress Party leader, Mr. Naresh Agrawal, coming out of the party office in Lucknow after a meeting on Saturday, while (right) supporters offering sweets to the Uttar Pradesh Chief Minister, Mr. Rajnath Singh, for sacking Mr. Agrawal. — Photo: Subir Roy

time the Chief Minister decided to dismiss him from the Cabinet.

Mr. Agrawal said the party cadres were angry because they were being treated shabbily by the BJP leaders. He had brought this fact to light time and again but in vain.

He said he had also demanded Assembly elections in October this year instead of March next year. This had rattled the BJP leadership. Now he would go to the people and "expose the real face of the communal BJP".

Mr. Agrawal accepted that he had very close relations with the Samajwadi Party leader, Mr. Mulayam Singh Yadav. However, he had still to take a decision on forming an electoral alliance with any party, he said.

Prove majority: Mayawati

The Bahujan Samaj Party leader, Ms. Mayawati, today demand-

ed that the Chief Minister summon the Assembly immediately and prove his majority on the floor of the House. "In case the Chief Minister failed to do so, the Centre should dismiss him," she said, claiming that the BJP-led Government had lost its majority in the Assembly following withdrawal of support to it by the LCP.

Dismiss Govt.: Cong.

PTI reports:

The U.P. Congress demanded the dismissal of the Rajnath Singh Government and imposition of President's rule saying the BJP-led Government had lost its majority.

A Government mustering support through "horse-trading" should not be allowed to continue, it said.

A delegation of Congress leaders met the Governor, Mr. Vishnu Kant Shastri, and submitted a

memorandum demanding imposition of Central rule leading to fresh elections.

BJP rejects demand

The BJP rejected the Opposition's demand for convening a special Assembly session, saying the "dismissal of a Minister is the prerogative of the Chief Minister and there is no tradition to summon the Assembly after a dismissal." The party spokesman, Mr. Hriday Narain Dixit, also rejected the demand for imposition of President's rule.

In New Delhi, Mr. Mulayam Singh Yadav demanded the immediate dismissal of Rajnath Singh Government. Asked whether Mr. Agrawal had met him to explore new political equations, Mr. Mulayam Yadav evaded a direct reply saying his relationship with him was cordial. "We may have ideological differences, but personally we are very close."

BJP confident Rajnath Govt. will continue

By Our Special Correspondent

NEW DELHI, AUG. 11. The Bharatiya Janata Party (BJP) today exuded confidence over continuation of the Rajnath Singh Government in Uttar Pradesh after he dismissed the State Energy Minister and chief of the Loktantrik Congress Party, Mr. Naresh Agrawal.

A day after the development in Lucknow, the BJP president, Mr. K. Jana Krishnamurthy, held Mr. Agrawal responsible for creating a situation which made his retention in the Uttar Pradesh Cabinet difficult.

At an informal meeting with presspersons here, Mr. Krishnamurthy said Mr. Agrawal had been criticising decisions of the State Cabinet, abandoning the principle of collective responsibility. The BJP also saw the LCP chief as failing in his duty by going on an overseas trip at a time when the State was experiencing its worst-ever power crisis.

The BJP leadership was of the opinion that apart from the inability of Mr. Agrawal in continuing in the Cabinet due to his conduct, he was cosying up to their rival, the Samajwadi Party (SP). As evidence, the BJP pointed out that after his dismissal, the first person Mr. Agrawal called on was the SP chief, Mr. Mulayam Singh Yadav.

Mr. Krishnamurthy expressed confidence that the ouster of Mr. Agrawal would not cast a shadow on the BJP-led alliance in the State and it would be able to retain power. Interestingly, he indicated the possibility of "more friends" joining the alliance.

The BJP chief reiterated the need for a code of conduct for NDA constituents. The alliance would decide on its applicability after the four-member committee, headed by the NDA convener, Mr. George Fernandes, submitted its report.

To a question on the Trinamool Congress,

headed by Ms. Mamata Banerjee, the BJP chief said it had not yet sought re-entry into the NDA. The alliance had never shown the door to any party, he said citing the examples of Ms. Banerjee and the AIADMK chief, Ms. Jayalithaa, who had opted out on their own accord.

In another development, Mr. Fernandes called on the Andhra Pradesh Chief Minister and Telugu Desam president, Mr. N. Chandrababu Naidu, here on Friday night. It is understood that Mr. Fernandes discussed the code of conduct that the NDA was evolving for its constituents, even though the TDP is not part of the alliance.

PTI reports:

On the re-entry of the PMK into the NDA, Mr. Krishnamurthy said, "The PMK was present at the last meeting of the NDA. Generally, those who are not members of the NDA do not attend the meeting."

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THE HINDU

U.P. MINISTER SACKED; HIS PARTY WITHDRAWS SUPPORT

Rajnath unfazed, claims backing of 15 LCP MLAs

By J. P. Shukla

LUCKNOW, AUG. 10. The Uttar Pradesh Minister for Energy, Mr. Naresh Agrawal, was today dismissed from the State Council of Ministers, giving a new twist to the politics of coalition the Bharatiya Janata Party had authored four years ago in the country's most populous State. The Governor, Mr. Vishnu Kant Shastri, dismissed Mr. Agrawal on the advice of the Chief Minister, Mr. Rajnath Singh, who said



Agrawal

Mr. Agrawal had violated the norms of constitutional propriety, ethical morality and the principle of joint responsibility of the Cabinet. Asked why he had recommended the Minister's dismissal instead of asking him to resign, Mr. Singh said he had talked to the Minister several times in the past asking him to restrain himself. The decision to recommend his dismissal followed Mr. Agrawal's outbursts in Hardwar. The statement was violative of the rules of coalition politics and government functioning, the Chief Minister said.

Mr. Agrawal, according to newspaper reports, threatened to agitate against the BJP Ministers if his own role as Energy Minister was questioned by the BJP workers. He had taken exception to his being held responsible for the deteriorating power situation in the State. "I alone am not responsible for the power crisis. The Chief Minister is equally responsible for the grim scenario," he was reported to have said.

Mr. Singh hinted that the charges of corruption against Mr. Agrawal, president of the Loktantrik Congress Party and leader of the 19-member LCP group in the State Assembly, could be another reason for his dismissal. "There are some more things about Mr. Agrawal that people of the State know well," he said. Asked whether the other things could be corruption, he said, "I cannot cross the limits of propriety and would not speak in a language spoken by the leaders of the Bahujan Samaj Party and the Samajwadi Party."

The Chief Minister also said he was not a person to work under pressure. Mr. Agrawal was in the habit of issuing threats every now and then. Such a situation was intolerable.

Mr. Singh's decision seemed to be the result of a well thought-out plan and not taken on the spur of the moment. Without going into details, he claimed that there was no danger to his Government even after the dismissal of the LCP leader. "Just watch and see for yourself how things unfold," he said when asked how

he would cobble together a majority in the Assembly. He only mentioned having the support of Mr. Ajit Singh's nine-member Rashtriya Lok Dal. The Governor later said he had received a letter from Mr. Agrawal intimating that the LCP had withdrawn its support to the coalition Government. However, immediately thereafter several Ministers belonging to the LCP had called on him to say that Mr. Agrawal had no authority to write such a letter. As there was a dispute over the authenticity of the letter, he would wait to confirm the actual position, the Governor said.

The Governor, however, confirmed that there was no threat to the Rajnath Singh Government as it enjoyed a majority in the Assembly even after the dismissal of Mr. Agrawal. He said he was satisfied with the figures submitted by BJP leaders about the support that the State Government enjoyed on

the floor of the House.

In the LCP itself, the general opinion was said to be against Mr. Agrawal. While the Agrawal group claimed to have expelled three MLAs — Mr. Vivek Singh, Mr. Diwakar Vikram Singh and Mr. Fateh Bahadur Singh — the rivals said 15 of the 19 MLAs would support the Government, breaking all ties with the Agrawal group. Mr. Agrawal is said to have gone to New Delhi from Hardwar to chalk out the future course of action.

Today's developments have also given rise to speculation that the Assembly elections could be advanced. There are few takers for reiterations by the Chief Minister that the elections would be held only next year. Reports say the BJP leadership is toying with the idea of dissolving the Assembly by October and ordering fresh elections with Mr. Rajnath Singh as a caretaker Chief Minister.

BJP sees no crisis

By Neena Vyas

NEW DELHI, AUG. 10. The Bharatiya Janata Party sees no crisis in Uttar Pradesh and is confident the Rajnath Singh Government will continue to enjoy majority support in the 403-member State Assembly despite the "withdrawal of support" by the 19-MLA strong Loktantrik Congress Party of Mr. Naresh Agrawal, who was sacked as Energy Minister earlier today.

Senior party leaders here confirmed that matters came to a head when Mr. Agrawal attacked the Rajnath Singh Government at a public meeting in Hardwar yesterday. By last evening, the Chief Minister had decided to drop Mr. Agrawal from the Cabinet and after consulting the party high command here — Mr. Rajnath Singh telephoned the party president, Mr. Jana Krishnamurthi this morning, and the Prime Minister and the Union Home Minister were also consulted — a letter was sent to the Governor this morning recommending that Mr. Agrawal be dismissed.

The party had done its homework — it enjoyed the additional support of nine MLAs of the Rashtriya Lok Dal of Mr. Ajit Singh (recently made the Minister for Agriculture in the Vajpayee Government), and it was calculated that Mr. Agrawal would not be able to take all his MLAs along with him as all of them were Ministers. Senior BJP leaders here claimed Mr. Agrawal may be left with three MLAs (himself and two others), while as many as 16 could remain "loyal" to the BJP, including about half-a-dozen "thakur" MLAs who would go along with the 'thakur' Chief Minister.

The serious power crisis in the State — the industry in Kanpur has virtually shut down because of lack of power and farmers and city dwellers alike have been without electricity for 14 to 15 hours a day — was the cause of the anger among the people. The Chief Minister, possibly, calculated that by getting rid of Mr. Agrawal he could win some brownie points. Party leaders here also alleged that Mr. Agrawal had blatantly ensured regular power to his own constituency. There were also allegations of corruption and the charge that he was trying to build himself up as a "baniya" leader. Perhaps the last and final reason for the BJP to decide to rock its own boat was Mr. Agrawal's flirting with the Samajwadi Party.

The drama in Lucknow took place with Mr. Kushabhau Thakre, former party president in-charge of the State, present there. Several crucial meetings took place there, and yesterday the decision was taken. The party's central office bearers met here this evening and briefly discussed the happenings in Lucknow.

Some in the party are also talking about more action in the weeks to come. "Dekhte jaeeye kya kya hota hai (wait and see what happens)" was the comment of Mr. Sunil Shastri, general secretary.

It seems that in its dying moments the BJP Government in the State is bent on enacting the drama that accompanied its birth — splitting of parties. With many MLAs from the BJP and its different coalition partners looking for greener pastures in the SP and the Bahujan Samaj Party, the BJP may be left with no choice but to crack the whip

Centre in a fix over IPS officers

STATESMAN NEWS SERVICE

NEW DELHI, Aug. 17. - Miss Jayalalitha's fresh refusal to release three IPS officers, including the city police chief, Mr K Muthukaruppan, has put the Centre in a tight spot.

The ruling coalition at the Centre has been under constant pressure from the DMK to take action against the AIADMK government. The transfer of the three officers for their alleged role in arresting Mr Karunanidhi and more recently for the violence against party workers at a rally in Chennai was seen as the minimum deterrent action against the state government.

The Tamil Nadu government had yesterday relented slightly by agreeing to release senior police officer Mr R Rajagopalan to take over as the NSG head. Mr Rajagopalan was DG, police, during the DMK regime and was shunted as DGP (training). The Centre sought his services after Mr Karunanidhi was arrested. An AIADMK MP said: "By agreeing to release of services of Mr Rajagopalan, Madam (Miss Jayalalitha) has proved that she isn't vindictive. She has today said the services of the three officers were required here and couldn't be relieved. A letter would soon be sent to the Centre, expressing the government's inability to spare these officers".

Citing the service rules of the IPS officers, an AIADMK MP said the Centre couldn't force the state to transfer them. The state's consent was necessary in case the Centre wanted to repatriate them. A senior official said the norms for all India services, IAS and IPS, were such that the Centre had very little control over services of the officers concerned. Though the Centre was the controlling authority, for all practical purposes they remained under command of the allocated cadre until their service conditions were adversely affected. The Centre had little scope to do anything if the Tamil Nadu government continued to refuse to repatriate the three officers.

Besides Mr Muthukaruppan, the other two officers are joint commissioner of police, Mr S George, and deputy commissioner, Mr Christopher Nelson. The Centre earlier this week asked the state government to give its consent to the posting of the three IPS officers to the Cabinet secretariat here.



Miss J Jayalalitha

THE STATESMAN

SC order on unelected ministers may upset Jaya applecart

STATESMAN NEWS SERVICE & UNI

NEW DELHI, Aug 17. - In a major blow to politicians who assume the office of a chief minister or minister without getting elected to an Assembly beyond the grace period of six months, the Supreme Court today declared such an appointment as undemocratic.

The court barred a minister from being re-appointed during a legislature's term if he/she fails to get elected to the House within six months.

The judgment could affect the Tamil Nadu chief minister, Miss J Jayalalitha, who must get elected to the Assembly before six-month deadline expires in November to continue in office.

But Miss Jayalalitha's election to the Assembly depends on the outcome of her petition before the Supreme Court challenging the Election Commission order barring her from contesting elections till she is cleared in corruption cases.

The court ruled: "Reappointment of such a person, who fails to get elected as a member within the period of six consecutive months, would not

only disrupt the sequence and scheme of Article 164 but would also defeat and subvert the basic principles of representative and responsible government. "We, therefore, are of the opinion that it would be subservient to the Constitution to prevent an individual who isn't a member of the legislature to be appointed as a minister repeatedly."

The ruling was given by a three-judge Bench comprising the Chief Justice, Mr AS Anand, Mr Justice RC Lahoti and Mr Justice KG Balakrishnan, while allowing an appeal by Mr SR Chaudhari against the reappointment of Mr Tej Prakash Singh as a minister for the second term in Punjab.

The Bench held the appointment of Mr TP Singh, son of the slain Punjab chief minister Beant Singh, as minister in Punjab on 23 November 1996 as "invalid and unconstitutional."

The judges considered it appropriate to observe (with a view to avoid reopening of the settled matters) that the judgment shouldn't render any order made or action taken by Mr Singh as bad or void only because his reappointment had been rendered invalid.

THE STATESMAN

Jaya relents, relieves ^{Mr. Rajagopalan} police officer

STATESMAN NEWS SERVICE

CHENNAI, Aug. 16. - The Tamil Nadu government today relented and issued orders relieving Mr R Rajagopalan, chief of Police Training College, to enable him to take charge as chief of National Security Guards.

Mr Rajagopalan was one of the four high-ranking police officials whose services had been sought by the Centre. ^{5/11/78}

Initially, the Jayalalitha government's stand was that it required Mr Rajagopalan's services for a police sensitisation programme and refused to relieve him.

No decision has been taken on three other officers - Mr K Mu-thukkaruppan, Chennai police commissioner, Mr S George, joint commissioner, and Mr Christopher Nelson, deputy commissioner. The three officers have petitioned the tribunal, opposing the Centre's directive.

Plea on Tansi case: More than 70 advocates of Madras High Court today requested the Chief Justice, Mr NK Jain, to refer the appeals in two Tansi cases to a larger Bench. The advocates said in view of Miss Jayalalitha holding the office of chief minister, the matter should be heard by a Bench of three judges - if not at least by two judges - under rule 228 of Criminal Rules of Practice.

They said if the matter was heard by a larger Bench, people would feel confident that the appeals, involving a chief minister, had received due consideration.

The advocates said it had been the practice of the judiciary to post important and sensitive matters before a division Bench or a larger Bench comprising senior judges.

THE STATESMAN

1 AUG 1978

Jaya takes on Centre to

597 698
WHEN J Jayalalitha became Tamil Nadu Chief Minister for a second term under constitutionally challenged circumstances on 14 May, she wanted Union Petroleum Secretary P Shankar to be repatriated to the state to take over as chief secretary. The Centre obliged.

Then the AIADMK supremo wanted Vijaya Kumar (IPS) seconded to the Border Security Force, back to head the Special Task Force hunting forest brigand Veerappan. The Centre packed him off to Chennai without any delay or question. R Rajagopalan, who was Director-General of Police when Miss Jayalalitha assumed office, was removed simply because he could not arrest former Chief Minister and DMK president M Karunanidhi within a stipulated period.

He was put in charge of police training, a position normally held by an officer of much lower rank. Incidentally, Mr Rajagopalan had served Miss Jayalalitha to her utmost satisfaction as Commissioner of Police, Chennai, during her first innings as chief minister.

The Centre, aware of Miss Jayalalitha's "Durbar Raj" and not wanting talents to go waste, has requisitioned the services of Mr Rajagopalan to be appointed as Director-General of the National Security Guard. The state government has not relieved him so far for his new assignment.

Then came the requisitioning of three IPS officers of the Tamil Nadu cadre - K Muthukaruppan, Chennai Police Commissioner, S George, Joint Commissioner, and Christopher Nelson, Deputy Commissioner - key players in the arrest and manhandling of Mr Karunanidhi and two Union ministers, Murasoli Maran and TR Baalu, for postings in the Cabinet Secretariat in Delhi.

In normal circumstances, a transfer to Delhi from the states is looked upon as a favour and reward.

Posting in the Cabinet Secretariat is a prestigious assignment except that the three Tamil Nadu IPS officers may have to occasionally salute Mr Maran and Mr Baalu whom they had tossed about like sacks of potatoes on the night of 29-30 June.

Miss Jayalalitha has decided to challenge their requisition even if it meant a confrontation with the Centre and launched an epistolary warfare to mobilise support for

shield her cops

After the Centre requisitioned four IPS officers from Tamil Nadu on deputation, Jayalalitha shot off letters to all chief ministers implying this is a threat to federal polity. There are many IPS officers shunted to junior posts in her administration and unless the Centre invokes its powers to rein in erring IPS officers, the rule of law and human rights will be at stake, writes SAM RAJAPPA



A senior police officer bodily taking M Karunanidhi from his residence in Chennai in June. Union minister TR Baalu arguing with policemen when they came to Murasoli Maran's house in Chennai to arrest him. - PTI

her patently one-sided action in dealing with the IPS officers wanted by the Centre.

In a letter to all chief ministers, she described the requisitioning of the four officers as a "disturbing development in the management of state cadres of all-India services."

Stressing the need for good officers in the state, Miss Jayalalitha said if the Centre were to ignore the state's priorities and requisition the service of all-India service officers in an arbitrary manner, managing the state cadres would become difficult.

She urged the chief ministers to write to the Union government as "it has wide implications in Centre-state relations in the country." Client parties in the AIADMK-led alliance and mercenary commentators in both the print and the electronic media have been pressed into service to launch a propaganda blitzkrieg that the Centre, by requisitioning the services of four Tamil Nadu-cadre IPS officers for superior postings in Delhi,

has committed a grave constitutional impropriety and threatened federal polity.

Officers of all-India services are appointed by the President and they enjoy constitutional guarantees. There are norms of procedure laid down for transfers between the Centre and the states. The Centre has no cadres of its own. It depends on the states to send officials on deputation.

According to rules evolved over the years, every state should place 40 per cent of its cadre-strength in general deputation reserve. Tamil Nadu has 116 IPS officers, which means, at any given time, 46 of them should be on deputation reserve. At present, only 25 officers are on deputation. Even after releasing the four officers whose deputation the Centre has sought, Tamil Nadu should be prepared to spare another 17.

Under the Indian Police Service (Cadre) Rules, 1954, the Union government is empowered to transfer an IPS officer not only from the parent cadre to the Centre but also from one state to

another. One of the reasons cited by Miss Jayalalitha for her inability to relieve the four IPS men is shortage of senior officers. Of the 116 IPS officers in the state, five are of the rank of DGP, 20 of ADGP and 20 of I-G rank.

How are their services being utilised by the present government? Mr Ganapathy of DGP rank, with no well defined responsibility, has not yet been provided a table and chair even after two months of the new administration. He has only standing room in the corridors of the state police.

AX Alexander, ADGP, has been posted to a police outpost at Mandapam in Ramanathapuram district where there is a refugee camp for Sri Lankan Tamils. He is in charge of one sub-inspector and four constables. For S Kurarasamy, ADGP, a new post as security officer has been created in the Tamil Nadu Electricity Board to keep him out of mainstream police duty.

K Kalimuthu, another ADGP, has been put on indefinite compulsory wait. Mr Ramanujam, I-G, for

want of anything better to do, has been posted as Security Officer of the State Road Transport Corporation to mind buses. Mr Thukayandi, DIG, who had successfully investigated the corruption cases against Miss Jayalalitha, has been shunted out to the land's end in Kanniyakumari district to take up the job of a lower division clerk.

Mr Karunanidhi had sought disciplinary action against the IPS officers who had wilfully and deliberately defied the provisions of the Constitution, Criminal Procedure Code and the directives of the Supreme Court as well as the National Human Rights Commission in his midnight arrest and subsequent detention.

The official report of the committee headed by MB Kaushal, Special Secretary, Union home ministry, statements of the Chennai Corporation commissioner and investigating officer before the principal sessions judge, Chennai, and strictures and observations by the PSJ in his order granting bail to Mr Karunanidhi bear ample testimony to the police officers' guilt.

But the Centre is reluctant to take action against the guilty officials. Rule 7 of the All India Service (Discipline and Appeal) Rules, 1969, provides concurrent jurisdiction to the state and the Union government to institute proceedings for major offences.

As and when the Union government chooses to exercise this option, its decision is final and the state government "shall be bound to render all reasonable facilities to the Centre in instituting and conducting such proceedings." The Jayalalitha government is bent on protecting and safeguarding the guilty IPS officers of the Tamil Nadu cadre.

Unless the Centre invokes its powers under the All India Service (Discipline and Appeal) Rules and relevant provisions of the Constitution and take exemplary action against the erring IPS officers, the rule of law and safeguard of human rights will be at stake.

There is no excuse for prevarication and procrastination. The long delay of more than a month has already eroded the credibility of the Government of India and any further delay would have disastrous consequences.

(The author, a veteran journalist who retired from The Statesman, is based in Chennai.)

Prime suspect in Phoolan murder held

DEHRA DUN, JULY 27. In a crucial breakthrough in the Phoolan Devi murder case, police here today arrested the prime suspect, Sher Singh Rana alias Pankaj Singh, who is said to have confessed to the crime of avenging the massacre of 22 Thakurs in Behmai by the former 'bandit queen' in 1981.

Pankaj, whose car was used by him and his two accomplices, was arrested when he was talking to a group of newsmen at the press club here, the Uttaranchal DGP, Mr. A.K. Sharan, told presspersons.

He said that during interrogation, Pankaj, who runs a liquor shop in the nearby Roorkee town, confessed that he killed Phoolan Devi with a revolver and a country-made pistol at her official residence on Ashoka Road in Delhi on Wednesday. His relative, Ravinder Singh of Meerut, was also involved in the killing, he said.

Pankaj, along with Ravinder, Ms. Uma Kashyap, a political activist, and her husband, Mr. Vijay Kumar, had gone to Delhi from Roorkee on July 25 after systematic planning for two months.

Mr. Sharan quoted Pankaj as having said that moments after Phoolan Devi alighted from a car

ed around 10 a.m. In New Delhi, the Uttar Pradesh Chief Minister, Mr. Rajnath Singh, told presspersons that the Samajwadi Party was indulging in "very cheap politics by trying to cash in on a human tragedy," by resorting to violence. "This (violence by Samajwadi Party workers) shows what cheap and low level politics the party can indulge in," he told presspersons here.

He said when the entire incident was being investigated, it was unnecessary to make charges against the Government. Targeting the State Government was wrong since the murder had taken place in the Capital, Mr. Singh, who is in Delhi to attend the national executive of the BJP, said. He criticised the manner in which SP workers broke the nameplate at his residence in Delhi.

The Delhi police said no political link had been found so far in Phoolan's murder. The Joint Commissioner of Police, Crime, Mr. K.K. Paul said the police were yet to ascertain the motive behind the killing.

Uma Kashyap's role

The Delhi police today said it was investigating the possible

complicity of Ms. Uma Kashyap and her husband, functionaries of 'Eklayya Sena,' in Phoolan's murder. The couple had arrived at the MP's residence in Pankaj's car of prime suspect Pankaj from Roorkee barely a few hours before the murder. The Kashyaps were interrogated by the Crime Branch police and it is understood that their revelations led to the arrest of Pankaj.

Mr. Paul said Ms. Kashyap was a frequent visitor to Phoolan's residence. He said the investigation was continuing. On the possibility of the couple being arrested, he said it would depend on the investigations. "Pankaj is being brought to the capital tonight and his interrogation will provide vital clues in unravelling the case."

Paswan concerned

The Lok Janshakti leader and Union Minister, Mr. Ram Vilas Paswan, criticised those seeking to get political mileage from the "condemnable" murder of Phoolan, even as he said the daylight killing in the heart of the capital was a matter of concern. "It is not right to give a political colour to the killing. Charges should not be levelled without proof. — PTI



Pankaj Singh

at her residence, he opened fire on her. Pankaj escaped in his green Maruti car and later took an autorickshaw for the inter-State bus terminus from where he came to Hardwar. He stayed in Hardwar and Rishikesh on Thursday and came to Dehra Dun only this morning. He then went to the Uttaranchal Press Club in Dalanwala area where he narrated the murder to a group of newsmen. Police came to know that Pankaj was in the club and he was arrested.

THE HINDU

28 JUL 2001

CLASHES AS PHOOLAN DEVI IS CREMATED

U.P. bandh violent

LUCKNOW, JULY 26. One person was killed and 27 others, including an Additional District Magistrate and some policemen, were injured today during the Statewide bandh called by the Samajwadi Party against the murder of party MP, Phoolan Devi, even as she was cremated in Mirzapur.

One person was killed in Varanasi where police opened fire to quell a group of SP activists, which resorted to forcible closure of shops and damaged vehicles of a police officer and a magistrate in the Shir Goverdhan area. The party claimed the person died in police firing. An ADM, a police circle officer and five policemen were injured in the clashes.

At least 20 others, including some policemen, were injured in Bhadoi, Mirzapur, Etawah, Sitapur and Mainpuri districts during stone-pelting incidents and skirmishes between SP workers and policemen, the reports said quoting district officials.

Normal life was affected at several places as SP workers clashed with police, pelted stones and resorted to rail and road blockades.

Mirzapur and Bhadoi, which formed part of Phoolan Devi's parliamentary constituency, along with Etawah bore the brunt of the violence.

While a spokesman for the SP claimed that over 10,000 party workers were arrested at different places, officials said 1,000 persons were taken into custody.

The bandh was also "enforced" in Allahabad, Kanpur, Moradabad and Lucknow. Kheri districts, but no major untoward incident was reported. Effigies of the Prime



The Samajwadi Party chief, Mr. Mulayam Singh Yadav, and the party general secretary, Mr. Amar Singh, consoling the family members of Phoolan Devi before her cremation on the banks of the Ganga in Mirzapur on Thursday. — Photo: Akhilesh Kumar

Minister, Mr. A. B. Vajpayee, the Union Home Minister, Mr. L. K. Advani, and the Uttar Pradesh Chief Minister, Mr. Rajnath Singh, were burnt at several places. Effigies of the three leaders were also burnt in Kolkata and Mumbai by SP workers.

While business establishments remained closed, government offices, banks and schools and colleges functioned as usual.

According to reports received at the State police headquarters, the bandh evoked a "mixed response," but the SP State unit chief, Mr. Ram Sharan Das, claimed it was a "total success".

The State Home Secretary, Mr.

A. K. Bisnoi, told reporters that the bandh was peaceful and that the law and order situation in the State, barring Varanasi, was normal.

Late in the evening, lakhs of tearful mourners bid adieu as Phoolan Devi's mortal remains were consigned to the flames here at the Choubepur Ghat on the banks of the Ganga in Mirzapur.

People raised slogans against Mr. Vajpayee, Mr. Advani and Mr. Rajnath Singh at the funeral attended among others by the SP president, Mr. Mulayam Singh Yadav, and the general secretary, Mr. Amar Singh. — PTI, UNI

More reports on Page 15

THE HINDU

PHOOLAN MURDER

Cops identify suspect, grope for motive

Rajnish Sharma
New Delhi, July 26

A DAY after Phoolan Devi's sensational killing, the police claimed they had made a major breakthrough in the case, but were still groping in the dark on what is usually the key to a murder mystery: the motive.

The autorickshaw (DL IRF 0235) the assassins had used for the second leg of their getaway was found in an R K Puram slum this afternoon. Its driver, Bahadur Singh, told the police that three men had commandeered his vehicle on Pandit Pant Marg just after the 1:30 pm shooting at nearby Ashoka Road.

According to the driver, one of the men got off at Krishi Bhawan. The other, at the Bhagwan Dass Marg-Tilak Marg crossing. The men said they wanted to catch a bus from the Kashmere Gate Inter-State Bus Terminus. Singh said he last saw them boarding bus no 621 bound in that direction.

One of the three men is suspected to go by the name Pankaj: the man who the police feel holds the key to the mystery. Except that Pankaj isn't his real name. The police have found out that he uses several other aliases, including Shamsheer Singh Rana, Sheroo and Chhote. He is a student of law at Dehradun and the son of Surender Singh Rana from Roorkee's BT Ganj. Over

ONE DIES IN UP VIOLENCE

ONE PERSON was killed and five injured in Uttar Pradesh on Thursday, as a bandh called by the Samajwadi Party (SP) to protest the killing of Phoolan Devi crippled life. SP workers clashed with the police, threw stones, blocked road and rail tracks in Mirzapur, Bhadoi, Sitapur and Lucknow. In Varanasi, the police fired at a mob, killing one and wounding five. Reports of violence came in from Jalaun, Sitapur and Allahabad.

HTC, Lucknow

the last year, he visited Phoolan frequently. But here is the key bit: he always visited as 'Pankaj'. Nobody in Phoolan's household knew what his real name was. And the police are baffled by the yearlong charade that was acted out by this man. Could it be that Phoolan's killers had actually been waiting for just the right opportunity for a year? And grabbed it when it came on Wednesday afternoon?

The police don't know. What they do know is that Pankaj's family has gone missing. And there are still no leads on the identities of the two assassins.

More reports on Page 7

SC admits pleas on Jaya swearing-in

PRESS TRUST OF INDIA 64

NEW DELHI, July 20. — The Supreme Court today admitted and referred to a larger Bench a bunch of five petitions raising "constitutionally important" questions over the swearing in of Miss Jayalalitha as chief minister despite being barred from contesting polls due to her conviction in the Tansi scam.

But a three-judge Bench of Mr Justice SP Bharucha, Mr Justice YK Sabharwal and Mr Justice Brijesh Kumar dismissed the DMK's application seeking to implead itself in the matter.

The court, which had on 4 June issued notices to Miss Jayalalitha, Centre and the attorney-general, said the petitions posed "constitutionally important questions namely whether a person, who has been convicted of a criminal offence, which has not been suspended, can be sworn in as chief minister."

When three more petitioners wanted to intervene, the Bench said, "We are not entertaining any more petitions."

While referring the matter to the Constitution Bench, the court said the matter be placed before the CJI for setting up of a larger Bench. The court said the matter will be listed for hearing from 3 September.

■ Editorial: Law of the
jungle? page 6

THE STATE

Undeclared directive to panel: Karunanidhi

By Our Special Correspondent

CHENNAI, JULY 11. The DMK leader and the former Tamil Nadu Chief Minister, Mr. M. Karunanidhi, has alleged that the Chief Minister, Ms. Jayalalithaa, had clearly indicated how the report of the one-man commission of inquiry should be. "All that the inquiry commission has to do now is to reaffirm it in its report," he said.

In a rejoinder to the Chief Minister, the DMK leader today asked where was the need for her justification of the police action when she had announced that the inquiry commission had been appointed to find out the truth behind the whole issue, including police excesses. Her statement, according to him, was only an "undeclared directive" to the commission on how the final report should be. He expected the Commission report to be a carbon copy of her statement.

Refuting the Chief Minister's contention that he was arrested as "grave irregularities" had been committed in the construction of flyovers in Chennai, Mr. Karunanidhi wanted to know whether the police had completed the preliminary investigation before arresting him. If not, why had they failed to conduct it when he was kept in the CB-CID office for more than two hours after his arrest. The po-

lice had not produced any evidence of corruption even before the judge, who had remanded him.

In fact, the investigating officer, Mr. Padmanabhan, had admitted before the judge that none of the accused had received any pecuniary benefits and that the advantage went only to the contractors. If that was the case, then where did the question of corruption arise, he asked. Again, according to Mr. Karunanidhi, the Chief Minister had "blatantly lied" while explaining the sequence of the arrest. As per her statement, the police team led by Mr. Mohammed Ali after reaching his house went upstairs as they did not get any response when they tried to contact him over the intercom from downstairs. On the other hand, Mr. Karunanidhi said, police straightaway came upstairs after snapping the telephone lines. She had herself admitted that police had entered the room as there was no response when police knocked the door for more than 10 minutes.

Alleging that police misbehaved with women members of his family, he said that the police kept them in custody in the Vepery police station. Condemning the police move to enter into the house of the Union Minister, Mr. Murasoli Maran, without any warrant, he asked, "Is it not an excess?"

For the DMK leader the crux of the matter was not the case registered against him and Mr. Stalin, as they were ready to face it in the court of law, but that all rules and regulations were violated by police at the time of arrest and during subsequent events, he added.

Meanwhile, Sun TV today refuted the charges of the Chief Minister and said it had become a habit to find fault with the organisation whenever it pointed out acts of omission and commission of any political party. Referring to the arrest of the Villupuram reporter, Mr. G.Suresh, it said that many mainstream media had repeatedly pointed out that he was singled out and arrested though he was one among many reporters who had gone to cover the event.

Stalin's plea

The Chennai Mayor, Mr. M.K. Stalin, has sought the intervention of the State Human Rights Commission (SHRC) for initiating action against the "police officers who acted in a high-handed manner" at his residence on the night the former Chief Minister, Mr. M. Karunanidhi, was arrested. In his complaint, Mr. Stalin alleged that the police "ill-treated his family members" to please Ms. Jayalalithaa. A copy of the complaint was also sent to the National Human Rights Commission.

Centre to frame rules on state action against ministers

Our Political Bureau

NEW DELHI 10 JULY

THE CENTRE will soon frame guidelines laying down the circumstances under which a state government can initiate action against Union ministers. This decision was taken at a meeting of the Union Cabinet here and the obvious provocation was the recent Tamil Nadu developments when men in uniform assaulted and arrested two ministers.

With the polity becoming increasingly fractured and leaders often resorting to highhandedness for settling political scores, the Cabinet felt it was necessary to prescribe a set of guidelines on the lines of rules that have to be followed for action against officers of administrative services and judiciary. The Prime Minister, who was in agreement with his ministerial colleagues, said the government will soon frame a law.

Commerce minister Murasoli Maran and environment minister T.R. Baalu — who narrated their state government was by-passing the directive from the Centre. While Mr Maran was appreciative of the constraints of the Centre, Mr Baalu wanted the government to take some stringent action against Ms Jayalalitha.

Both Mr Maran and Mr Baalu said the one-man probe panel constituted by Ms Jayalalitha to look into the police excesses was an eye-wash. They also said the chief minister has flouted all norms in the formation of the commission. Mr Maran said the retired judge was hand-picked by the chief minister, who is accused



Maran: Eye of the storm

of masterminding the police action. "The dispute is between the Jayalalitha government and two ministers. Ms Jayalalitha should have requested the chief justice of the Madras High Court to depute either a serving judge or a retired judge to look into the case. But she has hand-picked a retired judge. It will not be a fair exercise," Mr Maran said.

The two ministers also said the Centre should intervene and provide relief to the principal sessions judge who are hearing the flyover case. It may be recalled that the President and the chief justice for providing security to his father on the ground that he was receiving threatening phone calls.

The ministers said the Centre cannot be a mute spectator to the happenings in Chennai. The two DMK nominees said the chief minister has ducked the directive from the Centre. "It should be made clear to the government that the measures are unacceptable to the Centre," the ministers said.

Jaya accuses Karunanidhi of lying to gain public sympathy

Chennai

10 JULY

BREAKING HER 10-day silence, Tamil Nadu chief minister J. Jayalalitha on Tuesday came out strongly in defence of the policemen who arrested Karunanidhi and two Union ministers and accused the former chief minister of telling "blatant lies" of police excesses to evoke public sympathy.

In a 10-page statement, she said Karunanidhi's decision to boycott the Justice Raman commission of inquiry to probe the police "excesses" during the June 30 arrest was due to fear that the truth would come out if he cooperated with the commission.

Jayalalitha said Karunanidhi's role in the flyover scam was that of a "facilitator of corruption of his son" and he was arrested for making enquiries in this regard. She said if Karunanidhi decided to cooperate with the commission, it will be binding on Sun TV to produce raw footage of the incident.

The truth would come out that Sun TV had clearly managed to evoke people's sympathy through "selective editing" and "clever manipulation" of visuals as a ploy to create a law and order problem in the state and to divert people's attention, she said.

Defending the arrest of Karunanidhi in the wee hours, the chief minister said he was not manhandled by the police at any stage. She also denied charges that police broke open the door of Karunanidhi's bedroom.

Jayalalitha said the police team headed by deputy inspector of police Mohammad Ali followed all norms of decency while arresting Karunanidhi. They made a "polite entry" into the ground floor and explained the purpose of their visit



AMMA DEKH

to the servants, who opened the door.

She said the police tried to communicate with Karunanidhi or his family members over intercom. "Only after eliciting no reply, did they go upstairs. Again, they spent nearly 10 minutes knocking on the door which lead to the hall upstairs. They knocked on his bedroom door and communicated with his wife through the closed door. They waited till the door was opened," she said.

Justifying the arrest of Karunanidhi late in the night, she said the police manual stipulates that a political leader with mass following had necessarily to be arrested only after midnight, so as to prevent untoward incidents and law and order problems.

She said Karunanidhi was not manhandled at any stage. "Had he been manhandled, he would not have come out of his bedroom smiling and beaming at everyone."

His complaint of shoulder pain due to manhandling was a "blatant lie" being told to evoke public sympathy, the chief minister said.

Referring to Karunanidhi's daughter Kanimozhi's interview to an English magazine about her father's shoulder pains due to the alleged police excesses, Jayalalitha recalled that Kanimozhi, in an interview to a Tamil magazine during the May 10 elections, had mentioned his shoulder pain.

Justifying the arrests carried out without a warrant, she said no arrest warrant or search warrant was required when the police was dealing with a cognisable offence under Section 41 of the Criminal Procedure Code.

She said the police tapes showed that Karunanidhi's bedroom was not opened by force. It also showed that the police neither barged into the room nor beat up Karunanidhi. They also did not forcibly drag him out, she claimed and alleged that Union ministers Murasoli Maran and T.R. Baalu were deliberately propagating "despicable lies." — PTI

Jaya defends action against Karunanidhi

Whole footage as shown on Sun TV channel was false and violated Cable TV Act'

The Times of India News Service

CHENNAI: Justifying the mini-flyover scam case, the arrest of former Tamil Nadu chief minister M. Karunanidhi, the two Union ministers Murasoli Maran and T.R. Baalu and Chennai mayor M.K. Stalin, the police action and the formation of the Raman Commission, Tamil Nadu chief minister J. Jayalalithaa on Tuesday gave a blow-by-blow account of the whole issue.

In a nine-page statement released to the press, Ms Jayalalithaa said that the whole footage of the arrest as shown on the Sun TV channel (belonging to Murasoli Maran) was false and the manner in which it was done violated the Cable TV Act.

She contended that Mr Stalin had committed grave irregularities in the construction of the nine mini-flyovers in Chennai at the cost of Rs 193 crore and that documentary evidence showed that over Rs 12 crore had been swindled by Mr Stalin and his associates.

"Corruption of this scale in a single deal was possible only because the state government headed by Mr Stalin's father, Mr Karunanidhi, colluded to give the mayor unlimited financial powers," Ms Jayalalithaa said.

She alleged that when Mr Stalin took over as mayor, he was confronted with two problems — the construction was not under his purview and second, under the MCMC Act, 1919, the mayor had to refer any financial transaction over Rs 7.6 lakhs to the state government for approval.

"With great speed, an ordinance was promulgated in December 1996, amending the MCMC Act,

and prescribing a monetary limit of Rs 50 lakhs for sanctioning estimates and award of contracts by the mayor. In the same amendment, a provision was made for prescribing rules for approval of contracts beyond Rs 50 lakh. This ordinance became Act 22 of 1996. Subsequently, rules were framed prescribing that contracts exceeding Rs 50 lakhs shall be approved by the government," she alleged.

Later with the connivance with the then transport minister K. Ponmudi, Mr Stalin was made the Traffic Improvement Committee chairman and the control of constructing the flyovers were brought directly under Mr Stalin. This established Mr Karunanidhi's involvement in the Rs 12 crore scam.

"This was Mr Karunanidhi's role — that of a facilitator in the corrupt activities of his son. All these facilities were extended to the Chennai mayor, Mr Stalin, only

because he happened to be Mr Karunanidhi's son. The mayors of Madurai, Coimbatore, etc do not enjoy such powers. And it was for making inquiries into this that Mr Karunanidhi was arrested," Ms Jayalalithaa justified.

Unlike the footage shown by Sun TV, the CB-CID DIG Mohammed Ali had followed all norms of decency while arresting Mr Karunanidhi, she clarified. She added that both Mr Karunanidhi and his second wife Rajathi Ammal were given enough time to come out.

"Thereafter, the police made it clear in Tamil, the grounds of the arrest. Mr Karunanidhi readily agreed to accompany them to the offices of the CB-CID. All this comes out very clearly in the police video. When Mr Karunanidhi claimed at his press meet that he was not informed about the reason for his arrest, he was lying," Ms Jayalalithaa said.

Further clarifying the arrest of Mr Maran, Ms Jayalalithaa claimed that the police footage show that Ms Rajathi Ammal was vitiated only after the entry of Mr Maran and the Sun TV. "Thereafter a drama was enacted entirely for the benefit of the cameras. Mr Maran and his son Dayanidhi showered abuses on the police personnel. As DIG Mohammed Ali tried to guide Mr Karunanidhi away from the melee, Mr Maran physically assaulted Mr Mohamad Ali in the eye forcing the police officer to stagger in pain. Ms Rajathi Ammal's driver, Sanjeevi took advantage of this confusion to push Mr Karunanidhi into a chair. As Mr Karunanidhi lost his balance, he was supported from behind by a uniformed police officer, who thereafter gently helped him away from the scene of confusion to the waiting car outside."

When Mr Karunanidhi was being taken away, Mr Maran had jumped into the car and later refused to get down. The police were then forced to bodily lift him out of the car and Mr Maran rained blows on the heads of the policemen carrying him out.

Commenting on Mr Karunanidhi's opposition to the Justice Raman Commission of inquiry, Ms Jayalalithaa said that the former was worried that it would become binding on the Sun TV to provide their raw footage and the truth would come out that the channel had "cleverly managed to evoke public sympathy through selective editing and clever manipulation of visuals as a ploy to create a law and order problem in the state and divert the attention of the people".

DMK chief fears emergency-like situation

The Times of India News Service

CHENNAI: An emergency-like situation prevails in Tamil Nadu and it is for the Union government to take necessary action to check the autocratic rule continuing in the state, said former chief minister M. Karunanidhi.

Talking to mediapersons here, Mr Karunanidhi pointed out that all officials who had acted according to the rules in processing chief minister J. Jayalalithaa's nomination papers in April, had been penalised.

Taking a dig at the allies of the AIADMK, especially Tamil Maanila Congress (TMC) president G.K. Moopanar and the Left parties, he quipped: "Unfortunately, leaders who claim to be championing the cause of democracy and human rights are silent."

Mr Karunanidhi went on to demand immediate suspension of the police officials, who allegedly manhandled him during his arrest. He added that the DMK legal wing would work out the modalities of taking legal action against these officials. But, he refrained from giving a time-frame to the Centre to take appropriate action.

Jayalalitha hits out at Ramadoss for break-up

STATESMAN NEWS SERVICE & PTI

CHENNAI, July 8. - The Pattali Makkal Katchi's (PMK) decision to leave the AIADMK-led secular front was "sheer opportunism", Miss Jayalalitha said in a strongly-worded statement released today.

The AIADMK supremo denied that she had "ill-treated" the PMK leader, Dr S Ramadoss, and said he was only looking for "lame excuses" and "searching for reasons" to justify his decision.

"Forming opportunistic alliances for selfish motives and getting out of the alliance after realising his aim, has been the routine for Dr Ramadoss," she said. There wasn't an iota of truth in the PMK leader's statements and they clearly showed that he "was searching for reasons to come out of the AIADMK-led front," she added.

Miss Jayalalitha claimed that the AIADMK-PMK tie-up was merely an electoral alliance and there was neither any discussion nor agreement about allotting the Rajya Sabha seat to the PMK.

The AIADMK chief said she had never insulted the leaders of any of the alliance parties. She reminded the PMK leader that the AIADMK-led front could have swept the election in Pondicherry if only it had forged an alliance with the Congress and the TMC.

She added: "But only to keep the promise to Dr Ramadoss that the AIADMK had to sacrifice the opportunity."

9/7 52-8
9-81 G.N.

Meanwhile, the PMK now finds itself politically isolated, waiting for an invitation from the central NDA government to rejoin it.

The first signs of strains between the two leaders became apparent when the PMK leader called on the former chief minister, Mr M Karunanidhi, in the Chennai central prison, arrested for his alleged involvement in corruption in the construction of 10 mini flyovers in the state.

Commiserating with Mr Karunanidhi, Dr Ramadoss strongly condemned the manner in which the DMK leader was arrested on 29 June. The 20-minute meeting between the DMK and PMK leaders virtually sealed the fate of the AIADMK-PMK tie-up. Two days later, the PMK leader announced that the alliance with the AIADMK was over.

Freely pouring out his woes to the media, Dr Ramadoss said he had been virtually "pushed" to take the decision to quit the AIADMK-led front after the "shabby treatment" he received from the AIADMK. He had said that Miss Jayalalitha's attitude towards him "changed" after her party was voted to power in the Assembly election.

"She has forgotten that the AIADMK won only because of the PMK. Without our help she wouldn't have become the chief minister," Dr Ramadoss said.

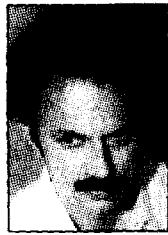
The PMK won 20 of the 27 seats that it contested in the Assembly election and has five members in the Lok Sabha.

THE STATESMAN

Court questions FIR motive, frees Stalin on bail

The Times of India News Service & PTI

CHENNAI: In a severe indictment of the prosecution, a sessions court on Friday granted bail to M.K. Stalin, son of DMK president M. Karunanidhi, holding that the FIR in the multi-crore flyover scam had been lodged with the ulterior motive of putting the accused behind bars.



M.K. Stalin Two former DMK ministers, K.S. Mani and Ponnudi, and four others were also granted bail in the case.

"The way in which the complaint was lodged, the FIR registered and the time taken to decide the arrests without even examining the witnesses or interrogating them after their arrest goes to show that the

FIR had been lodged with an ulterior motive and meant to put them behind bars immediately," principal sessions judge Ashok Kumar said in his order while granting bail. The judge directed Mr Stalin, who is the Chennai mayor, and his party leaders to furnish personal bonds of Rs 10,000 each with two sureties for like amount. They

FLYOVER SCAM

were also told to present themselves before his court every Monday.

On Mr Stalin, the judge said that since the crime branch-CID could not interrogate him as he had surrendered, the investigating agency, if it wanted to question him, should issue him a notice a day earlier specifying the place and time for his appearance. Mr Kumar added that two counsel of his choice should be permitted to accompany him.

The judge said his directions on Mr Stalin were given keeping in mind how Mr Karunanidhi had been treated at the time of his arrest. Mr Stalin, the prime accused in the Rs 12 crore scam, had surrendered before the judge on June 30 and was remanded to judicial custody until July 10. He was lodged in Madurai prison.

Taking a hard line against public prosecutor S. Gomathinayakam, Mr Ashok Kumar demanded to know on what grounds he was opposing the bail application of Mr Stalin and the other DMK leaders.

He also sought to know how much money each of the accused had received and the role played by them in the alleged scam.

The public prosecutor pleaded that since the investigations had started just five days earlier, he did not have the details.

Jayalalithaa meets Governor

By Our Special Correspondent

CHENNAI, JULY 6. The Tamil Nadu Governor, Dr. C. Rangarajan, today called the Chief Minister, Ms. Jayalalithaa, for a discussion on the recent developments in the State. According to official sources, the Governor reviewed the status on the implementation of the orders received from the Centre a couple of days ago.

Since there was no communication from either the Raj Bhavan or the Government, it is not clear what issues actually figured in the half-hour discussions at the Raj Bhavan this morning. The Centre is apparently asking for a compliance report from the State.

The Chief Minister earlier met the Chief Secretary, Mr. P. Shankar, and the Director-General of Police, Mr. A. Ravindranath.

The sources said that most of the issues raised in the Centre's communication had been dealt with by the Government. Two of the sticking points related to initiation of action against the police officers involved in the 'arrest drama', and revoking the order of the City Police Commissioner on a private television channel.

Ms. Jayalalithaa had called on the Governor on Tuesday before he took over additional charge of Tamil Nadu. The same day, Dr. Rangarajan called for the Chief Secretary to get a full account of the developments.

THE HINDU

Arrest a political vendetta: Court

STATESMAN NEWS SERVICE

CHENNAI, July 5. — Miss Jayalalitha is admittedly very upset after the judiciary criticised her government for indulging in "political vendetta" against Mr Karunanidhi and other DMK leaders.

When a habeas corpus petition of a DMK advocate, who was denied an audience with Mr Karunanidhi, came up before a Division Bench of the Madras High Court yesterday, Mr Justice Narayana Kurup and Mr Justice A Ramamurthy criticised the government for making "major policy decisions which smacked of political vendetta" by ordering the arrest and detention of political rivals and bureaucrats.

When the Jayalalitha government was on a "sticky wicket" with her appointment itself having been contested in the Supreme Court, "is it not proper and prudent to keep tempers under cool," Mr Justice Kurup asked.



Miss J Jayalalitha



Mr K Karunanidhi

things to light and will embarrass only the government."

The judge said that no guidelines of the Supreme Court had been followed at the time of the arrests and there were commissions and omissions in the filing of the FIR as well. Moreover, he pointed out, the investigating officer on the previous day had admitted that none of the accused got any pecuniary advantage from the Rs 114 crore flyover project in which Rs 12 crores was allegedly paid as kickback.

Mr Ashok Kumar pulled up the CB-CID, the investigating agency, for not informing the Session Court that pecuniary advantage had in fact gone to the contractors who had not been named in the FIR. The judge was furious that there was "selective violation" of his remand order by the prosecution in Mr Karunanidhi's case.

"Mr. Karunanidhi was made to wait like a beggar before the central prison. Everyone saw it. The whole world saw it on tele-

VISION," the judge said angrily. Mr Karunanidhi was taken next to the general hospital, the Kilpauk Medical College Hospital that was en route to the prison.

"He is a 78-year-old man suffering from various ailments. Is your heart made of muscle or mud?" What was the pressure on leaving the state secretariat drew a cold response. She said: "I don't wish to talk to the media at present."

Perhaps the AIADMK government will be more cautious in future, having promised to reveal more scams of the previous DMK regime in each government department.

BJP LAUDS CENTRE'S STAND ON TAMIL NADU

NEW DELHI, July 5. — The BJP today praised the Centre for its "stern attitude", which led to the release of Mr M Karunanidhi and two Union ministers.

The BJP general secretary, Mr Sunil Shastri, dismissed Miss Jayalalitha's claim that the former chief minister was released on "humanitarian grounds". He said: "Wasn't she aware of humanitarian aspects when she ordered his arrest in the most brutal fashion?"

Responding to questions over the Indo-Pak summit, the BJP leader said: "The Prime Minister has announced certain gestures. It will be natural for the Pakistani leader to reciprocate it. We welcome these moves but at the same time we will have to wait for the outcome of the summit before making comments." — SNS

needed," but refused to specify whether he was implying imposition of President's rule. When he was reminded about Mr Jana Krishnamurthy's earlier demand for imposing Article 356, Mr Shastri said the situation had changed since the recall of the Governor and "later developments". He also distanced himself from the two released Union ministers' demand for President's rule in the state.

THE STATESMAN

Allies and alarm force Jaya to free Karunanidhi

FROM SUJAN DUTTA

Chennai, July 4: DMK chief M. Karunanidhi was set free today, five days after the Jayalalitha administration packed him off to jail on corruption charges.

He was released on humanitarian grounds, but the case against him remains. Karunanidhi's son, Stalin, continues to be in jail as he refused to seek bail in court today.

The decision to release Karunanidhi is a surrender by chief minister Jayalalitha to the forces that brought tremendous pressure on her. Not only was the Centre angry with her, her allies — the Congress, the Left, the PMK, whose leader Ramadoss met Karunanidhi in jail yesterday, and the Tamil Maanila Congress — also advised her to release the 78-year-old former chief minister.

Immediately after his release, Karunanidhi drove to his home in Gopalapuram in Chennai, phoned Prime Minister A.B. Vajpayee and signalled that the DMK was easing the pressure for now. "I have to

id Vajpayee that I am satisfied with the Central warning," he said.

Asked if the warning was serious enough for Jayalalitha to take action against the "guilty" police officers, Karunanidhi said: "If they do not take action against the police officers concerned, they will face the consequences. If they refuse to take action and the Centre keeps quiet, there is no need for a Central government."

On President's rule, Karunanidhi asked reporters to judge if the state was a fit case for its imposition or not.

Murasoli Maran's statement shortly after he met Karunanidhi this morning — that "the question is whether he (Karunanidhi) will come out of jail alive" — put the fear into the administration. Minutes after Jayalalitha heard of it, she summoned the chief secretary and the police chief and told them to release Karunanidhi.

Karunanidhi recounts

I was in bed and suddenly Rajarathi (Ammal, my wife) came to the room, woke me up and said po-

lice were here. Even before I could gather my wits, there were so many people in my bedroom.

I was not even given the privacy to wear my clothes, my underwear — there were also policewomen in my room — and some of my relatives held up sheets around me so that I could change.

When I asked the officers what the matter was, they did not tell me but hemmed and hawed. I said I wanted to make a telephone call. I dialled and dialled but the telephone did not work. Then I dialled Maran from a cellphone.

He came soon and asked for the warrant. There were more people in the room and they started pushing and shoving me around. Blows landed on me (pointing to his right shoulder and chest). It is still aching.

I have been arrested several times in the past in public life but this is the first time I was hit and dragged down by the police as if they were playing handball or football. I saw and can still identify the police officers.

■ See Page 6

THURSDAY, JULY 5, 2001

NOW FOR CORRECTIVE STEPS

THE LESS THAN two months old Jayalalithaa dispensation, which stands discredited and checkmated — politically, legally and Constitutionally — after the shocking revelations of the police atrocities associated with the arrest of the former Tamil Nadu Chief Minister, Mr. M. Karunanidhi, was evidently left with little option but to quickly retrace its steps, even if it meant a stinging loss of face. By dropping the criminal charges against the Union Ministers, Mr. Murasoli Maran and Mr. T. R. Baalu, a few hours before the Central Cabinet was due to consider various options for 'intervention', the State Government appeared to be preempting any drastic action by a regime that has its own political scores to settle with Ms. Jayalalithaa. In a sense, the AIADMK supremo had played into the hands of her political rivals and rendered her Government vulnerable by the reckless manner in which her uniformed and bureaucratic minions went about the task of 'fixing' those on her hit list. Another indication of her Government's backtracking from a confrontationalist course was its setting in motion the process of releasing the 23,000-odd DMK leaders and members taken into preventive custody before going for the 'kill' last weekend in the 'flyover scam' case. For its part, the Centre settled for the softer option of issuing a "warning" to the Tamil Nadu Government, but not before its political executive had allowed a high-voltage campaign to be orchestrated by the coalition partners for a totally unwarranted attempt to apply the much-abused Article 356, with Mr. George Fernandes, after a fact-finding mission, reporting — true to style — a total breakdown of the Constitutional machinery in the State. Obviously, the Vajpayee regime found it politically more expedient to be seen as adhering to the calibrated intervention favoured by the Sarkaria Commission, given especially that Ms. Jayalalithaa had sent some positive signals, the latest being the order to release Mr. Karunanidhi from prison on Wednesday.

The decision of the Tamil Nadu Government to drop the charges against the two Union Minis-

ters — that they obstructed the police from discharging their duty — is certainly welcome, although its claim that the move was dictated by the imperative of maintaining cordial Centre-State relations fails to carry conviction. But this and the order to release Mr. Karunanidhi on "humanitarian grounds" do not, and cannot, obliterate the whole range of blatantly unlawful acts the rampaging police personnel had committed while taking Mr. Karunanidhi into custody. On top of the plethora of police excesses which have been public knowledge since June 30, thanks to the video footage on the operation — testifying to the gross and brazen violation of human rights and Judiciary-ordained norms — have now come the strong strictures by the Principal Sessions Judge, Mr. S. Ashok Kumar, against the police, sharply bringing out the audaciousness with which his directives in the remand order have been defied. No less damaging are the 'facts' the Judge had ferreted out from the investigation officer and the Commissioner of the Chennai Corporation reflecting the unseemly haste shown in formulating the complaint on the 'flyover scam' and the filing of the FIR — all of which only go to strengthen the "political/personal vendetta" theory. What is intriguing, however, is why the court had not gone into these dubious aspects at the time of issuing the remand order. There is no way the Government can absolve itself of its Constitutional obligation of making a thorough enquiry into the happenings on June 29 and 30 and bringing to justice those who had taken the law into their hands in the name of discharging their 'duty'. In this context, the Government's "assurance" to the police that "due care will be taken to protect their interests" sounds rather ominous. Should the so-called "protection" mean shielding the culprits, it will mean a further affront to the rule of law and the democratic spirit. The issues involved have become a matter of national concern, with the National Human Rights Commission and the Judiciary at various levels already in the picture.

Can a Govt. on a 'sticky wicket' take such decisions, wonders HC judge

By A. Subramani

CHENNAI, JULY 4. It was the Madras High Court Judge, Mr. Justice Narayana Kurup's turn today to slam the Jayalithaa Government for taking "major policy decisions which smack of political vendetta by ordering arrest and detention of her political rivals and bureaucrats".

The caustic observations came when a Division Bench comprising Mr. Justice Kurup and Mr. Justice A. Ramamurthy was hearing a *habeas corpus* petition of a DMK advocate, Mr. Kanagaraj. The petitioner had said he was denied an audience with the former Chief Minister, Mr. M. Karunanidhi, by Chennai Central prison authorities on the pretext that there was a law and order problem.

Maintaining that Ms. Jayalithaa's Government was on a

sticky wicket with her appointment itself being a matter pending adjudication before the Supreme Court, Mr. Justice Kurup asked, "is it not proper and prudent to keep tempers under control?"

"It would be better if the powers-that-be realised that they were given the mandate only to look after the welfare of the people and not to take revenge on political adversaries. In a democracy, there is no place for political vendetta", he added. However, the Advocate-General, Mr. N.R. Chandran, explained that Ms. Jayalithaa had been elected by her party legislators and also invited by the Governor to form Government. He pointed out that the High Court had dismissed three petitions challenging her appointment as Chief Minister, and there was no stay in operation. In these circum-

stances there was nothing wrong in the Government taking certain executive decisions, he explained.

The Counsel for Jayalithaa in various cases, Mr. N. Jothi, also intervened to say that she was a fullfledged Chief Minister with no legal fetters on her to discharge her duties.

'Embarrassment to Govt.'

Earlier in the day, the Principal Sessions Judge, Mr. S. Ashok Kumar, hearing the bail application of an accused in the 'flyover scam case', said if the merits of the case were analysed "it will be an embarrassment to the Government and bring more things to light".

The Judge also told the State Public Prosecutor, Mr. Gomathinayagam, who had been specially roped in for the case, that being in-charge of the prosecu-

tion in the State, he should act without any fear and offer proper advice to the Government.

"No guidelines of the Supreme Court have been followed at the time of arrests. There were commissions and omissions in the filing of the First Information Report also", he observed. The apex court has stipulated that prior to the arrest of well-known personalities a proper preliminary probe should be conducted, he added.

Moreover, the Investigating Officer had admitted on Tuesday in the same court that none of the accused got any pecuniary advantage from the mini-flyover project, he added.

Mr. Ashok Kumar said that the former Chief Secretary, Mr. K.A. Nambiar, had undergone surgery only recently and could not stand

or sit for even a short duration. "His condition is pathetic", he observed.

Refusing to heed the PP's request to post the hearing on the bail plea for Friday, the Judge posted it for 12.30 p.m. tomorrow (Thursday) saying that more bail applications in connection with the case were coming up for hearing on that day.

The petitioner, Mr. R.S. Sridhar, was the Taxation Committee Chairman in the Corporation, besides being the Traffic Improvement Committee member.

Sop Opera 6/10

These are tough times for the BJP in Uttar Pradesh. Faced with the prospect of going for state assembly polls on an abysmal record in office, chief minister Rajnath Singh has turned an unlikely sorcerer, pulling out one desperate rabbit after another from a hat that is patently empty. Unfortunately for the BJP, while Mr Singh's purported feats of magic may fool some and amuse many more, they may not reverse the party's dwindling fortunes. Not that Mr Singh will stop trying. Last month, the chief minister announced a series of sops calculated to wreck the dangerously fragile financial health of the state exchequer. From fifth pay commission salaries for primary school teachers to better procurement prices for farmers. Alongside came indications that the party plans to revive, if not directly, then via the willing helping hand of its 'fraternal' organisations, the dormant Ram temple issue to raise the 'communal' temperature in the state. Now comes the most astounding of all tricks. The announcement that the state intends to set aside a part of the OBC reservation quota for the most backward classes (MBC). Mr Singh has set up a panel which would identify, in two months' time, the MBCs and report back to the government. Quite apart from the administrative viability or ethical merits of Mr Singh's new-found concern for the more depressed sections of the OBCs, there is the issue of how sincere the government is in its intent.

It may be recalled that when V P Singh first announced the decision to implement the Mandal commission recommendations on reservations for OBCs in 1989, the BJP was among its most vehement critics. Then party president L K Advani had gone on record to say that the Raja's move was a partisan ploy to fracture and balkanise the Indian polity along caste lines. The Rath Yatra which Mr Advani embarked upon soon afterwards was, in his own lofty estimation, an antidote to the divisive potential of Mandal. No doubt, the BJP did, in due course, come to accept the inevitability of Mandal and caste reservations. For a while, it even sought to reinvent itself as a party of not just the upper castes but also the OBCs. But all such efforts at what its sympathisers called 'social engineering' were in the end half-hearted and grudging. The unceremonious ouster of Kalyan Singh as chief minister marked the end of that phase. Since then the party has gone back to its core upper caste constituency with a vengeance. So much so, that the party apparatus as much as ministerial ranks in the state are today overwhelmingly dominated by the upper castes, notably the Brahmins and Thakurs. What then explains this belated change of strategy? At one level, the move may not be a well-thought-out one. Increasingly, it is a desperate clutching at straws rather than any coherence of vision which is dictating the party's electoral gameplan in the state. However, given the singularly hostile responses of the BSP and the Samajwadi party to the proposed measures, Mr Singh may yet have succeeded in unsettling, if not unnerving, his opponents. It is a different matter that given their own politics neither Mulayam Singh nor Mayawati has any legitimate reason to protest against the move other than the self-ironic one of its cynical motivation.

A VICTORY FOR TAMIL BRETHREN, SAYS FORMER CM

Karunanidhi freed, case stays

By M.R. Venkatesh

CHENNAI, JULY 4. The dramatic release of the DMK president and former Chief Minister, Mr. M. Karunanidhi, from the Central prison here this evening, mitigated the serious political crisis that engulfed the AIADMK Government since his arrest in the wee hours of Saturday, even as a frail and shattered DMK leader saw it as a victory for "Tamil brethren all over the world".

With the Chief Minister, Ms. Jayalalithaa, ordering his release on "purely humanitarian grounds," the five-day-old arrest drama ended in a tumultuous welcome by DMK cadres and well-wishers, in the backdrop of Mr. Karunanidhi's health deteriorating. The Centre's warning to the State Government yesterday had a salutary effect.

A Government press release said, "taking into consideration the advanced age of Mr. Karunanidhi, the Chief Minister, Ms. Jayalalithaa, has ordered the release of Mr. Karunanidhi on purely humanitarian grounds. However, the case against him will continue."

Still suffering from shoulder and general body pain, Mr. Karunanidhi at a press conference later at "Anna Arivalayam," the party headquarters, broke down, showing to mediapersons his inability to lift both hands beyond a point. He later underwent a medical check-up.

Mr. Karunanidhi said the political crisis in the State was so grave it drew international attention. He said he was overwhelmed by and grateful to the unanimous response of the political leaders across the spectrum, beginning

with the Prime Minister, Mr. A.B. Vajpayee, and the Home Minister, Mr. L.K. Advani, the NDA Convener, Mr. George Fernandes, the allies of the AIADMK, the media and Tamils abroad, including in Sri Lanka.

Asserting that it was not just a problem concerning a few individuals, he said the human rights issue involved in this "arbitrary and uncivil" police action involved the citizens of the entire country. The DMK would take stock of the developments, he added.

On his party diluting its stand in urging the Centre to invoke Ar-

Centre details warning to T.N. Govt.: Page 13

Article 356 of the Constitution against the AIADMK Government, Mr. Karunanidhi adverted to the extraordinary situation in the State, as continuance of such events would mean the "country is witnessing yet another Emergency".

Though Mr. Karunanidhi and the Union Industries Minister, Mr. Murasoli Maran, did not say whether the DMK was for dismissing the AIADMK Government, in this instance invoking Article 356, they indicated that further action by the Centre vis-a-vis Tamil Nadu would depend on the subsequent developments.

Rebuking the Congress for having "the sole prerogative" to invoke Article 356 whenever it was in power, Mr. Karunanidhi said that party had never supported any move by the DMK in the past when "we opposed Article 356" in Parliament. "Even now we are

ready for a debate on scrapping this Article but is the Congress ready for it?" At another level, he said, "as long as Article 356 is there, it will be used." But whether the present circumstances warranted its use was something the media should analyse and state whether "there is ground for it or not".

On whether he was "satisfied" with the Centre warning Tamil Nadu to rectify all the violations of law and constitutional provisions, Mr. Karunanidhi said when Mr. Vajpayee had enquired about his health this evening, he had expressed satisfaction over the Centre's action.

Earlier in the day, Mr. Maran set the stage for Mr. Karunanidhi's release, issuing a strong statement outside the prison.

Health 'very bad'

Mr. Karunanidhi's health condition — including the swelling in his legs — was "very bad" and "we wonder whether he will come out alive," Mr. Maran said adding, the Jayalalithaa Government would be responsible if anything happened to him. The DMK leader's personal physician, Dr. Gopal, said Mr. Karunanidhi required hospitalisation due to his high blood pressure.

The Principal Sessions Judge who freed Mr. Karunanidhi on the investigating officer's petition citing his health condition, directed the former Chief Minister to appear before the court "on receipt of summons, if necessary".

Preparing the ground for the release, leaders of the AIADMK's allies — TMC, CPI, CPI(M), DK — appealed to the State Government to free Mr. Karunanidhi.



The former Tamil Nadu Chief Minister, Mr. M. Karunanidhi, being wheeled out of the jail premises after his release in Chennai on Wednesday.— Photo: M. Moorthy

THE HINDU

Police release second edition of video tape

By Our Special Correspondent

CHENNAI, JULY 3. In a bid to stem the tide, the Chennai police have come out with a second, enlarged version of their own video recording of the arrest of the DMK president and former Tamil Nadu Chief Minister, Mr. M. Karunanidhi, and the incidents that followed it.

The more than half-an-hour tape focuses on three main events - the arrest of the DMK chief, the "behaviour" of the Union Commerce Minister, Mr. Murali Manohar, and the incidents involving his Cabinet colleague, Mr. T.R. Baalu. A side show centres on the role of the women in the family and their "battle" with the police in various houses, as well as at the CB-CID office.

Unfortunately for the police and the Government, the second tape has provided more ammunition to the Opposition - it shows the police party forcing open the bedroom of Mr. Karunanidhi at his Oliver Road residence, taking him

them raise is "where is the arrest warrant?" On what basis did the police break into the house and seek to arrest him.

As for Mr. Maran's role in the "whole drama," he is most vociferous and gesticulates angrily. But the video footage does not actually show him assaulting the officer - at least the hand is not shown landing on his face. And he does not wear a ring on his finger. There is a lot of jostling and the family members and the police come round and round, hiding the camera.

But one thing becomes clear, it is the police officer who actually drags Mr. Karunanidhi and that leads to his losing balance. Another police officer is shown holding the DMK chief around the chest and almost dragging him away.

Neither the official video nor the Sun TV film has shots of how the former Chief Minister comes down the stairs. That is left to the imagination.

The official video shifts to the CB-CID office, where Mr. Karuna-

idhi is shown walking down without his footwear. The entire family then lands there and literally searches every room to locate him - in vain. The women are shown shouting at the police every now and then and Mr. Maran's daughter-in-law stands out for her lectures - "don't touch the women" for instance.

What takes the cake is the scene at Mr. Maran's house. The police go there on "information" that the Chennai Mayor, Mr. M.K. Stalin, the first accused in the flyover scam case, was there. From the servants to Mr. Maran's son, everybody in the house objects to the police entry. Their reason is simple - there is no search warrant and it is the residence of a Union Minister.

Nobody makes the point more vocally than Mr. Baalu and this leads to a showdown with the police party. Both here and in the gate-crashing into the police office, Mr. Baalu is seen in his "elements," reminding them at every

turn that he was a Union Minister and the police better behave themselves. The case against Mr. Maran is that he had assaulted a DIG. That is not clear in the tape. But he is seen at his best when he repeatedly slams a policeman who is shown bodily lifting the Minister from the car and taking him away to hospital.

As for the repeated questions as to why the police delayed their version for nearly two days, police sources say "We work within legal and professional constraints. We are not a private television channel. It involves a lot of clearances and we must bear in mind the impact it has on the case, because this is part of our evidence. We now try to record most of the raids and important arrests."

It appears that the video war is not over. The Chennai Police Commissioner, Mr. K. Muthukruppan, has agreed to a full screening of the footage if the entire press see it together. There may be a three-hour visual.

Restore constitutional guarantees & identify police officers who committed excesses, Cabinet tells Tamil Nadu

Centre lets off Jaya with warning

STATESMAN NEWS SERVICE

NEW DELHI, July 3.— The Union Cabinet today decided to send a strong "warning" to the Tamil Nadu government to "restore all constitutional guarantees".

The Cabinet has taken a serious view of the arrest of Mr M Karunanidhi and the two Union ministers and also the state government's attempt to drag the Prime Minister into the controversy.

The warning, to be issued by the Union home ministry, will detail the lapses committed by the state. It'll also ask the government to identify the police officers who committed excesses while arresting the three.

The state will be asked to send its reply within a specified time.

The Centre took exception to a statement issued by the TN government this afternoon saying the charges against Mr Murasoli Maran and Mr TR Baalu were being dropped on an informal request by the Prime Minister. The Cabinet considered it offensive and de-meaning to the Prime Minister's office.

"Let's put the record straight. This is totally incorrect. The Prime Minister never made any request to the state government to consider dropping the charges against the Union ministers," the rural development minister, Mr M Venkaiah Naidu, said.

The Attorney General, Mr Soli



Mr M Karunanidhi's wife, Mrs Dayalu Ammal (left), and his daughter, Miss Kalai Selvi Maran, outside Madras Central Jail, where the former TN chief minister is being detained. In Chennai on Tuesday. — AP/PTI

J Sorabjee, briefed the Union law minister, Mr Arun Jaitley, about the legal and constitutional measures that the Centre could take to tackle the Tamil Nadu situation.

The Cabinet, after considering the report of the three-member home ministry team and Mr Sorabjee's suggestions, decided to issue a "warning to the state government as a first step".

Mr Jaitley told journalists after the meeting that the Centre was not invoking Article 355. The warning would be issued in

istry's team has accused the TN government and police of violating of law, human rights, freedom of press, right of legitimate political activity and the spirit of federalism.

The report said the exercise of discretion to arrest these leaders was a flagrant violation of the principles laid down by the Supreme Court.

'No comments': The Congress has refused to comment on the Centre's decision to warn Miss Jayalalitha. "Unless we see won't react," an AICC member said. Before the Cabinet meeting, Mr Ghulam Nabi Azad and Mr Jaipal Reddy said the Congress would oppose any move to impose President's rule on Tamil Nadu.

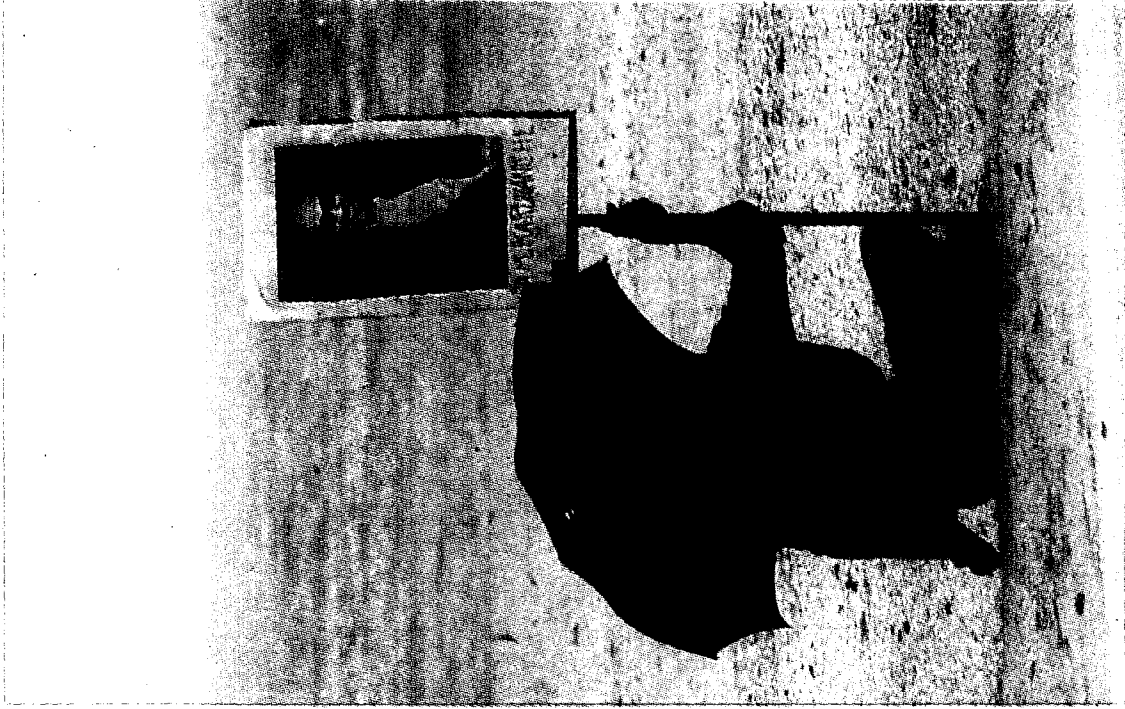
Rangarajan sworn in: The Andhra Pradesh Governor, Dr C Rangarajan, was today sworn in as Tamil Nadu's Acting Governor.

There were some doubts whether Miss Jayalalitha would attend the ceremony, but she came sharp on time and after the swearing-in, greeted Dr Rangarajan.

A sullen Miss Jayalalitha refused to acknowledge the media and the latter too didn't press her much for quotes.

On page 8

- Court raps investigators over treatment
- Jayalalitha ally visits Karunanidhi
- Advani meets TN delegations



A Kerunanidhi supporter braves the rain on a Mumbai beach on Tuesday to protest against his arrest. — PTI

STATUS OF DETENTION REMAINS UNCLEAR

110-1 397 Maran, Baalu free to go, says T.N. Govt.

By Our Tamil Nadu Bureau

CHENNAI, JULY 2. The Tamil Nadu Government today ordered the release of Union Ministers, Mr. Murasoli Maran and Mr. T. R. Baalu, who were held for alleged assault of State police personnel during the arrest of the former Chief Minister, Mr. Karunanidhi on June 30.

As no release order was handed over to Mr. Maran and Mr. Baalu, their status of detention remained unclear. Police said tonight that the two Ministers "were free to go." While Mr. Maran's police guards were withdrawn from the hospital, where he is under judicial custody, Mr. Baalu remained in the Vellore prison.

The Ministers' counsel, Mr. Shanmugasundaram, claimed that they continued to be under "detention" as they had not moved bail and that the State Government had not withdrawn the cases against them.

Counsel said the State Government had asked Mr. Baalu to give an undertaking that he would appear before the authorities when required. However, the Minister, who had been remanded to custody till July 14, refused to sign the undertaking.

The cases against the two Ministers should be withdrawn, counsel said.

Mr. Dayanidhi Maran, son of Mr. Murasoli Maran, said police had not handed over the "release" order till this evening, but the police personnel had been withdrawn. "He is technically under detention."

Mr. Maran's remand expires tomorrow, but he is likely to stay in the hospital for another couple of days as the "pacemaker" had slightly shifted because of the "police assault" on his chest, Mr. Dayanidhi Maran said.

There was high drama in the Vellore prison where Mr. Baalu is lodged. He refused to sign any undertaking or come out on bail. Police sources said he demanded the 'withdrawal' of the case against him.

The Vellore District Collector, Mr. A.C. Mohandoss, tried to convince Mr. Baalu, but failed. He was stated to be in touch with Chennai to decide on a course of action.

Earlier, the Director-General of Police, Mr. A. Ravindranath, told presspersons that the police had submitted to the court that there was no need to continue keeping



Mr. T.R. Baalu



Mr. Murasoli Maran

the two Union Ministers in remand. Hence they were being released on bail. Investigation of the cases had not been completed. The question of the fate of the cases (whether to close them or not) would be decided later. "There is no point in keeping the two in remand."

Asked who had moved the bail applications, Mr. Ravindranath replied, "We have done it on our own (making the submission before the court). For such high dignitaries there is no need for such application."

Later, an official press release merely said the State Government had decided to release the two Union Ministers who had been arrested for "offences" commit-

ted by them during the arrest of Mr. Karunanidhi.

Meanwhile, the two Union Ministers filed an application in the XVIII Metropolitan Magistrate's Court, Saidapet, seeking copies of certain documents in connection with the cases pending against them.

In their identical applications, they sought the copies of the FIR with complaint, arrest card, remand report, remand order, the statement given by them before the court at the time of remand, and the petition filed by their counsel for medical treatment to the accused along with the order passed by the court.

The Ministers said they needed to send these records to the Lok Sabha Speaker "very urgently."

Karunanidhi not to press for bail

By Our Special Correspondent

CHENNAI, JULY 2. The DMK president and former Chief Minister, Mr. M. Karunanidhi, today decided not to press for bail in the alleged fly-over scam case in which he has been arrested.

Despite his frail health, Mr. Karunanidhi was prepared to "face the charges from prison", even if it meant a long haul, his lawyer, Mr. R. Shanmugasundaram, former State Public Prosecutor, told the media after a 30-minute meeting with him in the Central prison here.

"He has requested us not to move the bail application," he said. "We won't appear in the court tomorrow when it comes up," said senior counsel, Mr. K.V.

Venkatapathy, who also met the DMK leader along with another lawyer, Mr. Wilson.



Ministers freed, but stay put

STATESMAN NEWS SERVICE & AGENCIES

CHENNAI, July 2. — A city court today ordered the release of the two Union ministers arrested on Saturday, but they refused to accept the relief saying the cases against them should be withdrawn first.

As pressure mounted on the Tamil Nadu government, police filed a petition before a metropolitan magistrate saying the judicial remand of Mr Murasoli Maran and Mr TR Baalu was no longer necessary as the probe against them was over.

The two have been charged with obstructing police from doing its duty when a team went to arrest Mr M Karunanidhi from his house.

The ministers have decided to stay in custody till tomorrow when their remand period comes to an end. Mr Baalu, lodged in Vellore jail, had refused to give an undertaking sought by police that he would appear before them whenever called for.

There was confusion at the the Apollo Hospital where Mr Maran had been admitted after he was fell ill during altercation with police on Saturday night. The DGP, Mr A Ravindranath, and the police commissioner, Mr Muthukaruppan,

told journalists that Mr Maran had been released, but the minister's lawyer denied this.

Telugu Desam Party MP, Mr Yerran Naidu, today met Mr Karunanidhi to express his party's solidarity with him. He also called on Mr Murasoli Maran at Apollo Hospital.

Mr Naidu said the treatment meted out to Mr Karunanidhi, Mr Maran and Baalu was a "kind of total victimisation".

Beevi's statement: Miss Fathima Beevi, who resigned as Tamil Nadu Governor yesterday, chose to remain silent on criticisms against her report to the Centre.

Miss Beevi issued a statement today saying: "Politicians can trade charges and retaliate, but a Governor, cannot, at any point of time, seek to justify his or her acts being in accordance with the Constitution and the law in the normal course of discharge of duties."

AIADMK MPs meet President

Fourteen AIADMK MPs today called on the President and handed over a memorandum explaining their side of the events relating to the arrest of Mr Karunanidhi, a report from Delhi adds.

The Statesman

TUESDAY, JULY 3, 2001

TACTICAL OVERKILL

110-10
877

THE CENTRE'S DECISION to recall the Tamil Nadu Governor, Ms. Fathima Beevi, ostensibly for her "failure" to give an "objective and independent assessment" of the situation associated with and arising from the arrest of the former Chief Minister, Mr. M. Karunanidhi, last week-end, has unalloyed partisan politics written all over it — that Ms. Beevi chose to resign before the actual recall is a different matter. If the brutalities and humiliating indignities heaped on Mr. Karunanidhi and the two DMK Union Ministers, Mr. Murasoli Maran and Mr. T. R. Baalu, by a police contingent that ran berserk while executing the nocturnal operation reeked of the Chief Minister, Ms. Jayalalithaa's viciously personal vendetta, the Vajpayee Government's response targeting Ms. Fathima Beevi is manifestly dictated by political calculations and certainly violates the spirit of the Constitutional framework. It is no secret that the ruling coalition was cut up with Ms. Fathima Beevi for having sworn Ms. Jayalalithaa in as Chief Minister after the Assembly elections in May (in the face of a raging controversy over the AIADMK supremo's 'eligibility' under the law) without even consulting the Union Home Ministry before making up her mind, and Mr. L. K. Advani had left no one in doubt about his unhappiness over the Governor's action, although the demand for her recall as such (made by the DMK and the BJP's State unit) was rejected by the Prime Minister. Evidently, the Centre has now found a good enough ground for easing Ms. Fathima Beevi out and this is a clear case of using — or rather misusing — the provisions pertaining to the Constitutional functionary, the Head of State, to make a political point.

In making the narrowly partisan and politically contentious move of displacing an 'inconvenient' Governor, the Vajpayee dispensation has needlessly, and unacceptably, deflected public attention from a whole range of basic issues impinging on democratic norms, human rights, dignity of life and, above all, the rule of

law — issues that came to exercise the people's mind totally and nationwide as video tapes showed, in all their horrendous details, scenes of the septuagenarian Mr. Karunanidhi, a four-time Chief Minister, being roughed up and dragged along and of Mr. Maran (in fragile health) being pulled down violently by men in uniform. Add to these the massive arrests effected by the police in the name of 'preventive action' — the number is placed officially at around 23,000 — and the subtle and not-so-subtle attempts to infringe upon the freedom of the Press, what emerges is a dismaying picture of a State that is rapidly descending into an authoritarian Police Raj. If the disclaimers of the Government are unconvincing, the video footage of the happenings screened by the political belatedly (for unexplained reasons) has in no way served to detract from the excesses committed brazenly by the law enforcers on that dreadful night. The sense of public outrage and the groundswell of protest the police highhandedness had generated across the country virtually isolated Ms. Jayalalithaa politically, with her own partners in the secular front, including the Congress(I), the Tamil Maanila Congress and the Left parties, strongly disapproving of the treatment meted out to Mr. Karunanidhi. Now that the ruling National Democratic Alliance is seen to be playing partisan politics — which is what the move for evicting Ms. Fathima Beevi from the Raj Bhavan means, the suspicion being that it wants to appoint a 'pliable' Governor in her place — the thrust of the current public discourse and political campaign is bound to get dissipated, with the debate digressing into Constitutional issues related to the delicately balanced role of a Governor vis-a-vis the Centre on the one hand and the State Government concerned on the other. The imperatives of rule of law, human rights and democratic values demand that the core issues thrown up by the autocratic ways of the Jayalalithaa regime do not get submerged and lost sight of in petty politics

Karunanidhi will not apply for bail

SNS & AGENCIES

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CHENNAI, July 2. — Mr M Karunanidhi today told his family members that he would not apply for bail. "Let them release whenever they want," he reportedly told his wife and daughters when they met him in the prison today.

His counsel later said the bail application, moved on Saturday, would be withdrawn when it came up for hearing tomorrow.

One of Mr Karunanidhi's daughter, Kanimozhi, told The Statesman: "Father said he was feeling very tired. His legs were swollen and his blood pressure remained high. He also complained of pain in his hands and arms...But despite

JAYA OFFERS TUSKER

GURUVAYOOR, July 2. — Miss Jayalalitha today offered a tusker to Krishna at Guruvayurappan Temple in Kerala. The tusker, re-named from *Kannan* to *Krishna*, was brought to the temple in ceremonial parade. The Tamil Nadu chief minister had pledged to offer a tusker and a gold crown to the deity if she won the Assembly polls. BJP Yuva Morcha members tried to prevent Miss Jayalalitha from entering the temple, prompting police to lathicharge the demonstrators. Twenty-six people were injured and eight arrested. — SNS

■ Details on page 8

everything, he was in very good humour."

The former chief minister has also demanded withdrawal of the case filed against him in the Rs 12-crore flyover case, alleging it was "a foisted one".

He was arrested on Saturday

for his alleged involvement in the multi-crore rupees flyover scam. He had been remanded in judicial custody till 10 July.

The jail authorities initially refused to allow Mr Karunanidhi's wife and two daughters to meet him though they had the

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permission to do so. In protest, DMK supporters who had gathered at the prison gate shouted at the policemen and threw stones at passing state transport corporation buses.

Police chased away the demonstrators by lathicharging them.

Plea to meet Karunanidhi: A DMK member and lawyer today filed a petition in Madras High Court seeking a direction to the superintendent of the Central Prison here to allow him to meet Mr Karunanidhi.

In his habeas corpus petition, Mr K Kannakaraj said the jail authorities didn't allow him to meet the DMK chief on 30 June and again today on the ground that prisoners were not allowed to meet visitors on holidays.

THE STATESMAN

Tamil Nadu's shame

By P. Radhakrishnan

The haste with which Ms. Jayalalithaa tried to push the State into a new depth of sordidness, merely for the pleasure of wreaking personal vengeance, was probably not anticipated.

THE CRUDE and cruel post-midnight police swoop on the former Tamil Nadu Chief Minister and DMK president, Mr. M. Karunanidhi, is certainly an outrageous act of vendetta, and an affront to human dignity, as the front-page editorial of this newspaper rightly deplored on July 1.

From the time the AIADMK general secretary, Ms. J. Jayalalithaa, was sworn in as Chief Minister the arrest of Mr. Karunanidhi, the sinister muckraking, including by digging into the long buried and long forgotten Sarkaria Commission's corruption charges against him, the harassment of bureaucrats and police identified with his Ministry, and such other misdeeds that go with one saddled with the fury of an imagined Fury (of Greek mythology, ordained to pursue and punish doers of unavenged crimes); with a megalomaniac; and with what have you, were only to be expected.

But the haste with which Ms. Jayalalithaa tried to push the State into a new depth of sordidness, merely for the pleasure of wreaking personal vengeance was probably not anticipated. She may have her justification for this to satisfy her ego, which she may not like to publicise. That is, having already completed 45 days of her now fixed term of six months as Chief Minister, and being uncertain about what is in store for her during and after the remaining 135 days or so, she has been in a hurry to fulfil her life's mission which she could not do when she was in power earlier. The ongoing political crisis in Tamil Nadu raises at least four issues.

One, whether the turn of events culminating in Mr. Karunanidhi's arrest could have been avoided. The answer is yes, and it could have been done in one or more of at least three ways. (a) By the refusal of the Governor to swear-in Ms. Jayalalithaa, which, despite some politically orchestrated hullabaloo before the Raj Bhavan and elsewhere, possibly to the accompaniment of some violence, would have spared the State its present monstrosity and ignominy. It is in this context that Ms. Fathima Beevi's swearing-in of Ms. Jayalalithaa as Chief Minister on May 14 has

drawn flak from different parts of the country, with some persons even moving the courts. It is pertinent to note here that the framers of the Constitution could not have had Jayalalithaa in mind when they framed the Constitution, and even if they had some inkling of the emergence of the present avatar of political buccaneers, as Dr. B.R. Ambedkar, architect of the Constitution, indicated in the Constituent Assembly, no constitution in the world has provided, nor can any provide for all future contingencies. It is in this sense the Constitution has to be seen as a vibrant document and not as a compendium of dogmas. So, as a person familiar with the State's volatile political situation, the well-being of the State should have been her main consideration overriding her own gubernatorial right. The Governor's indiscretion has not only made the State's political scenario more perilous, but also forced her to leave in disgrace, as it has just happened.

(b) By the Supreme Court's expeditious disposal of the writ petitions challenging Ms. Jayalalithaa's appointment as Chief Minister, considering again the volatile political situation in the State, her earlier track record as Chief Minister, and reading her pronouncements during the election campaign as writings on the wall; or at least restraining her from taking policy decisions without being sworn-in as full fledged Chief Minister. The outcome of the Governor's indiscretion and the court's inaction is there for all to see. That is, governance in Tamil Nadu by witch-hunt, which may cause a lot of harm to the State, socially, politically, economically, and, most importantly, administratively.

(c) In the first flush of euphoria after her swearing-in, Ms. Jayalalithaa announced that her Government would not be vindictive against her political adversaries, but

responsible and responsive to the people's needs. Had she honoured her commitment, in all probability Tamil Nadu would have been a better place, and she could have still continued as Chief Minister.

Two, whether the electorate has elected Ms. Jayalalithaa to be in power for being obsessed with avenging personal affronts. The answer is no. While the assertion by the Union Home Minister, Mr. L. K. Advani, followed by the Union Cabinet, that in a democracy there is no place for political vendetta makes immense sense, how Indian democracy will transform this into reality is a moot issue. The Constitution Review Commission may have to expatiate on this as well.

Three, whether real or imagined, why the bureaucracy has been pliant and bending backward. This has to be placed in the context of India's administrative culture and its increasing politicisation. As the bureaucracy is India's permanent power structure with or without and irrespective of any Ministry, how it could be made really professional, independent, impeccable, free from political thralldom, and so on, is a larger issue entailing the overhaul of its Augean Stables.

Four, whether the police are brutal, boorish, irresponsible and irrational on their own volition, more so when they have also been victims of political and public wrath; whether they are victims of a vicious nexus and a vicious circle that make up and control the police establishment; and so on. If the bureaucracy requires overhauling its Augean Stables, the police require it even more. The boorishness of the police is not unique to Tamil Nadu. It is pervasive. If the police are lesser humans (and more brutal), it is for reasons such as the persisting colonial image of the police as the establishment among

both the police and the public: the proximity of the police and also the lack of it with the high and mighty, the powers that be and their hangers-on, causing both good and harm to the police personally and mostly harm to their policing performance socially; lack of interaction of the police with the public in general other than as "police", and "complainant" or "accused" at their mercy; the lathi-culture of "roughing up" as witnessed on the TV when Mr. Karunanidhi was arrested, which has to be shed at the earliest, preferably with the rough Khakhi uniform; lack of democratic ethos and democratic culture which can be imparted only through regular well-organised training programmes, which alone will make the police realise that they are like any other public servant, paid to serve society and not to exploit, extort, and terrorise its victims and shield its criminals; and most important of all, lack of accountability mainly because of political interference. As these issues were recently debated at length on some of the web sites in India, the Union Government may do well to have a close at the widely varying public perception of the police.

To conclude, at the risk of sounding presumptuous, now that Ms. Fathima Beevi is no more the Governor, in one sense her swearing-in of Ms. Jayalalithaa was a blessing in disguise. For, if she had sworn-in any other leader from the AIADMK, like Mr. Laloo Prasad Yadav in Bihar, Ms. Jayalalithaa would have ruled by proxy, though it is unlikely that even at her behest the proxy would have stooped to any act of vendetta of any severity against a person like Mr. Karunanidhi. Seen against this, if President's Rule is imposed on Tamil Nadu, as it ought to happen, it would mean re-election inasmuch as the AIADMK is the only party with majority and that party will be rid of power. Will that mean more or less of the present governance by witch-hunt, more or less of the present witches' brew, and more or less of witches' Sabbath. Wait and watch; wait and hope.

(The writer is Professor, Madras Institute of Development Studies, Chennai.)

Union Cabinet decides to recall Fathima Beevi for 'failing to safeguard Constitution.

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Tamil Nadu Governor resigns

STATESMAN NEWS SERVICE & AGENCIES

NEW DELHI/CHENNAI, July 1. — The Tamil Nadu Governor resigned today hours after the Union Cabinet decided to seek her recall for failing to discharge her constitutional obligations after the arrest of Mr M Karunanidhi and two Union ministers in Chennai yesterday.

Miss Fathima Beevi sent in her resignation letter to the President, Mr KR Narayanan, this evening. The President has forwarded it to the government for review. This was necessitated as the letter reached Mr Narayanan even before the Cabinet could formally recommend her recall.

A late night agency report said the Andhra Pradesh Governor, Mr C Rangarajan, had been asked to take additional charge of Tamil Nadu and would be sworn in shortly.

Miss Beevi, a retired Supreme Court judge, was appointed as Governor in January 1997.

Earlier in the day, the Cabinet decided to crack the whip to rein in the

The Cabinet will meet again tomorrow. It has yet not decided how to secure the release of the two Union ministers, Mr Murasoli Maran and Mr TR Baalu. The Union rural development minister, Mr Venkiah Naidu, said the Constitution's Article 355 empowers the Centre to issue directives to the state, "but what directions would be issued, would depend on the situation and the report of the home ministry team." If sense doesn't prevail on the state government, the Centre will do what it has to in accordance with the Constitution.

Explaining the Governor's "failures", the Union law minister said Miss Beevi had failed to make an objective and independent assessment of the situation in the state after the arrest of Mr Karunanidhi. She merely forwarded to the Centre the state government's version of the events.

"In fact, several portions of her report are verbatim contents of the report the chief secretary has sent to the Union

■ Editorial: The rake's progress, page 6
■ TN Governor defends police action, page 8

home secretary. It's the Governor's obligation to keep the President and

TN government which, it said, appeared bent on defying the Centre's authority. To start with, it decided to recommend the Governor's recall and accused her of failing to discharge her obligations for safeguarding the Constitution in a state where the Centre's authority was being defied, press freedom was at peril and human rights violated.

The Congress has criticised the Cabinet decision, saying it was unwarranted and motivated. It shows the government had a closed mind and was waiting to strike at the Governor, the party said. The DMK had earlier demanded Miss Beevi's recall when she invited Miss Jayalalitha to form the government after the polls.

The CPI-M and the CPI described as "totally undemocratic and unwarranted" the decision on the Governor's recall. The parties issued a joint statement saying the Governor had not played any role in the arrests of Mr Karunanidhi and the two Union ministers.

the Centre informed of the correct and objective situation..." Mr Arun Jaitley said.

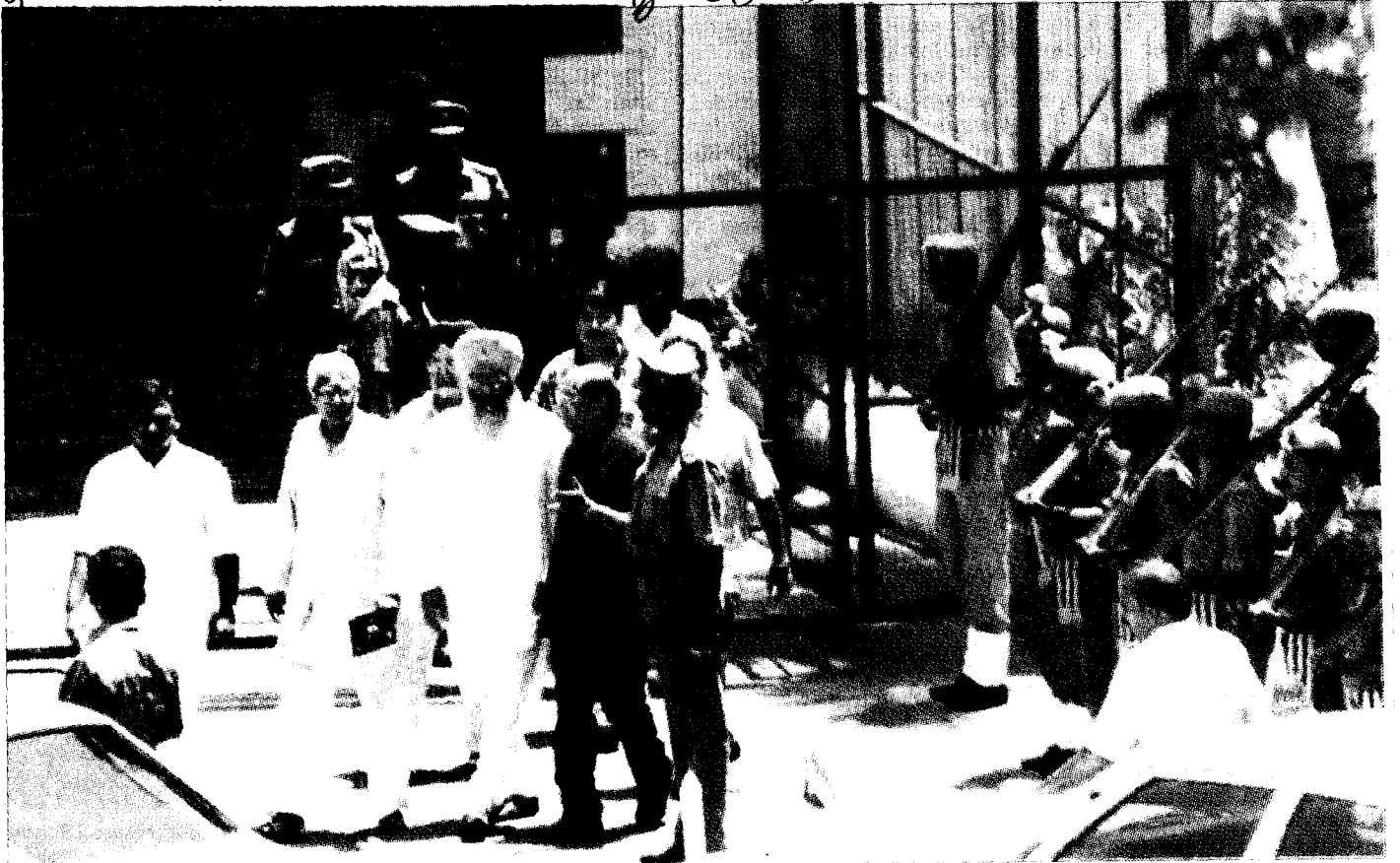
The report was silent about the "constitutional impropriety" committed by the state government and police by raiding the houses of Union ministers and assaulting them. It didn't mention that Mr Maran was assaulted despite his failing health and that Mr Baalu has been detained by police.

These are not ordinary incidents, Mr Jaitley said, and the Governor was not expected to rationalise such actions.

About the arrest of 23,000 DMK workers across the state, Governor said such arrests became necessary because the DMK is a large party. "Even during Emergency, so many people were not arrested in the state," the minister said.

Journalists were being threatened and a news channel was told that censorship would be imposed. "When all this is a

■ See GOVERNOR: page 8



Mr George Fernandes, Mr SS Dhindsa and Mr VK Malhotra come out of the Central Prison in Chennai after meeting Mr M Karunanidhi on Sunday. — AP/PTI

NDA team for drastic measures

STATESMAN NEWS SERVICE

CHENNAI, July 1. — A three-member NDA team, led by Mr George Fernandes, today said it would recommend something more drastic than the Governor's recall to the Union Cabinet, to "set right the total anarchy" prevailing in Tamil Nadu.

"Mr M Karunanidhi has been treated as if he was a common criminal and two men of merit, who have done the Union Cabinet proud, have been called street rowdies by...the chief minister. A dangerous situation has been created with 25,000 people being rounded up and put in jails," Mr Fernandes said.

The team met Mr Karunanidhi, Mr Murasoli Maran and Mr TR Baalu in prison. The NDA leaders, who arrived here this morning, have been asked by the Prime Minister to probe yesterday's events and submit a report tomorrow.

(A three-member team — comprising Union home ministry's special secretary, Mr MB Kaushal, joint secretary, Mr Arya, and IB chief, Mr KP Singh — today reviewed

the state's situation. They may submit a report tomorrow.

(The officials called on Mr Maran, Mr Baalu as well as Mr Karunanidhi. They also met the Governor, Miss Fathima Beevi).

The NDA convenor said: "Two Union ministers had been beaten up and were in jail. Tomorrow, it could be the turn of some other minister...If this is not breakdown of the Constitution, I don't know what else is. And, where the Constitution has no respect, we've to take action...It's a question of protecting national integrity and the Constitution."

The team, comprising Union fertilisers minister, Mr Sukhdev Singh Dhindsa, and BJP leader, Mr Vijayakumar Malhotra, called on Mr Karunanidhi (78) in his prison cell and "got to know the circumstances under which he was arrested." The former chief minister is being held in solitary confinement in a small cell in the prison's "innermost part", Mr Fernandes said.

"Prisons are not happy places to live in, I know from experience. But despite all this, Mr Karunanidhi was in good humour...We

heard from him the treatment he had been subjected to."

The team called off its plan to meet the Governor, Miss Fathima Beevi, after the Union Cabinet decided to recommend her recall to the President.

Mr Fernandes said the tapes and "print-outs" the team acquired from Sun TV gave a lie to Miss Jayalalitha's statement. "What the materials prove is that violence was used on Mr Karunanidhi and the two Union ministers..."

"All norms of democratic behaviour have been thrown to the winds."

The media too hasn't been spared, with Sun TV becoming the prime target, he said. There were anonymous calls to the proprietors threatening them and their children. "We not just deplore the behaviour of the government but believe that this needs to be resisted with all the forces that the media and people can muster."

Mr Fernandes visited Mr Karunanidhi's

■ See NDA: page 8

NDA:

(Continued from page 1)

Oliver Road house from where he was arrested. "I had gone to pay my condolence to Mr Karunanidhi's mother-in-law who died this morning."

There were signs of the door being knocked down by either a policeman's boot or the butt of a 303 or some other rifle, he said. "The inner bolt got broken. We saw telephone lines pulled out of the socket and also from the telephones." Mr Karunanidhi's wife, Mrs Rajathi, had showed him "tell-tale" signs of the blows she had taken on her body. "This action by policemen speaks volumes of the chief minister's great concern for women's liberation."

He said Mr JT Acharyalu, who filed the complaint against Mr Karunanidhi, had been appointed as corporation commissioner on 27 June. The complaint was filed on 29 June. "This means the earlier commissioner had refused to oblige the chief minister to fix Mr Karunanidhi and the 13 others."

Moreover, being appointed only two days before the complaint was filed, Mr Acharyalu would have had "only a cursory look or no look at the files" concerning the flyover project. The commissioner, an IAS officer, was himself facing trial in corruption cases and had once been suspended from service, he said.

THE STATESMAN

Arrests spark tension

By Our Tamil Nadu Bureau

CHENNAI, JUNE 30. Tension gripped different parts of the State on Saturday following the arrest of the former Chief Minister, Mr. M. Karunanidhi, his son, Mr. M. K. Stalin, and others by the CB CID in connection with the alleged 'flyover scam' case.

As the day dawned with the arrest of the DMK leaders, an uneasy calm prevailed in various parts with shops downing their shutters. Bus services were disrupted for some time.

According to reports reaching the police headquarters here, about 18,000 persons, mainly belonging to DMK, were taken into preventive custody. There were nearly 45 incidents of throwing stones at passing buses. About 40 trees, which were more than half-a-century old, were felled in the Gudalur forests in the Nilgiris district today in protest against the arrest, according to official sources.

"The incidents were very very minimal. I must also say that the magnitude of the incidents was very very less thanks to the cooperation of the people in maintaining law and order," the Director-General of Police, Mr. A. Ravindranath, told "THE HINDU."

In the city, about 250 buses belonging to MTC were the target of stone-throwing. An attempt to set fire to a bus was reported

from Veerapuram off Avadi. According to MTC sources, a group set fire to a bus, route number 61 C. But it was immediately put out. A few seats were damaged, the sources said.

Barring a few minor incidents of DMK workers squatting on the track and detaining trains, there were no major incidents in Southern Railway.

The Tiruchi-Chennai Cholan Express was stopped near Nellikuppam by DMK workers in the afternoon who were chased away by

the local police. Later, the train was detained at Tirupapuliyur for more than two hours. The Tiruchi-Chennai Pallavan Express was detained at various stations between Villupuram and Chennai to accommodate stranded bus passengers bound for Chennai.

Even though today's development was a sensational one, there was no official word about the arrest and the nature of the case. A press conference called by the Chief Minister was also postponed to Sunday.

Maran held in hospital

By Our Special Correspondent

CHENNAI, JUNE 30. In the day-long high drama that continued till late in the evening, the Union Minister, Mr. Murasoli Maran, was arrested at the Apollo Hospital and remanded to judicial custody till July 3.

Mr. Chandrabose, Magistrate 23rd Metropolitan Court, was brought in a police jeep to the Apollo Hospital in view of the doctors attending on the Minister stating that if they are taking the Minister to the jail the police authorities would be doing so at their own risk.

Meanwhile, Mr. A. Raja, Union Minister of State for Health, who called on Mr. Maran, said Mr. Maran would be in the hospital till

July 3. He named the highhandedness and lawlessness of two senior police personnel for punching in the place where Mr. Maran had recently undergone a surgery.

"What all happened in Chennai today has been conveyed to the DMK party representative in New Delhi who will apprise the NDA members at the meeting," Mr. Raja added.

Meanwhile, the City Police Commissioner Mr. K. Muthukaruppan said that the behaviour of Mr. Maran was totally unexpected and unwarranted. He forcibly accompanied a person who had been detained by the police. He refused to alight from the vehicle despite pleas from the police, he charged.

Naidu comes down heavily on Cong.

By Our Special Correspondent

TIRUPATI, JUNE 30. The Chief Minister, Mr. N. Chandrababu Naidu, has strongly criticised the Congress (I) for its 'disruptive and separatist activities' in the State in its desperate bid to destabilise his smooth-running Government.

The Congress (I) had not only lost touch with people but also was clearly out of tune with the aspirations and sentiments of the public having been dumped several times during the last two decades. Its days were numbered and the day was not far off when it would be completely wiped out of the Indian political map, he predicted hardly concealing his ire at the party, which is trying to disturb his appellation by raking up the separate Telangana and Rayalaseema issues.

Kickstarting the TDP's election campaign for the ensuing ZPTC and MPTC elections from the lawns of the SV University grounds in line with the party's convention after a customary darshan of Lord Venkateswara in the hill temple, Mr. Naidu, except for some passing references, singled out the Congress (I) for his outbursts and blamed it for trying to scuttle all his developmental and mass-oriented programmes.

He regretted that the party, despite its

severe drubbings at the hustings, was yet to learn any lesson and reorient its programmes to suit the changing moods and needs of people. Its only theme was to grab power through hook or crook and that was why they promised even moon before elections and conveniently ignored it if ever they were elected, Mr. Naidu said referring to the party's promise of free power supply on the election-eve and how it not only backtracked but also enhanced the power tariff steeply in states like Karnataka and Madhya Pradesh which were under its rule.

He said the party, claiming itself to be a national party, often indulged in double-speak without any national outlook or uniform policy. They speak one thing while in power and exactly the opposite when out of power. The party never liked to devolve powers to the local bodies, he said and pointed out that after the former Chief Minister, Mr. Anjaiah, nobody in the party had held elections to the PR bodies.

Mr. Naidu also blamed the Congress (I) for backtracking on its support to a 3-tier system in PR administration and said that but for the delay caused by the party, the TDP would have held the PR elections along with the municipal elections last year itself.

The Congress (I) was sinking in AP after the advent of the TDP and did not have

even the faintest of hopes that it would come back to power in the State. That was why, it was trying to put a spoke in all my developmental programmes to embarrass me and scuttle my programmes. Come what may, I am ready even to lay down my life for the cause of my people and for the cause of my party but would not be cowed down by the evil designs of the Congress (I) and some other elements, he thundered obviously meaning the TRS and other separatist outfits.

He promised that under the TDP rule the local bodies would financially and operationally become more powerful and self-sufficient because he considered them as the main means to achieve his dream of establishing 'Swarnandhrapradesh.' It was in this context that he described the current elections as significant and struck a note of optimism that the party was poised to make a clean sweep of the polls.

Earlier, he made the ZPTC and MPTC candidates take an oath on their dos and donts and warned them to live up to the expectations of the party leadership and voters. Among the other participants were the District Minister, Dr. N. Sivaprasad, the local MP (BJP), Dr. N. Venkataswamy, Mr. Chandalavada Krishnamurthy MLA, and the district party convener, Mr. G. V. Srinadha Reddy.

'CORRUPTION' IN CONSTRUCTION OF MINI-FLYOVERS

Stalin cited as the main accused

By K. T. Sangameswaran

CHENNAI, JUNE 30. The Chennai Mayor, Mr. M. K. Stalin, has been cited as the main accused in the case registered by the CB CID in connection with the alleged violations and corrupt practices committed in the construction of mini-flyovers in the city.

While the Mayor's father and former Chief Minister, Mr. M. Karunanidhi, has been cited as the second accused, the other accused included the former Transport Minister, Mr. K. Ponmudi and former Local Administration Minister, Mr. Ko. Si. Mani.

The case has been filed for offences under Sections 120-B (criminal conspiracy), 167 (public servant framing an incorrect document with intent to cause injury), 420 (cheating and thereby dishonestly inducing delivery of property) and 409 (criminal breach of trust by public servant or by banker, merchant or agent, etc) IPC and Sections 13 (2) read with 13 (1) (d) of Prevention of Corruption Act.

The specialised unit acted on a complaint filed by the Corporation Commissioner yesterday.

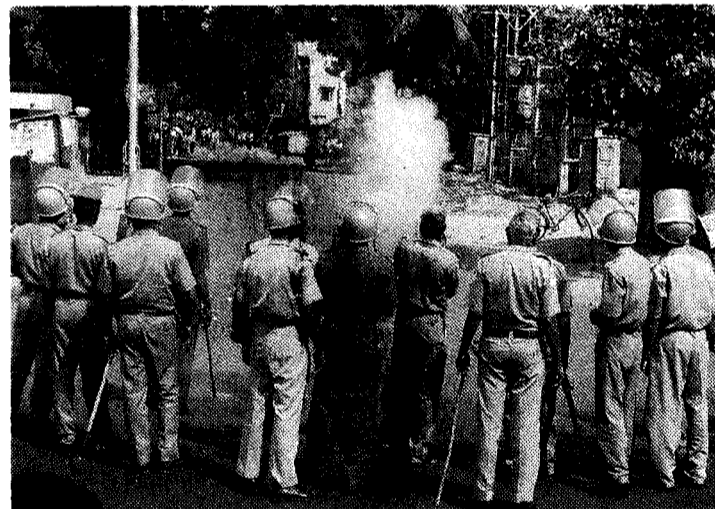
Police sources told "THE HINDU" that in the complaint it had been stated that a Rs. 366.05 crore Traffic Action Plan (TAP) was prepared in April 1997 which included an outlay of Rs. 193 crores for constructing a dozen flyovers and widening of Napier Bridge on Kamarajar Salai.

Prepared by private individuals, it was adopted in toto by the CMDA and was to be implemented in three years. While seeking orders, though the Member-Secretary, CMDA, had recommended the appointment of a high-level steering committee (HLSC) to be headed by the Chief Secretary and a traffic improvement committee (TIC) led by the Member-Secretary, CMDA, the G.O. issued by the Housing and Urban Development Department in September 1997, while according administrative sanction for the plan implementation, appointed the TIC under the Chennai Mayor, which was a deviation from the recommendation. While issuing the order, there was no detailed examination of the cost estimates.

Among the 12 flyovers for which approval was given, the structures were constructed at only one approved place and the remaining locations were aban-



The Chennai Mayor, Mr. M.K. Stalin, seen before the Central Prison in Chennai on Saturday. — Photo: R. Ragu.



Police using teargas shells to disperse mob near Anna Arivalayam in Chennai on Saturday. — Photo: S.R. Raghunathan.

doned. Instead, eight new places were included at the instance of Mr. Stalin. Among the new locations, the CMDA did not recommend construction of flyovers at half-a-dozen places since they were not feasible. Still, the Mayor ensured that the six places were included.

Mr. Ko. Si. Mani and Mr. Karunanidhi approved the construction of flyovers at the nine locations. Even before the administrative sanction, the Corporation had taken action for engaging the consultant for preparing the detailed project report.

There was no council resolu-

tion nor government's approval for engaging a firm as consultant. It was not one among the three consultants approved by HLSC. The Mayor had directed the consultant to group the nine flyovers into packages in order to favour a few selected firms. This was done to "eliminate others in bidding." The detailed project reports were not placed before the HLSC or TIC. The cost of each project was estimated at more than Rs. seven crores. The technical sanction for the projects was given by the Corporation's Superintending Engineer (bridges) who was competent to accord sanction only upto Rs. 25 lakhs. Tenders were called for even before the technical sanction was accorded. Contracts were awarded after placing the subjects before the council but not after referring to the government.

A scrutiny of the estimates revealed that in several items, rates were inflated much higher than the actual market rates except for those items which fell under the schedule of rates. Because of the inflated rates, the Corporation incurred a loss of more than Rs. 12 crores, the complaint said.

Besides the four, the others cited as accused were Mr. A. K. Jagadeesan and Mr. R. S. Sridhar, chairmen of standing committee on works and taxation and finance, Dr. N. S. Srinivasan and Mr. P. Rajashankar, Special Representatives of the Mayor, Mr. N. Raghavan, Chief Executive of L and T Ramboll Engineering Ltd. (consultancy firm), Mr. M. T. Sethuraman, retired corporation Superintending Engineer, Mr. K. A. Nambiar and Mr. A. P. Muthusamy, former Chief Secretaries, Mr. P. Kolappan, former Corporation Commissioner and Ms. S. Malathy, former Secretary, MA and WS Department.

While Mr. Stalin surrendered before the Principal Sessions Judge, Mr. S. Ashok Kumar, the others arrested were Mr. Karunanidhi, Mr. Ponmudi, Mr. Ko. Si. Mani, Mr. Jagadeesan, Mr. Sridhar, Mr. Sethuraman, Mr. Nambiar and Dr. Srinivasan.

After remanding to judicial custody, the arrested persons were lodged in central prisons at Chennai, Madurai, Coimbatore and Salem. While Mr. Karunanidhi was lodged here, Mr. Stalin was taken to Madurai prison.

Improper and unacceptable, says Cong.

By Our Special Correspondent

NEW DELHI, JUNE 30. Political parties across the spectrum today condemned the manner in which the former Tamil Nadu Chief Minister, Mr. M. Karunanidhi, was arrested and the way two Union Ministers were treated by State police.

While the Bharatiya Janata Party suggested deputing a Central Minister to Chennai and calling for a report from the Governor on the incident, the Janata Dal (United), a constituent of the National Democratic Alliance, demanded dismissal of the Jayalalithaa Government and imposition of President's rule in the State.

The Congress spokesman, Mr. S. Jaipal Reddy, condemned the "improper and unacceptable" action. An ally of the ruling AIADMK, the party did some tightrope walking. While the party MP, Mr. Mani Shankar Aiyar, initially sought to justify the action, the AICC leadership condemned it.

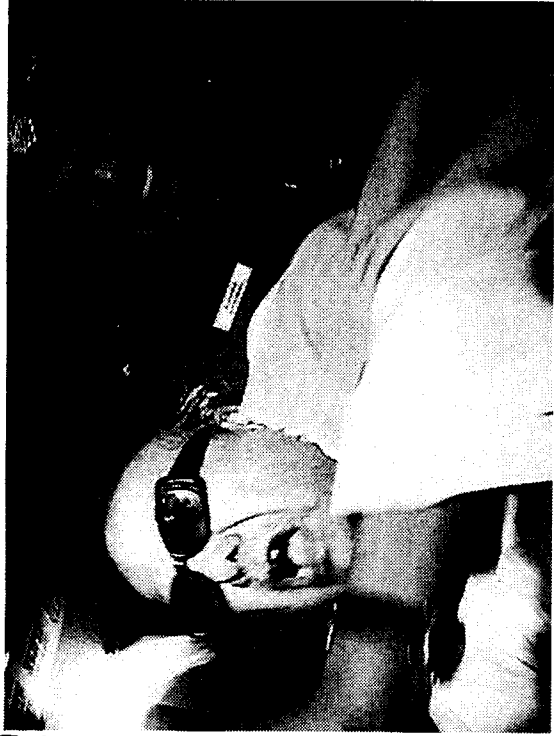
The BJP president, Mr. K. Jana Krishnamurti, said in a statement, "the nation stands shocked at the manner" in which Mr. Karunanidhi was arrested.

The "scant respect for citizens' rights" was the order of the British Raj and was not expected from a Government functioning within the Constitutional framework.

The Nationalist Congress Party spokesman, Mr. Devendra Nath Dwivedi, however, said there was no need to over-react to the "mindless" act. Nothing should be done to weaken the federal structure, he said.

'Political vendetta'

The Telugu Desam Party Parliamentary leader, Mr. K. Yerran Naidu, described the arrest as a "clear case of political vendetta." Parties in power should not resort to settling political scores by deviating from the accepted way of governance, he said, and added



The former Chief Minister, Mr. M. Karunanidhi, being taken into custody by force at his residence on Saturday.

that law should be allowed to take its course.

Misuse of power: Samata

Accusing the AIADMK Government of indulging in "politics of vengeance and misuse of State power," the Samata Party spokesman, Dr. Shambhu Shrivastwa, said the treatment meted out to two Union Ministers "disturbs the delicate balance of the Constitution." The Tamil Nadu Chief Minister, Ms. Jayalalithaa, would have to "pay a heavy political price for this," he warned.

The Janata Dal (United) president, Mr. Sharad Yadav, said the act dealt a "grievous blow to the democratic fabric, an assault on the federal Constitution and (amounted to) a brutal misuse of State power."

Unfortunate, says Left

The Left also expressed disapproval, with the CPI(M) saying the manner of arrest and related incidents had created an "adverse impression" among the people. "It is unfortunate," the party politbureau said and maintained

of natural justice but also caused the federal system to suffer an unhealthy stress.

'Serious threat'

PTI, UNI report:

The Union Law Minister, Mr. Arun Jaitley, said in New Delhi that the developments in Tamil Nadu posed a serious threat to the federal structure and was an assault on the freedom of press and human rights.

The contention that events during the past two days, including attacks on the media, DMK offices and Union Ministers, did not pose any threat to the federal structure would be fallacious, Mr. Jaitley said, adding that human rights of people in the State were in jeopardy. Addressing newspaper-

sons in Tirupati, the Andhra Pradesh Chief Minister, Mr. N. Chandrababu Naidu, condemned the arrest of his former Tamil Nadu counterpart, saying he felt 'very sad.'

"All democratic forces should condemn such acts. Mr. Karunanidhi was in his house and was not going anywhere. So, it (arrest) should have been done as per law," he said.

The former Prime Minister, Mr. V. P. Singh, said that the arrest was highly condemnable and demanded an independent probe into it, stressing that those who had transgressed the propriety of law should be taken to task.



The Union Industry Minister, Mr. Muralidharan, who was roughed up by police, arriving on Saturday at the residence of the Principal Sessions Judge to see the former Chief Minister, Mr. M. Karunanidhi, who was taken there to be remanded.

— Photo: R. Raghu

'They dragged me, tore my shirt'

By Suresh Nambath

CHENNAI, JUNE 30. Police excesses and violent protests punctuated a day of high political drama in Tamil Nadu as the former Chief Minister and DMK president, Mr. M. Karunanidhi, was today arrested and remanded to judicial custody till July 10 on charges of corruption.

Giving his family members and household staff little time to react, the police woke up Mr. Karunanidhi from sleep and dragged him down the stairs of his Oliver Road residence at 2 a.m. before taking him to the Crime Branch CID headquarters for interrogation.

Stalin surrenders in court

After a brief stopover at the Vepery police station, Mr. Karunanidhi was presented at the house of the Principal Sessions Judge, Mr. S. Ashok Kumar, who remanded him. Later, he was lodged in the Chennai Central Prison. The Chennai Mayor and son of Mr. Karunanidhi, Mr. M.K. Stalin, who was wanted in connection with the same case relating to corrupt deals in construction of 10 flyovers in the city, surrendered before the judge.

The Union Ministers, Mr. Murali Manohar and Mr. T.R. Baalu, who offered resistance to the police, were roughed up and later arrested.

Mr. Karunanidhi told reporters that the police had barged into his bedroom. "They did not show the arrest warrant. They said it was not necessary. They pushed me, they dragged me. They tore my shirt. When we (the previous DMK Government) arrested her (the Chief Minister, Ms. Jayalalitha), we had treated her respectfully."

Although tired and dishevelled, Mr. Karunanidhi did not appear to have lost hope. "Justice will prevail," he said while being taken away to the prison.

Legs became swollen

Before entering the prison, Mr.

Karunanidhi, whose legs had become swollen, squatted on the ground for about 30 minutes objecting to moves to shift him to Vellore prison. Later, he was led to the cell. But he refused to take food forcing officials to go back on the decision to shift him. As directed by the judge, a panel of doctors examined him in the prison.

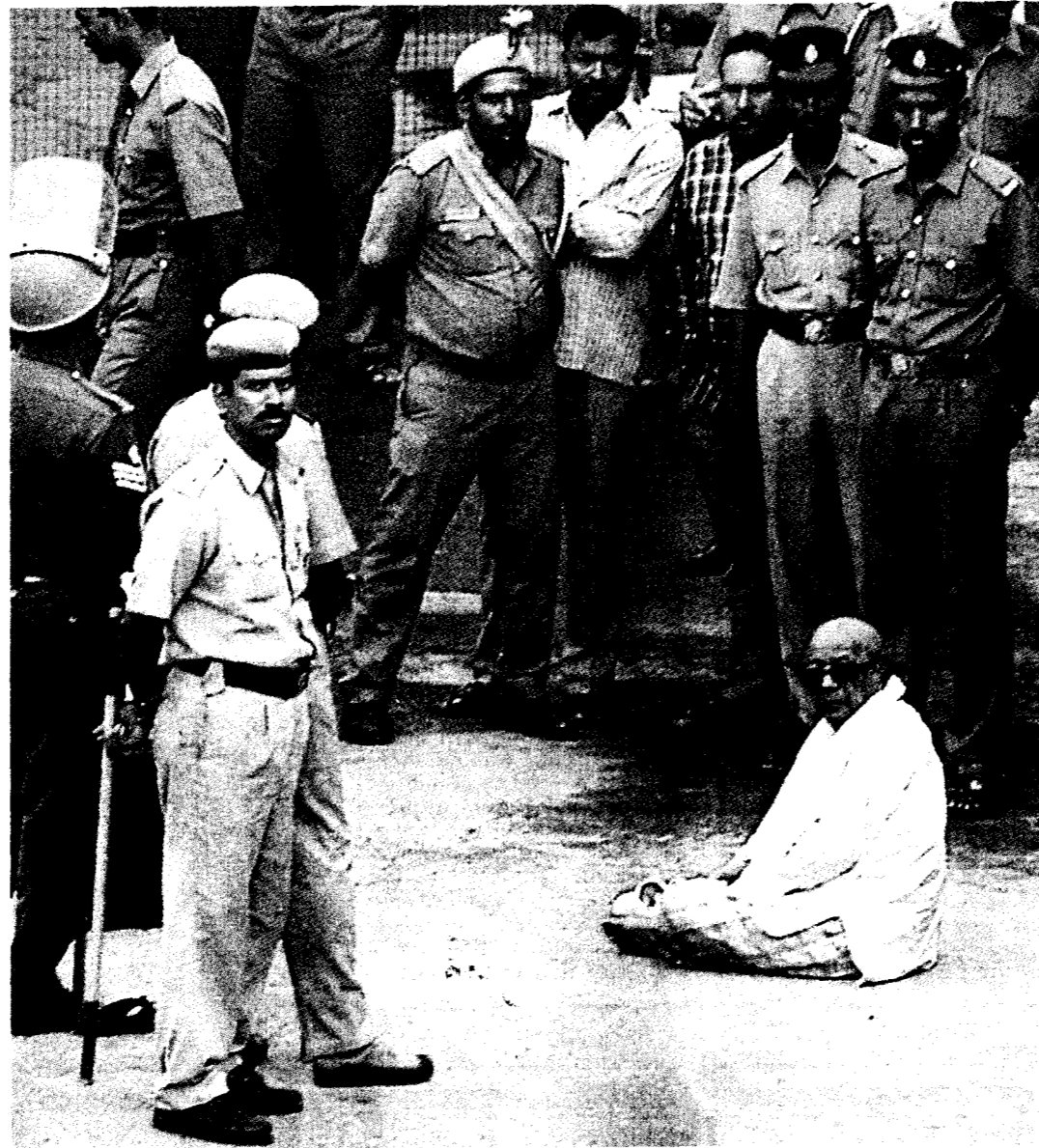
The arrest and remand came amid dramatic scenes with Mr. Maran and Mr. Baalu trying to fight off the police. Mr. Maran, who was with Mr. Karunanidhi at the time of arrest, insisted on accompanying him right through.

But at the Vepery police station, Mr. Maran was physically removed from the car carrying Mr. Karunanidhi. In the process, he was injured in the leg, and was transferred to an ambulance. After seeing Mr. Karunanidhi one more time at the place of remand, Mr. Maran moved to a private hospital for treatment. He was later arrested at the hospital on the basis of a complaint from the police party which went to arrest Mr. Karunanidhi.

Mr. Baalu was arrested when he tried to stop a search at the house of Mr. Maran. He too was pushed and pulled down by the police before being arrested and remanded. He later sought medical attention complaining of pain in the stomach, hands and hip.

Mr. Stalin, whom the police could not trace in the early hours of the day, said he had gone to Bangalore to see a relative. Once he knew the police were looking for him, he had returned to Chennai and surrendered before the judge who remanded him to judicial custody till July 10.

At the same time, he said the flyover case was a frame-up by Ms. Jayalalitha to divert attention from the corruption cases against her. Accusing the police of breaking into his house, Mr. Stalin said police personnel had manhandled his wife and children. The accused were charged with conspiring in the selection of



The former Chief Minister, Mr. M. Karunanidhi, sitting in dharna at the Central prison in Chennai, on Saturday. — Photo: R. Raghu

locations for construction of the flyovers, in appointment of consultant for preparing detailed project reports and award of contracts and in the issue of government orders totally cancelling the financial limits in the award of contract to enable the Chennai

Mayor to defraud the public exchequer and indulge in corrupt practices. A scrutiny of estimates revealed that with regard to several items, rates were inflated much higher than the actual market rates. Because of the inflated rates, the Chennai Corporation incurred a loss of more than Rs. 12 crores, according to the complaint.

Criticism from allies too

The manner in which Mr. Karunanidhi was arrested has invited criticism from several quarters including from most of the AIADMK allies such as the CPI, the CPI(M), the TMC, the PMK and the Congress. The Tamil Nadu NDA has called for a 12-hour Statewide bandh on Monday in protest against the arrest besides demanding President's rule in the State.

During protests organised by DMK party supporters, there were several incidents of violence such as burning and throwing stones at buses. Trains were also attacked as part of protests.

The DGP, Mr. A. Ravindranath, claimed that the accused had resisted arrest.

The Crime Branch-CID deputy inspector general of police and investigating officer, Mr. Mohammed Ali, told UNI that the police were compelled to use force to remove the former Chief Minister from his house as he resisted arrest and Mr. Maran assaulted him (Mr. Ali). He said his team went to effect the arrest after inquiring into the complaint filed by the Corporation Commissioner and finding merit in the case.

Widespread condemnation, more photos: Pages 8 and 9

Advani

Time till 9 a.m. for Governor's report

By Neena Vyas

NEW DELHI, JUNE 30. The Centre today seemed to have made up its mind to take the Tamil Nadu Government head-on, declaring that the arrests of the former Chief Minister, Mr. M. Karunanidhi, Union Ministers, Mr. Murali Manohar and Mr. T. R. Baalu, and other DMK leaders were illegal and unconstitutional.

The Governor, Ms. Fathima Beevi, has been given an ultimatum till 9 a.m. tomorrow to submit a report on the developments related to the arrests.

The Union Cabinet will meet at noon tomorrow, the Law Minister, Mr. Arun Jaitley, announced late tonight, while indicating that it would consider the Governor's report, or in its absence, take appropriate decisions. There are clear indications that if the Governor fails to comply, she would have to go. In fact, Mr. George Fernandes, NDA convener, said the Governor was duty-bound to keep the Centre informed of the developments, especially when two Union Ministers had been arrested.

There was a flurry of telephone calls from the Prime Minister, Mr.

Atal Behari Vajpayee, to the arrested DMK Ministers. He also tried to contact the Tamil Nadu Chief Minister, Ms. Jayalalitha, but having failed, conveyed a message to the Chief Secretary, Mr. P. Shankar, that he should immediately send a report to the Centre.

Speaking on behalf of the Prime Minister, Mr. Jaitley said till 10.00 p.m. today no report had come either from the Governor or from the Chief Secretary. The events were described by him as a "serious violation of Constitutional guarantees" and "to restore the Constitutional norms, the Government will decide what action needs to be taken."

President speaks to PM

Earlier, the President, Mr. K. R. Narayanan, also spoke to Mr. Vajpayee and Ms. Beevi. Rashtrapati Bhavan sources said he had received a number of fax messages from the DMK leaders and others since morning. The seriousness with which the Centre viewed the Chennai happenings was evident since morning. For, Mr. Vajpayee decided to convene an emergency meeting of the NDA (on Mr. Advani's suggestion).

Charges motivated, says Jayalalitha

By Our Staff Reporter

CHENNAI, JUNE 30. The Tamil Nadu Chief Minister, Ms. Jayalalitha, has termed the allegations against the Government and the police with regard to the arrest of the DMK president and former Chief Minister, Mr. M. Karunanidhi, as "totally false and part of a motivated, slanderous campaign of calumny carried out by the DMK".

Charging the DMK with carrying out such a campaign through SUN TV and a section of the media, she said "what has been shown over the SUN TV is a deliberate stage-managed stunt" to create public sympathy.

In a statement tonight, she said, "a detailed report on what actually transpired will be sent to the Prime Minister". She also refuted reports about the Prime Minister trying to contact her and conveying his strong reaction about the arrest. "This is not true at all. There has been no attempt by the Prime Minister to contact me and no telephone call was received by me from the Prime Minister's Office. On the contrary, the Prime Minister chose to speak to the Tamil Nadu Chief Secretary, Mr. P. Shankar, and asked him to convey this news to me. If the Prime Minister had really desired to speak to me, I was readily available and could have been contacted over the telephone at any time," she said.

Detailing the sequence of events at the time of the arrest, she said "the police entered Mr. Karunanidhi's residence at 1.30 a.m. on June 30 and showed him the arrest card. But they were kept waiting till 4 a.m."

While citing the permission granted to Mr. Maran and his family members to go inside the former Chief Minister's room and to Mr. Karunanidhi's daughter, Ms. Kanimozhi, and a personal physician to accompany the DMK president inside the Chennai Central prison, Ms. Jayalalitha said "all these are unheard of concessions and privileges not granted to any person being arrested".

The Chief Minister expressed regret that not only the Prime Minister, but even leaders of political parties who have "been my allies in the recently-concluded Assembly elections, such as the CPI, the CPI(M), the PMK and the TMC had jumped to hasty conclusions after watching the DMK-inspired propaganda of calumny and slander through media. If only, the leaders of these parties had shown a little patience, I could have explained the truth to them".



SUNDAY, JULY 1, 2001

AN OUTRAGEOUS ACT OF VENDETTA

THE ARREST OF the former Tamil Nadu Chief Minister and DMK president, Mr. M. Karunanidhi, effected in a post-midnight operation that brought back memories of the dark days of the Emergency, smacks of political vendetta and deserves to be condemned in the strongest of terms, whatever may have been the justification for the action itself. The crude manner in which it was carried out — the unearthly hour chosen for the operation and the physical force employed by the police in the process of taking him into custody without any regard for his age or health — is an affront to human dignity. The way the Jayalalitha Government has been going about the task of delving into the official records and coming up with allegations of corrupt practices against the erstwhile DMK regime gave one the unmistakable impression that it would not be long before the law enforcers zeroed in on Mr. Karunanidhi, his son and Chennai Mayor, Mr. M. K. Stalin, and several of his other close associates. In fact, even during her election campaign, Ms. Jayalalitha had never minced words about her designs (on coming to power) vis-a-vis her chief political adversary, and her various statements and deeds as Chief Minister betrayed an unseemly hurry to realise her 'ambition' and, in the process, sent wrong signals especially to the law enforcement agencies which evidently felt encouraged to act highhandedly, as evidenced by the way they handled mediapersons performing their duty. Mr. Karunanidhi who figures as the second accused, after Mr. Stalin and along with 12 others, in the Rs. 12-crore 'flyover scam', has been charged with criminal conspiracy, cheating, criminal breach of trust, etc., apart from offences under the anti-corruption law.

In a sense, the 'AIADMK versus DMK' combat Tamil Nadu is witnessing now is an action replay of what was on show after the 1996 Assembly elections, except that the AIADMK was at the receiving end then, with Ms. Jayalalitha being arrested for her alleged involvement in a slew of criminal cases, quite a few of which are still in different stages of trial or appeal. Unlike in Ms. Jayalalitha's case, where the arrest had come after all her endeavours to get anticipatory bail from courts at different levels had proved futile, the police moved swiftly to take Mr. Karunanidhi into

custody within hours of the filing of an FIR on the basis of a complaint from the Commissioner of the Chennai Corporation, and this is what set it qualitatively apart from Ms. Jayalalitha's arrest, rendering it highly reprehensible. It cannot be anyone's case that high-profile politicians suspected of having committed serious criminal offences should be treated with kid gloves. In the current political context, there is in fact a strong case for credible initiatives to counter the widely-shared impression that those who have been in high positions of authority are less accountable than the ordinary citizens to the laws of the land. But the much-quoted dictum 'the law must take its course' does have an important implication, which is that pre-trial arrest must be resorted to only where it is strictly needed for the purposes of investigation, and should not be used as a punishment.

No less imperative is to ensure that the process of investigation into alleged criminal offences is not turned into a vehicle for political persecution through motivated interference. This route, of course, seeks to serve the cause of accountability much better than that of the 'commission of inquiry', which almost invariably proved an exercise in futility for want of follow-up action. At the same time, it carries the inherent risk of a vindictive successor Government being tempted to use the authority of the state to settle scores with or harass or victimise its political opponents who had been in power by trumping up criminal charges. And this risk seems to be very real, going by the current trend. Given the spread and severity of the canker of corruption among public men across almost the entire political spectrum in the country, it would be ideal if a mechanism of checks and audit is built into the political system so that any instance of abuse of authority or malfeasance is detected and dealt with promptly, an important component of which being, of course, an independent and thoroughly professional investigative/prosecution agency. Otherwise, there appears to be no escape for the public from being treated to the spectacle of persons holding office enjoying total immunity while in power but becoming vulnerable to arrest and prosecution the moment they are out of office.

KARUNANIDHI ARREST / NORMAL LIFE DISRUPTED

Patravakkam rail booking office set ablaze

By S. Shivakumar

CHENNAI, JUNE 30. Most parts of Chennai wore a deserted look today, with most business establishments and offices closing down as a precautionary measure following the arrest of the DMK president and former Chief Minister, Mr. M. Karunanidhi, and other DMK leaders, including Mr. M. K. Stalin.

The railway booking office at the Patravakkam Terminal near Korattur was set ablaze by miscreants who fled after the incident. Three fire tenders put out the fire. There was an attempt to set fire to an MTC bus at Veerapuram. The windscreens of over 40 MTC buses were damaged.

While many residents cancelled their arrangements fearing trouble, the MTC operated only a skeleton service and all long distance services of the State Transport Corporation were suspended. Private vehicles plied as usual. Private bus operators suspended their operations.

EMU services were disrupted for about an hour in the morning when a group of DMK activists squatted on the track near Chetput and raised slogans against the Government.

Sporadic incidents of violence were reported in the city and on the outskirts with miscreants damaging the windscreens of buses and indulging in stone-throwing.

The situation was worst near the DMK headquarters at Teynampet on Anna Salai. MTC buses were stoned. A group attempted to stage a road roko but were chased away by the police. However, the youth assembled at different places near the party headquarters and again indulged in violence. Additional police force rushed to the spot and chases away the mobs.

Tension prevailed in the Egmore and Pudupet areas with a mob indulging in violence near the court. When those who had been detained as a preventive measure were brought to the Egmore court for remand, a large number of persons gathered near the complex. As there was "some delay" in the arrival of the arrested, the crowd grew restless and indulged in violence.

The violence spilled to the Pudupet area. Miscreants targeted some shops which were kept open.

Groups of youth on motorcycles were seen "escorting" those being arrested and transported in buses. Waving party flags, they directed shops which were kept open to close down.

Most autorickshaws also stayed away from the road. Several commuters preferred not to board trains. While most shops remained closed, even those which remained open had their shutters half-closed.

The City Police Commissioner, Mr. K. Muthukaruppan, said the entire police machinery was put on the alert to prevent any untoward incident. Patrolling was intensified in the sensitive areas and police teams were stationed at strategic locations.

He said over 650 persons had been taken into preventive custody. Those arrested included Mr. M. A. Vaithilingam, Tambaram MLA, and Mr. Anbazhagan, T. Nagar, MLA.



The police wield the stick to get people away from the Stanley viaduct, outside the Chennai Central prison, where Mr. Karunanidhi was lodged. — Photo: K. Gajendran



One of the MTC buses which were stoned on Saturday.

— Photo: M. Moorthy

Act of revenge

AIADMK chief minister Ms Jayalalitha's act of revenge is condemnable. The manner in which DMK president M. Karunanidhi has been arrested along with former minister Murasoli Maran smacks of authoritarianism and arrogance of the worst kind. Ms Jayalalitha has let it be known that she has no respect for the norms guiding constitutional behaviour or the rule of law. And that she will seek revenge no matter what. The two DMK leaders were bodily lifted from their residences in a manner which can only shock the nation. Mr Maran has subsequently been admitted to hospital as he is a heart patient and has only recently recovered from a lengthy illness. The chief minister, who is still to be elected, is obviously more preoccupied in settling personal scores than taking Tamil Nadu towards development and progress. The people have not voted for her and her party so that she can pursue a personal agenda. In fact the overwhelming show of support for the AIADMK came as a strong indictment of former chief minister Karunanidhi's obsession with settling scores. Instead of learning the lesson that the people of the state had tried to teach Ms Jayalalitha, consumed by her politics of hate, has sought to act in a manner that cannot be supported even by her allies in the state. The Left parties have, in a first reaction, criticised the arrest of Mr Karunanidhi and Mr Maran. The Congress, being more indirect in its response, also could not find words to support the chief minister for her highhanded reaction. Prime Minister Atal Behari Vajpayee reacted personally seeking a full report of the incident from the state police and administration. The National Democratic Front meeting was convened immediately to take stock of the situation, and although at the time of going to press, details were not available it was apparent that the allies were going to press for action against the chief minister. The DMK and AIADMK have been playing out their anger and hatred at the expense of the people of Tamil Nadu for decades now. Mr Karunanidhi used the law to put his rival behind bars. She has gone a step further by having him dragged out from his residence in what was virtually a midnight drama. This has to stop. If the Centre decides to act against the chief minister, she will have few supporters. The people, who are fed up with this war between the two main political groups in the state, will not react as Ms Jayalalitha's behaviour cannot be condoned by even her staunchest supporters. It is time that these two parties gave up personality based quarrels and concentrated on fulfilling the agenda for which they have been elected. In the process corruption is flourishing in Tamil Nadu as the law and order machinery has been highly politicised by the two groups. Administration has come to a standstill, democratic institutions are being marginalised as the leaders have become unaccountable, and this is having a serious impact on the body politic of the state. And the country, of course. Both these parties have to be reined in, and the leaders made to realise that they have not been elected to give vent to their anger and frustration. But that the electorate has expectations, and the right to ensure that these needs are addressed. Ms Jayalalitha has lost, in one stroke, what she had gained over the last few weeks. And instead of emerging stronger from the ugly episode she has come out decidedly weaker.

THE ASSOCIATED PRESS

① 'Ban T.N. extremist outfits'

By Our Special Correspondent

NEW DELHI, JUNE 5. The Tamil Nadu Chief Minister, Ms. Jayalalitha, today urged the Centre to immediately ban certain extremist, secessionist and communal organisations operating in the State such as the Al-Umma, the Jihad Committee, the TNLA and the TNRT.

In a memorandum submitted to the Prime Minister, Mr. Atal Behari Vajpayee, whom she met for the first time after assuming office, Ms. Jayalalitha also sought early clearance to certain important projects and issues pending with the Centre.

She then drove to the Rashtrapathi Bhavan for a meeting with the President, Mr. K.R. Narayanan. Later, she told reporters that she had told the Prime Minister that the State Government's request seeking a ban on the extremist outfits (throughout India as they are already banned in Tamil Nadu) was pending with the Centre for a long time.

She said she would meet the Union Home Minister, Mr. L. K. Advani, tomorrow and reiterate the demand. She would also seek more Central assistance for modernising the State police force.

Along with the memorandum, Ms. Jayalalitha gave Mr. Vajpayee a copy of the Sarkaria Commission report indicting the former Chief Minister, Mr. M. Karunanidhi, and recommending action against him.

Asked whether she had dis-



The Tamil Nadu Chief Minister, Ms. Jayalalitha, presenting a shawl to the Prime Minister, Mr. Atal Behari Vajpayee, when she called on him in New Delhi on Tuesday. — Photo: V. Sudershan

cussed the Sarkaria Commission's recommendations with the Prime Minister, Ms. Jayalalitha said, "I have nothing to say about that now. I cannot reveal everything that transpired between me and the Prime Minister." Asked to comment on Mr. Karunanidhi's charge that she was being vindictive, Ms. Jayalalitha said, "it is not true."

No move to join NDA

The Chief Minister also put an end to speculation about the AIADMK's possible return to the

National Democratic Alliance. Talking to reporters after calling on the Congress president, Ms. Sonia Gandhi, the AIADMK leader categorically said there was no truth in reports of any rapprochement with the NDA, with which her party snapped its links in 1999. "There is no truth in such reports. There is no proposal to join the NDA," Ms. Jayalalitha said. On keeping alive the alliance with the Congress, she said they were together in Pondicherry.

Meets Sonia: Page 13

BJP tells UP unit to prepare for early poll

Shekhar Iyer
New Delhi, May 31

WITH A petition before the Allahabad High Court questioning the BJP's contention on the term of the Uttar Pradesh Assembly till next March, the central BJP leadership has asked the State unit to be ready for polls in November.

The move follows an assessment by BJP leaders that an adverse verdict by the court would not only force early elections but also catch the BJP poll machinery unprepared. The legal debate before the High Court is over fixing the House's five-year term — from the date of its constitution and subsequent suspension in October 1996 due to a hung poll verdict, or from its first sitting in early 1997 when the BJP succeeded in cobbling together a coalition.

Confirming the party's directive to the UP unit to prepare for the polls in November, BJP chief K Jana Krishnamurthi today

UP HPT 1/16
said: "No one likes to be taken by surprise." Stating that the party's strategy would be finalised at a meeting of the UP BJP executive at Saharanpur in mid-June, he said the party was viewing the challenge in UP "seriously" because of the Hindi belt's political importance.

The party's anxiety over its poll preparation has been underpinned by its own declaration that the 'real test' is in UP on the heels of the recent Assembly elections in Assam, West Bengal, Kerala and Tamil Nadu, which, it admitted, was "deeply disappointing".

With the incumbency factor said to be working against the BJP since the 1999 Lok Sabha elections, the party is again counting on Atal Bihari Vajpayee's standing and its organisational strength. The BJP has asked the Sangh to come to its aid in the State to enthuse its cadres.

In a sure sign that the PM is to have the last word in the BJP strategy, UP unit chief Kalraj

Mishra today emerged as his choice for the lone Rajya Sabha seat from the State, election for which will be held on June 11.

Though Krishnamurthi said Mishra's candidature was the unanimous choice of the UP unit, it came as a dampener for Chief Minister Rajnath Singh, who had wanted the nomination to go to former Congress MLA Puttu Awasthi as a reward for vacating the Haidergarh Assembly seat for him.

Scotching the speculation over Mishra getting berth in the Union Cabinet after winning the Rajya Sabha seat, Krishnamurthi said: "Mishra will stay as UP BJP chief as we are to face the Assembly polls in the next five or six months."

Rajnath, who is counting on his Government's performance in the last six months as the BJP's USP for the Assembly polls, did not oppose Mishra's candidature when he was told of the PM's choice, said BJP leaders.

16 JUN 1997

16 JUN 1997

The Tamil Nadu verdict

By P. V. Indiresan

110-12 ✓
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THE DUST is slowly settling on the election battle in Tamil Nadu. It is becoming easier to see why what happened actually happened. In this battle, the judicial system has become a big loser; it has got a resounding slap on its face. Ms. Jayalalitha made no bones of her contempt for judicial verdicts and the people endorsed her view in such a manner that the judiciary cannot hold anyone, including Ms. Jayalalitha, in contempt of court. Even the Governor of Tamil Nadu, who has adorned the highest bench of the land, has placed the electorate above the Rule of Law. In the parlance of football, she has scored an own goal. There is a lesson for the judiciary here — that people's confidence is more important than judicial rectitude and that it cannot be earned by encouraging Public Interest Litigation but only by ensuring that the lowest level courts (where alone people ordinarily go) do their jobs well.

Few people are aware that under Mr. Karunanidhi Tamil Nadu made faster economic progress than almost any other State in the country. If economic performance were to be the guide, he must be rated among the most successful Chief Ministers in the country. Yet he lost because politics is not about performance in the past but about hope for the future. He presented no vision for the future. In fact, his Government rejected a proposal to prepare a vision document in spite of being prodded to do so by the Planning Commission.

Mr. Ramakrishna Hegde has often been described as the best Prime Minister India never had. He was ousted from his Chief Ministership and the electorate preferred others who were less competent and reputedly corrupt. Mr. Hegde brought that debacle on himself. He held forth that value-based politics was more important than issue-based ones. In one instance, doubts were cast about the integrity of a deal in which his administration was involved. The electorate punished him severely for not living up to his own professions. In general, the Indian electorate has no problems with corrupt politicians who do not talk morality. It has no patience

There is a lesson for the Judiciary here — that people's confidence cannot be earned by encouraging PIL but only by ensuring that the lowest courts do their jobs well.

with politicians who talk morality and make a slip even once.

One of the truly visionary experiments of Mr. Karunanidhi was that of "Samathuvapuram" where people of different castes were housed together in attractive habitats. For some reason, he did not pursue the idea vigorously, the way MGR held on to the midday meal scheme with tenacity and against all opposition. Come election time, Mr. Karunanidhi abandoned altogether the idea of "Samathuvapuram" and bet on pure caste politics. If he had pursued the idea of "Samathuvapuram" to its logical end, he could have retired from politics as a truly great reformer instead of coming a cropper.

Writing in *The Hindu* in February 1984, I predicted that in Tamil Nadu, political parties would splinter into tiny, tiny caste groups. Basically, the argument was that politicians can set up only a small minority as a hate target or treat another small minority with special favours. For instance, anti-Brahminism posed little risk because Brahmins were so few that they mattered little. However, extending the concept to "forward castes" increases the numbers that are discriminated against and creates unmanageably powerful enemies.

At the other end, the problem is even more acute. Identifying a small group for special favours poses little difficulty. The Scheduled Castes have such a strong case for special treatment that favours done to them will create comparatively little opposition. Extending the idea to Backward Castes was bound to splinter the polity not because the idea was bad but because it was unimplementable — because it becomes impossible to satisfy everyone; because it is impossible to avoid controversy in who should be included and who excluded. Those who get left out will nat-

same with power projects, aircraft purchases, telecommunication services — wherever the issue was controversial and created disillusionment all round. It sounds harsh but the suspicion intrudes that his knee is not so weak physiologically as it is metaphorically.

Teheka was a test case. Everybody appreciates that it was unfair to the BJP. Whichever party had been targeted, the result would have been the same. So, there was no reason for Mr. Vajpayee to panic. In Gandhian style, he could have confessed that his party, like all others, had committed a Himalayan blunder. He could have taken the responsibility on himself instead of pushing it on the hapless party president. He could then have called for a national debate on the vexed issue of funding political parties. Then, he would have stood ten foot tall.

Mr. Vajpayee is a nice man but not nice enough to be a saint. He makes bold starts but does not fight well enough to be a hero. He has his weaknesses but they are not bad enough to make him a villain. Future playwrights and novelists will find it difficult to create a drama around him and will probably forget him. On the other hand, Ms. Sonia Gandhi has probably reserved a page for herself in history. We should now concede the possibility of her becoming the Prime Minister in the not distant future. If she does, the rise from an *au pair* to the Prime Minister of a foreign country (that too the largest democracy in the world) is surely the substance for great drama. If she fails, that will be a greater drama — the finale of a family saga beset by one tragedy after another.

The BJP is obsessed with Ms. Sonia Gandhi. It forgets that she is its best insurance. If the Congress() were to jettison her and elect someone else as leader (any one else for that matter), will the BJP have any leg to stand on? So, ardent supporters of the BJP had better perform a vagna for the continuation of Ms. Sonia Gandhi at the helm of the Congress(). Likewise, Ms. Sonia Gandhi had better light a candle to her favourite saint and pray that the BJP continues with its weak-kneed policy.

TIME TO STAND UP

Here is a new low in politics

JAYALALITHA is nothing if not predictable, everything she has done has been done publicly. She said she would be the next chief minister of Tamil Nadu irrespective of legal disability under the Representation of the People Act; she has done that. She was displeased with Thambi Durai when he was Law Minister in Vajpayee's government not because he was disobedient but because he messed up the Notification of 5 February 1999 and it became public to her great embarrassment. The intention was that the enabling provision whereby she would choose the prosecutors who would handle corruption cases against her was to be between her, Thambi Durai and the lamppost until the deed was done. Done it was anyway but then Chief Justice Liberhan upheld the constitution of the special courts to try her and was banished for his pains. He is now heading the Ayodhya panel. She is taking no chances this time; apart from holding charge of the departments of Home, Police, General Administrative Services and Minorities Welfare she will be directly responsible for the all-important Prevention of Corruption portfolio.

Against her are the one-year sentence in the Pleasant Stay Hotel case and the much more serious 3-year sentence in the open and shut, Tansi land scam case — both subject to appeal. Besides, there are three pending cases in special courts, XI, XII and XIII set up with the approval of Madras High Court dealing with 1) Rs 66.65 crores disproportionate wealth case, 2) multi-crore coal import case, and 3) wealth case involving investment of Rs 56 crores in two country hotels in England. If law and principles are ignored, one can notice the sureness of touch Amma displays. All three courts have adjourned hearings, two of the three prosecutors have resigned, the third is tottering and should fall soon. Nallamma Naidu, SP in the Directorate of Vigilance and Anti-Corruption has suddenly decided that he is not keeping well and resigned; he was a prime target for *having given wide publicity to her wealth in the media*. The Courts have been told that Jayalalitha's government will name new prosecutors. Amma knows that the courts cannot be wound up without consent of the High Court, which has already upheld their appointment; in case this is difficult, she is alternatively making sure of the prosecutors. Courts can only decide on material placed before them; not to put too fine a point on it if prosecutors want to give the case away, they can. As the strategy unwinds, someone should approach the Supreme Court, which has ample powers to prevent such a miscarriage of justice.

This is where the Vajpayee government's *understanding attitude* can come in useful — in return for political support, Jayalalitha will be allowed to decide the cases against her. It was attempted before. Pramod Mahajan is enormously experienced in such matters. It cannot be forgotten that the infamous Notification of 5 February was defended by senior law officers of the Union government but it must also be recorded, with pride, that the Bench of the Supreme Court headed by His Lordship Mr Justice Nanavatti was not impressed and quashed the Notification.

All is not lost. This is the time for introspection and to acknowledge that power is not all, corruption is not governance, and the country is greater than the greed of politicians. People may be silent but they are not fools. There is a time to be silent and a time to stand up and speak. This is the time to speak. May we find our voice.

Governor was right, says Jayalalitha

By Our Special Correspondent

CHENNAI, MAY 16. The Tamil Nadu Chief Minister, Ms. Jayalalitha, today insisted that the Governor, Ms. Fathima Beevi, was correct in swearing her as the Chief Minister despite the electoral disqualification.

Talking to reporters after paying her respects at the samadhis of Dravidian leaders Periyar, Anna and MGR, she said the Govern-

or, as a retired Supreme Court judge, was a legal expert. "No one need to teach her about the law and the Constitution," she said. The actions of the Governor were in any case not justiciable.

Ms. Jayalalitha said she did not foresee any problem in overcoming the electoral disqualification and continuing as the Chief Minister. Asked about her "legal strategy", she said: "Why don't you wait and see what happens?"

Ms. Jayalalitha said she would meet the Prime Minister, Mr. A. B. Vajpayee, "very soon" as it was the accepted convention for a newly-elected Chief Minister to call on the Prime Minister.

Unconditional support

During a meeting with Mr. Pragnab Mukherjee, senior Congress leader, Ms. Jayalalitha offered unconditional support paving the way for the formation of a Con-

gress-led government in Pondicherry.

Mr. Mukherjee later told reporters that Ms. Jayalalitha had not expressed any intention on the part of the AIADMK to join the government when he formally sought the AIADMK's support.

Earlier, Ms. Jayalalitha said she could reveal her party's stand on joining a Congress-led coalition government only after the discussions with Mr. Mukherjee.

THE HINDU

17 MAY 1997

Jaya defends governor's action

By Swati Das
The Times of India News Service

CHENNAI: Tamil Nadu chief minister J. Jayalalitha on Wednesday defended state governor Justice Fathima M. Beevi's decision to invite her to form the government saying that the governor's decision could not be questioned. Talking to journalists after garlanding the statues of Annadurai, MGR, Periyar and paying homage at the samadhi's of Anna and MGR, as part of a ritual on taking charge as chief minister, Ms Jayalalitha defended Justice Beevi's action. "She is a retired Supreme Court Judge. Her action is not justifiable."



Asked how she would overcome the legal barriers before six months, she said, "You wait and see. I do not think there would be any problem in getting elected in the legislative assembly." She noted that as part of the accepted convention after assuming office as chief minister, she would be meeting Prime Minister Atal Behari Vajpayee shortly.

Meanwhile, DMK chief Vaiko, whose breakaway from the DMK front had cost some of the seats to the DMK and helped the AIADMK to gain from it, said that Ms Jayalalitha, on moral grounds should not have tried for chief ministership. Though he defended Justice Beevi saying that she had acted on the basis of the statute book, it was not morally right on Ms Jayalalitha's part to assume leadership of the legislative party, when she was convicted by a lower court. "If she had installed an elected MLA as the chief minister before getting her name cleared of all convictions, she would have earned the respect of her party cadres."

He also pointed out that according to the Election Commission guideline she should not have been allowed to contest and therefore the returning officers' rejection of her nominations are valid.

However, trying to even out his opinion on the issue he pointed out that there were two opinions on this. One is that she should not have staked her claim to chief ministership until the final decision of the case was taken. The other opinion being that until the final decision is taken on the two cases related to the TANSI case, she should not be barred from contesting the election.

Tele-chatting U.P. ministers' huge pending bills date back to 1998

By Mohit Dubey
The Times of India News Service

LUCKNOW: It pays to be a minister, especially in Uttar Pradesh. So, while the common subscriber faces disconnection for non-payment of telephone bills, these VIPs remain 'well connected'. In fact, pending bills of half a dozen ministers date back to 1998.

Bharat Sanchar Nigam Ltd (BSNL) officials, on condition of anonymity, told this newspaper on Tuesday that they were sending continuous reminders to the government to clear the bills of ministers, but added they were helpless. What is even more surprising is the fact that the staggering bills, many of them running into several lakhs

for a two-month billing cycle, are of the ministers' residential land lines. State minister for home affairs, Ranganath Mishra (telephone No. 239118) for example, has run up an outstanding bill of Rs 2,19,617 for the last four months alone; Raja Ghazanfar Ali, minister for Waqf, has chocked up a princely amount of Rs 1,09,634.

Power minister and LCP leader Naresh Agarwal, who is so often spotted with his fancy mobiles (he has three connections), too is a big one when it comes to tele-chatting. Mr Agarwal's bills add up to a whopping Rs 1,53,251 for the two telephones installed at his Kalidas Marg bungalow (telephone Nos. 274414, 216888). State home minis-

ter Ranganath Mishra said he was 'aghast' to hear of the bills pending against him. "Something is terribly wrong...I am hardly in Lucknow for a day or two...how can I make so many calls?" he said. He added that he would constitute an enquiry into the bills.

When contacted senior officials in the *Sachivalaya Prashasan* (the department responsible for payments) conceded that ministers were indeed splurging on phones, specially STD. When contacted, principal general manager (Lucknow circle) D.K. Sinha, feigned ignorance of the arrears. "I have no idea of this and I will have to check up with the finance department," he said.

■ Karunanidhi: Now make Laloo Bihar CM ■ Sorabjee's office: A-G not consulted ■ BJP: This is very odd

Jaya sworn in as Tamil Nadu chief minister

STATESMAN NEWS SERVICE & AGENCIES

CHENNAI, May 14. — Miss Jayalalitha was today sworn in as the chief minister of Tamil Nadu by the Governor, Mrs Fathima M Bibi. Five ministers, including Mr M Thambidurai, the former Union law minister, were also sworn in along with her.

In spite of being disqualified from contesting elections due to her conviction in a corruption case, Miss Jayalalitha today rushed through the formalities of getting first elected as the AIADMK Legislature Party leader and then meeting the Governor to stake her claim to form the government.

By administering the oath of office

to Miss Jayalalitha, Mrs Fathima Bibi has put an end to all speculation over whether she would invite the AIADMK supremo to form the government. The Governor is said to have gone through the legal and constitutional materials on the issue.

opinion on the matter").

Soon after she was elected as the leader of the AIADMK Legislature Party at the party headquarters here this morning, Miss Jayalalitha went to the Raj Bhavan to meet the Governor. She presented her a bouquet and a silk

■ **Jaya's win may muddle Cauvery waters again: page 8**

shawl, before staking claim to form the government.

The AIADMK leader refused to talk to the media, assuring scribes that she would meet them in the evening. A press release, signed by the Governor's secretary, was later issued, stating that Mrs Fathima Bibi had invited Miss Jayalalitha to form the ministry at the earliest and asked her to send the list of persons

to be appointed as ministers with their portfolios. This was after the AIADMK leader gave a letter to the Governor, informing her that she had been elected as the leader of the AIADMK Legislature Party. Barely six hours after her election, the Governor administered the oath of office and secrecy to Miss Jayalalitha at 6.15 p.m. at Raj Bhavan.

Mr Karunanidhi today reacted to her swearing-in. "If this is right, then Mr Laloo Yadav should be allowed to become the Bihar chief minister. The BJP today described as "odd" the invitation to her to form the government. She would now have to satisfy the Constitutional requirement and get elected to the Assembly within the next six months.



Miss Jayalalitha hands over AIADMK legislators' resolution electing her their leader to the Tamil Nadu Governor, Mrs Fathima Bibi, on Monday. — PTI

THE STATESMAN

15 MAY 2001

'I MYSELF DID NOT EXPECT IT TODAY'

Jayalalitha sworn in CM

By Suresh Nambath

1375 H-10-1
CHENNAI, MAY 14. In what she described as a "smooth transition", the AIADMK general secretary, Ms. Jayalalitha, was today sworn in Chief Minister of Tamil Nadu ending all controversy over her eligibility to hold public office following the electoral disqualification.

Immediately after Ms. Jayalalitha handed over a letter conveying her election as leader of the AIADMK Legislature Party, the Governor, Ms. Fathima Beevi, invited her to form the Government. Within a few hours, Ms. Jayalalitha was back at the Raj

Bhavan, and took oath as Chief Minister in the name of God.

After the fierce debate over whether a convicted person disqualified from electoral contest could be sworn in, the obstacle-free course to chief ministership came as a surprise to everyone, including Ms. Jayalalitha. "Everything has happened in a rush. I myself did not expect that I would be sworn in today itself. Everything has taken place very smoothly. I am very happy. This is a victory for the people of Tamil Nadu."

Asked whether she was hopeful of getting elected to the legislature within the stipulated six

month period, Ms. Jayalalitha said she had so far overcome all hurdles placed in her path by "political opponents, adversaries and enemies". Now, with the support and love of the people, she would be carried through to success.

As if to remove any doubts about her ability to get over the electoral disqualification, Ms. Jayalalitha recalled that everyone had written her off when she lost the election in 1996, but now, she was back as Chief Minister. "In 1996, when we faced a massive electoral defeat, did any of you believe a day would come like this five years later, when I would be

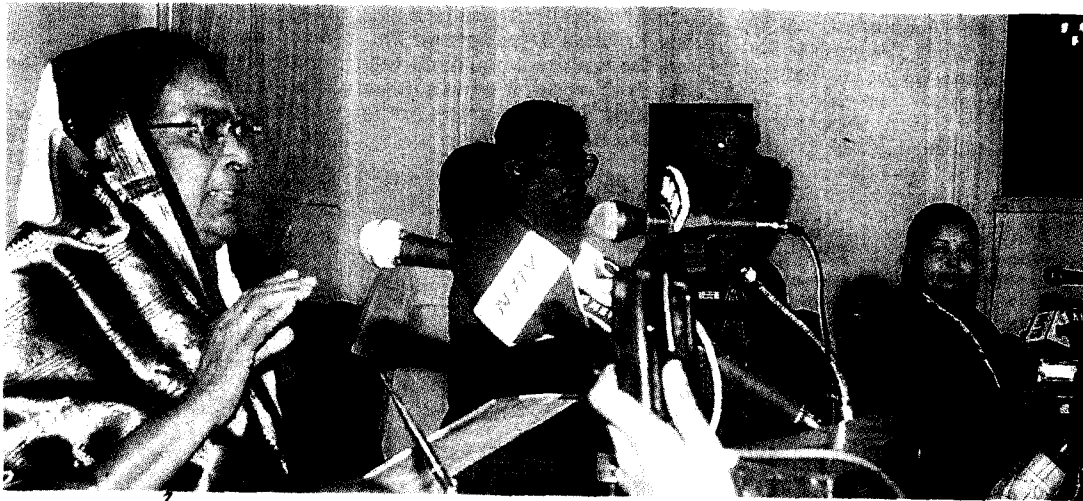
9-87 T. Radu
sitting here in the Chief Minister's chamber and meeting you all? Everyone wrote me off, everyone wrote the AIADMK off. But, I have proved all my critics wrong."

In the morning, Ms. Jayalalitha seemed like a woman in a hurry as she presided over a meeting of the newly-elected AIADMK members. After the elected candidates resolved that they would "not accept or consider" anyone else as their leader, Ms. Jayalalitha drove straight to the Raj Bhavan.

Once the Governor greeted her on the "resounding victory" and asked her to form the ministry "at the earliest", Ms. Jayalalitha forced the pace of developments. The swearing-in was fixed for the same evening, setting off a flurry at the Raj Bhavan and catching the Public Department, which was to make the arrangements, completely off-guard.

After the swearing-in, Ms. Jayalalitha went to the Secretariat and signed her first file appointing a Secretary and two Deputy Secretaries to the Chief Minister.

At a press conference later, Ms. Jayalalitha promised to provide a benevolent government and an efficient administration. She also ruled out "taking revenge" on opponents who had harassed her in the last five years. But action would be taken against those guilty of wrong-doings, she added.



The Governor, Ms. Fathima Beevi, swearing in the AIADMK leader, Ms. Jayalalitha, Chief Minister of Tamil Nadu at the Raj Bhavan in Chennai on Monday. — Photo: N. Sridharan

A-G was not consulted: Page 13
'Attack on poverty': Page 15

THE HINDU

15 MAY 2001

TUESDAY, MAY 15, 2001

MS. JAYALALITHA AS CHIEF MINISTER

MS. JAYALALITHA HAS notched up two unedifying firsts in the act of becoming Tamil Nadu's Chief Minister for a second time. She is the first person to become Chief Minister despite being expressly prohibited from contesting an Assembly election. She is also the first person who has been convicted in a court of law to hold such office. On both counts, her ascension violates the very spirit of the Constitution and raises worrying questions of both legal and moral import. The constitutional provision, namely Article 164 (4), which permits a non-member of a legislature to become a Minister (on the condition that he or she be elected within six months thereof), was never designed to apply to those who have been barred from contesting elections. And if the Constitution does not specifically prohibit convicted persons from occupying ministerial posts, it is only because our founding fathers did not believe it was necessary to include a provision to avert such an outrageous possibility. Under any rational interpretation, the spirit of the Constitution is wholly at odds with the idea that a person who has fallen foul of the law may hold an office which vests him or her with the responsibility for implementing it. In her haste to assume office, Ms. Jayalalitha has shown little regard for legal niceties and moral propriety. The democratic framework of the polity would have been better served if she had waited for questions regarding her disqualification to be resolved before assuming chief ministerial office.

Having said this, the Tamil Nadu Governor, Ms. Fathima Beevi, had no option but to invite Ms. Jayalalitha to form the Government once she staked her claim to the chair. It is likely that a number of factors weighed on the Governor's mind before she gave her consent. Among them, the fact that the bare letter of the law is silent about whether disqualified or convicted persons may be sworn in. Also, the existence of a long-

standing convention that gubernatorial discretion in such circumstances is limited to determining whether the person who stakes a claim enjoys the majority of the House. And the possibility that refusing to swear her in could precipitate an ugly and unwanted constitutional crisis. The recent events in Tamil Nadu have underlined the need that the questions of whether disqualified persons and/or convicted persons may occupy ministerial office are judicially resolved — and quickly. Continuing uncertainty over these questions — a result of the lack of clarity in the law — is unhealthy for the democratic framework of our polity.

One of the absurdities of the present situation is the existence of a number of corruption cases against Ms. Jayalalitha, many of which are overseen by officials of the State Government, which she now heads. It is in the interest of justice that these cases are determined fairly and without prejudice. The political temptation to influence the official prosecution to either weaken or scupper these cases is likely to be great but Ms. Jayalalitha must be urged to resist from interfering with the legal process. If, as she has repeatedly maintained, the corruption cases are bogus and fabricated, the best way of proving this is by fair acquittal. As she embarks on her second term as Chief Minister — which will last a mere six months if she fails to qualify to contest and win an Assembly byelection within that period — Ms. Jayalalitha would be well-advised to remember the very circumstances in which she assumed office were extraordinary and open to question. The emphatic, even stunning victory of the AIADMK-led front she led in the election is a vindication of her political popularity. But she has to squarely address the issues that cast a shadow on the moral legitimacy of her occupying the Chief Minister's chair.

THE HINDU

15 MAY 2001

AIADMK ^{9-8r} wave sweeps ^{T. Nadu} Tamil Nadu ^{HF-9}

Chennai, May 13 ^{12/5}

M KARUNANIDHI stepped down as Chief Minister today as the Opposition combine led by Jayalalitha's AIADMK raced towards a two-thirds majority in the 234-member Assembly, winning 144 of the 168 seats for which results had been declared.

The Governor has asked him to continue in office till alternative arrangements are made.

The AIADMK's score was 100. Its allies TMC and PMK had won 17 and 13 seats. The CPI(M) won five seats, the Congress four and the CPI three. The All-India Forward Bloc secured one, while a Front-backed Independent was successful.

The DMK had won 16 seats and the BJP four. The MDMK had just one win to its credit, but the TMC(DF) led by P Chidambaram, won both seats it contested. Karunanidhi has been elected from Chepauk by a margin of 4,834 votes, winning his tenth term in the Assembly.

Among other notable winners are M Thambidurai of the



JAYA PLANS TO BE CM

J Jayalalitha on Sunday declared that she alone would be the Chief Ministerial candidate following the AIADMK-led alliance's landslide victory in the Tamil Nadu Assembly polls. "The people have given me their mandate to rule the State. This vote is for me to assume leadership of the Tamil Nadu. Putting anyone else in that place would mean disrespect to the verdict of the people. We cannot afford to do this," she told a private TV channel.

PTI, New Delhi

AIADMK, S R Balasubramaniam, S G Vinayagamurthy and V K Lakshmanan of the TMC.

The BJP's State president, S P Kirupanidhi, was, however, humbled by the TMC's K Paramalai at Manamadurai. But the party's K N Lakshman won the Mylapore seat.

The pro-AIADMK wave which swept the state saw many DMK ministers losing their seats. Among those who won were the Chief Minister's son, M K Stalin, who happens to be Chennai's Mayor, DMK general secretary, K Anbazhagan, PWD Minister, Duraimurugan, Health Minister Arcot Veerasamy and Local Administration Minister Ko Si Mani.

Puthiya Tamizhgam leader, Dr K Krishnasamy lost in both Ottapidaram and Valparai from where he had contested. In Ottapidaram, where the Dalit leader sought reelection, AIADMK's A Sivaperumal won by a margin of 651 votes.

PTI

THE HINDUSTAN TIMES

14 MAY 1992

A CONTEST OF PERSONALITIES

IN TAMIL NADU, where over the past quarter of a century electoral politics has acquired a virtual bipolar dimension with the DMK and the AIADMK serving as the rallying points for others — including the national parties — the battle of the ballot has almost invariably been a clash of personalities and egos of the presiding deities of the two Dravidian outfits, and this is much more so when the mandate at stake happened to be for governing the State. This time around, as in 1996, it is Mr. M. Karunanidhi versus Ms. Jayalalitha. Somewhat unique however is that the spotlight of an animus-filled, highly personalised campaign has been almost exclusively on the AIADMK supremo, what with the rival camps vying with each other to draw the maximum electoral mileage from the legally contentious issues related to her 'disqualification' flowing from her conviction in corruption cases by projecting them from their own standpoints. The palpable obsession of the two sides with Ms. Jayalalitha-centred concerns — the rejection of her nomination papers and the uncertainty over her eligibility to head a Government (as a non-member under an enabling Constitutional provision) and the legitimacy of it — appeared so complete that the various substantive ideological and other issues affecting the national polity were overshadowed.

Of the two main formations, the DMK-led Tamil Nadu chapter of the National Democratic Alliance is an amorphous entity, having in its fold over a dozen caste-based outfits that had mushroomed ahead of the elections. If the 'open door' policy adopted by the DMK in regard to these groups betrayed a sense of desperation, the enlarged coalition became doubly divisive — on the two counts of communalism and casteism. In fact, the roping in of non-descript caste groups in the name of strategic partnership — apparently at the instance of the Chief Minister's son and Chennai Mayor, Mr. M. K. Stalin — did not seem to have gone down well

with some sections in the higher echelons of the party itself, not to speak of quite a few of the NDA constituents, although such sentiments remained muted; the snap 'retirement from active politics' announcement by a piqued Mr. Murali Maran was at least partly attributed to this factor. An offshoot of what were widely seen as Mr. Karunanidhi's calculated moves to ensure the smooth passing of the party mantle to Mr. Stalin was the exit of Mr. Vaiko's MDMK from the DMK-led front in the State; his party, which is in the fray for 200-plus seats, may play the spoiler to the DMK at least in parts of the southern districts.

The rival AIADMK-led secular front, which includes the Tamil Maanila Congress, the Congress(I) and the two Communist parties, although formidable looking, has its own quota of problems and weaknesses. For instance, the patent contradictions such as the conflict of political interests between the PMK and the Congress(I) and the political space and legitimacy the pro-LTTE and Tamil extremist elements were provided by the alliance. The delinking of Pondicherry might have saved the alliance in Tamil Nadu but is unlikely to carry conviction with the people, much less ensure its cohesive functioning or mutual transfer of votes. With Ms. Sonia Gandhi choosing to skip Tamil Nadu for no apparent reason and Mr. G.K. Moopnar's mobility getting severely restricted by ill-health, the entire burden of campaigning was borne by Ms. Jayalalitha. That corruption as a factor — one that caused her precipitous fall in 1996 — has lost much of its sting is indeed good news for her. But the crucial question is whether Ms. Jayalalitha will succeed in her effort to field the 'personal vendetta' and 'victim of persecution' cards in order to generate a sympathy wave that is strong enough to carry her through, given especially that there is reportedly no strong anti-incumbency factor to work to her advantage.

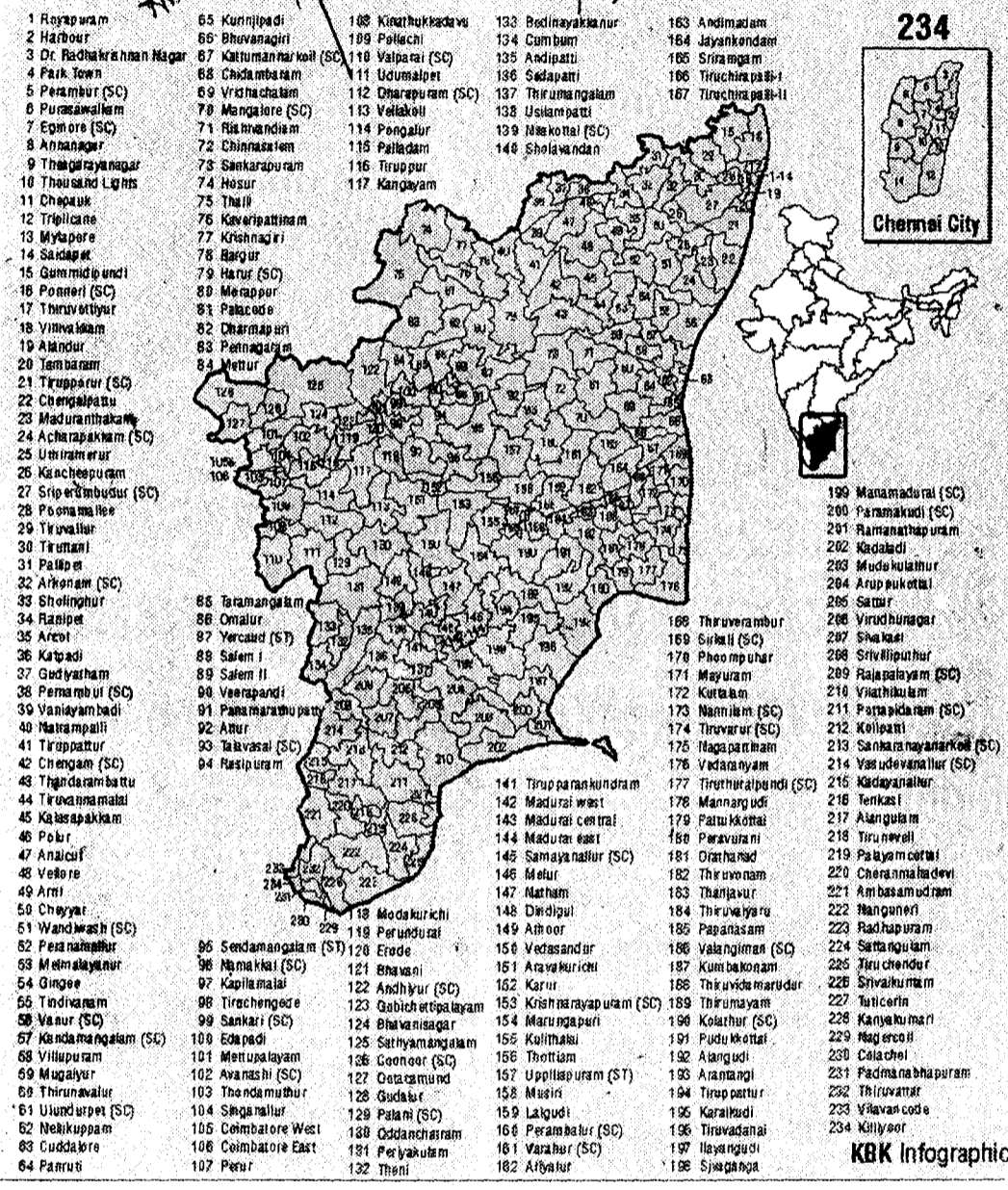
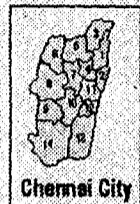
THE HINDU

9 MAY 2001



TAMIL NADU ASSEMBLY CONSTITUENCIES

Total Seats:
234



KBK Infographics

THE ASIAN AGE

THE LAW PREVAILS

Give Jayalalitha for people's court 26/4

THE Madras High Court (coram Jain, CJ and Sampath, J) did well to reiterate the principle that once the election process has begun it is for the Election Commission, a *high Constitutional functionary to discharge its functions reasonably, objectively and independently, in accordance with law.* The Court was disposing of public interest petitions based *merely on the apprehension* that Returning Officers will not perform their respective duties. Their Lordships were careful to add that in an appropriate case this Court can issue directions to the authorities. With respect this is a happy blend of judicial restraint accompanied by a warning that the Court will not hesitate to do its duty should the need arise.

On a plain reading of the Representation of the People Act Jayalalitha is debarred from contesting the polls because of the *convictions* against her. To hedge her bets, she went before a single bench of the High Court seeking specific relief in the shape of stay of the conviction; the sentence having already been stayed pending appeal. If she did not think that the conviction was a bar she would not have troubled the Court. The Court understood her prayer correctly and after a dissertation, mostly *obiter dicta*, reached an unambiguous conclusion — the Court could not give her the relief she sought and her petition was dismissed. Therefore on a straight reading of the judgment the bar stood. Unfortunately the Court's *obiter dicta* included an observation that she may not need the clarification at all. With the utmost respect it is not for the Court to pronounce on the needs of the petitioner, its duty is to grant or deny the prayer. Having denied the prayer unambiguously, it is not understood why in the middle of the judgment a wholly unnecessary *obiter* was included, speculating on her need for the clarification. Jayalalitha's counsel, Siddharta Shankar Ray relied heavily on it before the Returning Officer but in vain. It is cause for quiet satisfaction that the law has prevailed and despite the pressures, which are not to be underestimated, Returning Officers and the Election Commission led by Dr MS Gill have done their duty and ruled that Jayalalitha is disqualified from contesting the elections.

The predictable has happened in the aftermath and a former Law Minister in Vajpayee's government, Thambi Durai even managed to get himself arrested. While in office, he was responsible for the proposition that his mentor, Jayalalitha should be allowed to choose the counsel who would prosecute her. The argument about appealing to the people's court, first mouthed by Indira Gandhi has been heard again. Moopanar nursing a broken hip, allows himself a broken argument. His ally of recent vintage will abide by the *people's verdict*. He is out of court and knows it but populism is endemic and will not easily go away. At the very least Moopanar will agree that the *people's verdict* can be given when the issues are squarely placed before them. It follows therefore that Jayalalitha must campaign on the proposition that she has a fundamental right to abuse power, to engage in corruption, to treat government as her personal property and promise to continue to misbehave.

Not to put too fine a point on it, in view of all the circumstances we stand and salute the Election Commission and their representatives for doing their duty. The jury is out on the question whether this will encourage others to do theirs but it is possible to hope that the tide may be turning. There is no reason to suppose that good examples are less contagious than bad ones.

THE STATESMAN

26 APR 2007

Jail and boomerang unseat Jaya

FROM T.N. GOPALAN

Madurai, April 24: Jayalalitha, one of the most indomitable as well as enigmatic politicians in the country, today suffered the ignominy of having all four of her nominations thrown out one after the other.

In a decision that could become a benchmark in the political lexicon, two returning officers cited her conviction with a jail term in a land deal case as one of the key reasons for the rejection.

But an element of the unexpected was added to the widely anticipated move when the officers hurled back at Jayalalitha a bombshell her supporters had lobbed yesterday.

Citing a second decisive rea-

son for the rejection, they said the candidate was being disqualified as nomination papers were filed in four seats. In a last-gasp lunge, Jayalalitha's supporters had filed papers in two more constituencies on her behalf, hoping against hope that if the earlier two were rejected, the new seats might come in handy.

An ADMK leader argued that those who filed the papers in the additional seats had not been authorised to do so, but both sets of papers carried Jayalalitha's signature.

Soon after, Jayalalitha displayed her famed nonchalance, asserting that she would be the chief minister if her party wins the elections. So far, her party has been considered the front-runner.

The sensational turn of events

did not light any spark on the scale feared, barring one incident, in Tamil Nadu, a state known for explosive expression of outrage. Jayalalitha moved fast to calm nerves and prevent a repeat of the conflagration that greeted her conviction a few years ago.

Campaigning in southern Tamil Nadu, Jayalalitha told her supporters to "maintain peace in the face of adversity". Accusing chief minister M. Karunanidhi of "conspiring" to get her nomination rejected, Jayalalitha said: "If people desired, they would thwart this conspiracy. I can only say that it is the people who can render justice and give a befitting reply. Utimately, dharma will win."

Jayalalitha's party fears that a violent backlash so close to the elections would backfire. But

there is a flip side: if there is no protest, her rivals will construe it as evidence that the disqualification has been welcomed by the people.

But Jayalalitha's immediate worry is to find a stand-by nominee for chief minister in case legal complications crop up. In the ADMK, much like Mamata Banerjee's Trinamul Congress, there is no one who can match either the popularity or the verve of the supreme leader.

However, when the chips are down, she is expected to settle for the widow of Nedunchezhiyan, who was finance minister in the Jayalalitha Cabinet. A factor that tilts the scales in Vishalakshi Nedunchezhiyan's favour is her lack of a support base, which will ensure her loyalty to the party leader.

The lone contender with some semblance of support is T.T.V. Dinakaran, nephew of Jayalalitha's confidante Sasikala. But Dinakaran is fighting a Fera violation case.

By disqualifying Jayalalitha, the returning officers of Krishnagiri and Andipatti — one of them her namesake — cleared the air on a legal issue. They said a person convicted under the Prevention of Corruption Act for offences carrying a jail term of over two years would stand disqualified. Jayalalitha was last year sentenced to two separate terms of hard labour — one for two years and another for three years.

But Jayalalitha had won a high court stay on the sentence. This had triggered a debate whether the stay applied to the conviction

as well. The high court later held that the sentence and conviction could not be separated, but left the final decision to the Election Commission. This grey area was cleared when the returning officers said the commission has stipulated in August 1997 that a pending appeal would not nullify the disqualification.

Lawyer and former West Bengal chief minister Siddhartha Shankar Ray, who represented Jayalalitha before the Krishnagiri officer, was crestfallen.

Subramanian Swamy claimed that Jayalalitha could be sentenced to a seven-year-term for not honouring her sworn affidavit that nominations would not be filed in more than two constituencies.

See Page 6



Jayalalitha

THE STATISMAN

25 APR 2001

Campaign lacks glitter, Jaya magic still alive

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JAYA MENON
STATESMAN NEWS SERVICE

ALLIES YET TO FINALISE POLL LISTS

MADURAI, April 21. - In a lacklustre campaign across the southern Tamil Nadu. Miss Jayalalitha launched her tirade against the DMK which, she said, provided "inept and corrupt governance" for the past five years. The uncertainty over her candidature in the 10 May Assembly polls still remains.

The AIADMK general secretary began her campaign here on 18 April, after filing her nomination papers at Andipatti. The AIADMK convoy travelled through many villages in Theni, Periyakulam, Sivakasi, and Kanyakumari districts. She spoke about the "scams in various state government departments" and the "corrupt practices" of Mr Karunanidhi and his family.

Miss Jayalalitha's campaign this time was a low-key affair because she is not sure whether she would be able to contest the polls in view of the corruption cases against her. The usual glittering lights, colourful festoons, etc were not used. Her cutouts were not put up owing to the EC restrictions.

However, the star campaigner managed to pull huge crowds wherever she went.

In Devadanapatti, a small village in the Periyakulam constituency, Mrs Valliammal, an AIADMK activist said: "Nothing matters to the people here. Not the fact that Amma has managed to get so many allies to her side nor that she may not contest. Our party will win here, whatever happens."

The Assembly constituencies in Periyakulam and Theni districts are AIADMK strongholds. In fact, party leader Mr TT V Dinakaran, who contested the Periyakulam Lok Sabha constituency in 1999, won with a comfortable margin despite allegations of corruption. "So strong is the MGR magic, that it refuses to die. You know many of the older folks still believe that MGR lives," Mrs Valliammal said.

Expected to make a killing in the southern districts with its dominant Thevar population (a backward caste to which Mrs Sasikala belongs),

MADURAI, April 21:- Miss Jayalalitha's allies, the Congress and TMC, grappling with internal problems, are yet to finalise their lists of candidates while the AIADMK chief has already begun her campaign.

The absence of her main allies at her side during her tour across the state embarrassed AIADMK activists.

Forging an alliance with the Congress, TMC, PMK and Left parties, she hoped to present a formidable front to the electorate. Miss Jayalalitha had been specially keen on having the TMC leader Mr. GK Moopanar at her side during the campaign.

But since Mr Moopanar has currently been admitted to a hospital, Amma had to launch her campaign alone.

The PMK finalised its list of candidates only today.

With just two days left for filing nominations, the TMC and the Congress are now putting the finishing touches to their lists. While the TMC announced candidates for 15 out of the 32 constituencies it would contest, the Congress has named seven candidates for 15 constituencies.

The AIADMK is largely to be blamed for the confusion within the TMC. Senior party leaders are upset at being deprived of their home constituencies and facing rebellion in the constituencies now being offered by their leader.

The president of the state Congress unit, Mr EVKS Elangovan, is having a tough time, trying to please leaders of various factions. — SNS



Miss Jayalalitha

Miss Jayalalitha accused Mr M Karunanidhi of aiding secessionist and extremist forces and leading the state to a path of destruction. However, her glamour seemed to have more impact on her fans than her allegations.

The corruption charges against her hardly mattered to those people who are con-

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vinced that she can bring about a good change. "Just look, the moment she started her campaign, its raining heavily. This is a time when the sun blazes and dries up everything," said an old farmer, Nagarajan, waiting for more than nine hours to see the AIADMK leader at Palavanatham, about 70 kms from Madurai.

The same frenzy can be witnessed in neighbouring Aruppukkottai, about 50 kms from Madurai. "Tamil Nadu will burn if they prevent our leader from contesting election. We will commit self-immolation," Paul Pandian, a young

AIADMK member, said.

Authorities are bracing themselves for a serious law and order problem at Andipatti on 24 April, the day of scrutiny. She has also filed her nomination in Krishnagiri in east Tamil Nadu.

Miss Jayalalitha toured Andipatti, from where she would contest the polls if allowed by the EC. Cashing in on MGR's popularity, Miss Jayalalitha reminded the Andipatti electorate that they had helped M G Ramachandran to become the chief minister after winning from here in 1984.

The southern districts may not exactly be a cakewalk for Amma. In the absence of an anti-incumbency factor against the ruling DMK, the electorate is carefully weighing the pros and cons. Even hardcore AIADMK loyalists admit that many of the DMK legislators are known to have worked hard for their constituencies. In the districts, the roads are in better conditions and there is no water problem. All this will go in Mr Karunanidhi's favour.

TMC expels Chidambaram gang of four

Chennai, April 15

THE TMC today expelled P Chidambaram and three others for anti-party activities after the former Union Minister exhorted people from a DMK platform to vote out the AIADMK-led alliance.

Chidambaram reacted by saying the party's anger against him and his friends was misplaced. The TMC disciplinary action committee, which had kept the expulsion orders on hold since March 31 hoping for a 'change of heart', announced the decision after Chidambaram addressed from a DMK platform last night, DAC chairman A R Marimuthu, told reporters.

The DAC also announced the expulsion of two sitting MLAs,

B Ranganathan and D Sundaram, and a party functionary, A Kasilingam. Chidambaram said instead of showing its anger against the AIADMK, which had insulted the party, the DAC had directed it against him and his friends. "When the TMC's strength was undermined, when only 30 seats are offered, when 21 sitting seats are appropriated by the AIADMK for itself and three for the PMK, when changes are sought, they cannot show anger against the AIADMK. Whom will they express their anger against but me?" he asked.

TMC disciplinary action committee chairman AR Marimuthu

told reporters at the party headquarters here that the committee proposed to issue show-cause notices to two other TMC leaders, Dhanapal and Vallalperumal, for supporting Chidambaram and joining the TMC Democratic Forum, floated by him in protest against the TMC's decision to strike an electoral alliance with the AIADMK.

Marimuthu said the committee had unanimously decided, on March 31 to expel Chidambaram, two sitting MLAs, B Ranganathan and D Sundaram and Sivaganga district president Kasilingam, but was delaying its implementation, hoping the four would have a 'change of heart'. He said the committee had decided yesterday that no 'useful purpose' would be served in further delaying the expulsions after Chidambaram and Ranganathan had shared a DMK platform and exhorted people to vote against the AIADMK alliance. All four expelled leaders had been prohibited from using the party's name, flag and symbol, he added.

He said: "I am indifferent to this. I am happy if they are". He said now there was no justification for TMC workers to support the party's alliance. "With your (TMC workers') individual conscience and self respect, throw away the burden and join me to defeat the AIADMK-led alliance", he added.

THE HINDUSTAN TIMES

16 APR 2001

119-12

SATURDAY, APRIL 14, 2001

MS. JAYALALITHA AND THE POLL

A QUESTION THAT has occupied considerable political attention and generated heated public debate in Tamil Nadu still remains to be answered: Is the former Chief Minister, Ms. Jayalalitha, eligible to contest next month's State Assembly election or not? The Madras High Court, which many believed would throw conclusive light on this issue, has not provided an unequivocal opinion. On the one hand, the Court has squarely dismissed the AIADMK chief's petition seeking the suspension of her conviction in two corruption cases — a suspension she sought specifically to remove the apparent impediment which prevents her from entering into the electoral fray. On the other, the single Judge who heard the case has plainly recorded that, in his view, Ms. Jayalalitha may not be disqualified from contesting the Assembly election.

Not surprisingly, there has been a marked difference in the manner in which the pragmatic import of this ruling has been interpreted in political quarters. Ms. Jayalalitha's supporters claim that she has received the judicial nod to contest the poll. Her detractors argue that the Court — by dismissing her petition seeking the suspension of her conviction — has slammed the judicial door on her electoral aspirations. In practical terms, however, what the Madras High Court's ruling means is that the electoral ball is back where it originally was — with the Election Commission. According to Section 8 (3) of the Representation of the People Act, a person convicted of any offence and sentenced to imprisonment for two years or more shall be disqualified from electoral contests for a period of six years from the date of conviction. Ms. Jayalalitha was convicted and sentenced by a trial court in the two TANSI cases for two years and three years respectively, but the sentences (of rigorous imprisonment) were subsequently stayed by the Madras High Court.

The Commission will have to consider

whether the suspension of the sentences against Ms. Jayalalitha wipes off her disqualification under Section (8) of the Representation of the People Act. While it has stated in an order that release on bail does not prevent disqualification under Section 8 of the RPA, the Commission is obliged to look at the Court's ruling closely before arriving at a decision. For even as he dismissed Ms. Jayalalitha petition, Mr. Justice Malai Subramanian had stated: "If the sentence for imprisonment is suspended, I do not think that there may be any disqualification for a person to contest in the election."

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As a starting point, the Court took the view that conviction and sentencing were two sides of the same judicial coin and that the "moment that sentence is suspended, conviction is deemed to have been suspended". If it refused to suspend Ms. Jayalalitha's conviction it was not because the Court was unsympathetic to permitting her to "exercise the statutory right of contesting the election". Rather it was because it felt constrained in exercising its "discretion in her favour" on account of a Supreme Court ruling, and others consistent with this, which states that suspension of conviction should not be granted to those convicted for offences under the Prevention of Corruption Act (as Ms. Jayalalitha was). The larger legal reasoning in Mr. Justice Subramanian's ruling is likely to come under intense scrutiny but the immediate interest is its impact on Ms. Jayalalitha's candidature. After initially considering challenging the ruling, Ms. Jayalalitha's legal team has apparently settled for letting matters stand as they are. Therefore, unless there are further developments on the legal front, the fate of Ms. Jayalalitha's eligibility to contest the poll is likely to be settled by the three-member Election Commission, which has decided to study the judgment and discuss its implications.

THE HINDU

14 APR 2001

Rajnath Singh elected

1074 up
By Our Special Correspondent

LUCKNOW, APRIL 9. The Uttar Pradesh Chief Minister, Mr. Rajnath Singh, today registered a convincing victory in the State Assembly by-election from Hydergarh. Mr. Singh defeated his nearest rival, Mr. Rampal Verma of the Samajwadi Party, by 40,364 votes.

The high-profile campaign of the Chief Minister based on the plank of development had caught the attention of everyone, including the Election Commission, which sent its Secretary, Mr. K.J. Rao, to enquire into charges of

misuse of official machinery by the BJP. On the directives of the Election Commission two police officers had been suspended. The Commission had also expressed unhappiness at the failure of the district administration to ensure observance of a model code of conduct by the ruling party.

The BJP has now reason to re-

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joice at the end of the by-election as the Election Commission rejected the Opposition charges of large-scale rigging of polls and demands that a repoll be ordered.

The Commission had earlier

emphasised that announcement of results would be made only after its written permission to the returning officer. Mr. Singh polled 70,231 votes as against 29,867 polled by the Samajwadi Party nominee. The BSP candidate, Mr. Mata Prasad Chaudhary, finished third by polling 28,650 votes.

The Congress, whose candidate Mr.



Surendranath Awasthi had been returned from Hydergarh in the last elections, lost its security deposit. Its nominee, Mr. Sarvesh Bajpai, polled 1,649 votes.

But the party lost in the Sada-bad constituency. The RLD nominee, Mr. Ram Saran Arya, defeated the BJP candidate, Mr. Subhash Chandra.

THE HINDU

10 APR 2011

Cong, CPI fume as Jaya releases AIADMK list

TMC mum over unilateral move ⁹¹¹ Congress rejects ⁹¹¹ Karunakaran's resignation

CHENNAI: The Congress and the Communist Party of India (CPI) on Sunday expressed unhappiness over its ally, the All-India Anna Dravida Munnetra Kazhagam (AIADMK), appropriating for itself some of the seats the two parties were eyeing for in the May 10 Tamil Nadu assembly polls. The Tamil Maanila Congress (TMC) is yet to react to the unilateral release of the AIADMK list by party supremo J. Jayalalitha on Saturday night.

CPI state secretary R. Nallakannu, after a 30-minute meeting with TMC president G.K. Moopanar, told mediapersons here that it was improper on the part of the AIADMK to release the list, especially when the allies were still discussing distribution of constituencies. It is fine if the AIADMK announced only the seats that it is con-

party would contest and it included 20 constituencies successfully contested by the TMC in the 1996 assembly elections. "My heart is bleeding because the AIADMK has insulted the TMC by taking away constituencies won by the party in 1996," Mr Chidambaram told a public meeting here.

The meeting was organised by the India Muslim Jamaat Federation (IMJF), which has decided to campaign for the TMC Democratic Forum (TMC-DF) floated by Mr Chidambaram against the AIADMK-led alliance of which TMC is a partner. Stating the forum would vigorously campaign against the AIADMK, which he described as a corrupt party, Mr Chidambaram reiterated his criticism of the TMC leadership for aligning with the AIADMK.



J. Jayalalitha

TUG OF WAR

- Jayalalitha releases list of 141 constituencies
- Moopanar will take decision soon
- AIADMK has insulted TMC, says Chidambaram

testing and not the ones it is discussing with its allies. But it is improper to release the list that includes some seats that we are asking for while talks were going on, he said, adding that a final decision would be taken when the state executive met here on Monday.

Tamil Nadu Pradesh Congress Committee (TNPCC) president E.V.K.S. Elangovan told reporters that he was unhappy over the release of the list by the AIADMK. Mr Elangovan said he had spoken to Mr Moopanar in this regard. I hope Mr Moopanar will take a good decision soon, he said.

Meanwhile, TMC election committee chief S.R. Balasubramanian said Mr Moopanar had been apprised of the cadres' views and it had left the final decision to be taken by him.

In a related development, rebel TMC leader P. Chidambaram said the AIADMK had insulted the TMC by denying the party a large number of constituencies held by it.

On Saturday night, Ms Jayalalitha released a list of 141 constituencies from where the

scant heed to the needs of the state during her rule from 1991 to 1996.

The Dravida Munnetra Kazhagam (DMK) said the TMC needed to be appreciated for its patience in not reacting to AIADMK's "appropriating" the 21 constituencies it had won in 1996 assembly polls.

"The TMC has been allotted only 32 seats by the AIADMK. Out of this 32, they have apportioned 21 constituencies which the TMC won in 1996, to themselves. Yet they (TMC) have not said anything, which shows their political culture," DMK chief and NDA head in Tamil Nadu M. Karunanidhi said.

Reacting to a question on MDMK, which opted out of the DMK-led alliance due to seat-sharing problems, he said despite taking away 21 sitting seats of the TMC, its leader Mr Moopanar, has not said anything whereas the MDMK broke ties with the DMK due to problem over just three seats. (PTI)

NEW DELHI: The Congress high command has rejected the resignation of senior leader K. Karunakaran from the party's working committee which had created a crisis in Kerala in the wake of his unhappiness over denial of nomination to his supporters in the assembly elections.

K. Karunakaran

The resignation has been rejected, party spokesman Anand Sharma said, adding the action of the senior and respected leader should be seen as a "burst of temper". The leadership hopes that the matter will cool down, he said.

Seeking to downplay the issue, Mr Sharma said Mr Karunakaran was committed to the victory of the UDF in the state. AICC secretary Subodh Kant Sahay, who is in-charge of Kerala, also spoke on similar lines. Asked if any senior leader was proceeding to Thiruvananthapuram to pacify Mr Karunakaran, he did not give a direct reply, but said Central leaders would be busy in Delhi in finalising nominations for the assembly polls in the next few days.

Senior party leaders maintained that congress was not projecting anyone, including A.K. Antony, as the chief ministerial candidate in the state in a bid to avoid antagonising the Karunakaran camp. A decision on this would be taken after the elections, AICC general secretary in-charge of Kerala Ghulam Nabi Azad said.

Meanwhile, the trigger effect of the Koujalgi tapes which has taken dissident overtones within the Congress became more intense on Sunday with rival factions holding parallel rallies against the NDA government in Hubli and Dharwad in Karnataka.

If one goes by sheer crowd strength, those opposed to water resources minister H.K. Patil and his colleague labour minister A.M. Hinasgeri have scored with nearly 7,000 attending it as against the Dharwad event which was attended by 2,000 people.

Jaya's poll list irks Cong, CPI

5-8

9-8

9-8 T. Nadu

PRESS TRUST OF INDIA

CHENNAI, April 8. — The Congress and the CPI today expressed unhappiness over AIADMK appropriating for itself some of the seats the two parties were eyeing for the 10 May Tamil Nadu Assembly polls, while the TMC was yet to react to the unilateral release of the AIADMK list by party supremo, Miss Jayalalitha, last night.

CPI state secretary, Mr R Nal-lakannu, after a 30-minute meeting with TMC president, Mr GK Moopanar, told reporters here that it was 'improper' on the part of AIADMK to have released the list, especially when allies were still discussing distribution of constituencies.

"It is fine if the AIADMK announced only the seats that it was contesting and not the ones it is discussing with its allies. But it is improper to release the list that includes some seats that we are asking for which talks were going on," he said and added that a final decision would be taken when the state executive meets here on 10 April.

TNCC president, Mr EVKS Elangovan, told reporters that he was 'unhappy' over the release of the AIADMK. Mr Elangovan said he had spoken to Mr Moopanar in this regard.

"I hope Mr Moopanar will take a good decision soon," he stated.

The TMC election committee head, Mr SR Balasubramanian, said Mr Moopanar, had been apprised of the party members' views and left the final decision to be taken by him.

Last night, Miss Jayalalitha had released a list of 141 constituencies from where the party would contest, including about 20 constituencies successfully contested by the

Stating the TMC-DF forum would vigorously campaign against the AIADMK, which he described as a "corrupt" party, Mr Chidambaram reiterated his criticism of the TMC leadership for aligning with Miss Jayalalitha.

Pointing out that the TMC had come into existence in 1996 for the purpose of opposing Miss Jayalalitha, he said the AIADMK leader had paid scant heed to the needs of the state during her rule between 1991 and 1996.

DMK ridicules TMC: DMK today said TMC's patience had to be appreciated because it has not reacted even after the AIADMK had not allotted 21 seats to it that it had won in 1996 polls. "TMC has been allotted only 32 seats by the AIADMK. Out of this 32, they have apportioned 21 constituencies, which tmc won in 1996, to themselves. Yet they have not said anything, which shows their political culture," DMK chief and NDA head in Tamil Nadu, Mr M Karunanidhi, told reporters here.

Replying to a question about reports which said the Prime Minister, Mr Vajpayee, wanted a patch between DMK and MDMK, he said after MDMK leadership had used 'harsh' words and 'lies' there was no atmosphere for a patch up.

■ Editorial: Alliances galore, page 6

TMC in the 1996 Assembly election.

Chidambaram stand: Mr P Chidambaram, today said the AIADMK had insulted the TMC by denying the party a large number of constituencies held by it for the polls. "My heart is bleeding because the AIADMK has insulted the tmc by taking away constituencies won by the party in 1996," Mr Chidambaram told a public meeting here.

The meeting was organised by the India Muslim Jamaat Federation, which has decided to support the TMC Democratic Forum floated by Mr Chidambaram and to campaign against the AIADMK-led alliance.

THE STATESMAN

9 APR 2001

Jayalalitha seeks stay on conviction

By Our Special Correspondent *KD-1*

CHENNAI, APRIL 2. The former Chief Minister, Ms. Jayalalitha, today moved the Madras High Court, seeking to stay the operation of the Special Court judgments convicting her in two TANSI land deal cases. The AIADMK leader specifically sought a direction to suspend the conviction to enable her to contest the Assembly elections.

Ms. Jayalalitha was convicted by the Special Court in October last in the 'Jaya Publications' and the 'Sasi Enterprises' cases and sentenced to undergo three years and two years rigorous imprisonment respectively. On filing appeals, the High Court (HC) in November last, suspended the sentences and granted her bail in both cases.

In two petitions filed now, she contended that the HC was empowered under Section 389 of the Criminal Procedure Code (Cr.P.C) to suspend or stay the conviction and the effect of the judgments.

An appeal was a continuation of the proceedings commenced on criminal charges and did not conclude with a trial court conviction. Till such time the appeal was disposed of, the rigour of conviction or sentence should be kept in abeyance.

A conviction order by itself could not be executed under the Cr.P.C and only the sentence was capable of being executed. Once it was suspended, the conviction order would lose teeth and so disqualification would not occur only on the conviction, which too was under challenge by an appeal.

The petition stated that prima facie there was a case

²⁵ for suspension of the conviction, which would enable her to contest the election. In a matter of employment, any loss could be matched with emoluments or attendant benefits, but in matters involving an election, immense and irreparable damage would be caused, which can not be compensated later.

The petition repeated her arguments to prove her innocence in the two cases. Discussing the aspect of judicial remedy in respect of the HC, she said the provisions of Sections 389 and 482 of the Cr.P.C, were devised to advance justice and not frustrate it. If an appellant had to undergo greater difficulties, more severe than what was sought to be achieved by the penal law, the effect of the burden could be removed by the HC's power to intervene.

Sprinkled with statements about how the ruling party had initiated the proceedings against her and cases against those who 'betrayed the AIADMK party', the petition argued that leadership of a political party, if put under a cloud, would have impact on the cadre and the voting public. In a democratic country, "we should take pride in allowing the public to choose their leader freely, rather than in crippling the will or in maiming the voice of the public by focussing on trial court judgments only," it added.

The High Court could apply its mind to these aspects, especially in her case, where she was leading a multi-party alliance front. "This is the fittest case wherein the shaky judgment of the trial court containing loose ends can be dealt with in a fitting manner by the appellate court" by suspending the conviction, the petition contended.

THE HINDU

3 APR 2001

Politics of perdition — I

By P. Radhakrishnan

Let him who is without sin among you be the first to throw a stone at her.

— Jesus Christ

IT IS a cruel irony that the meaning and message of these words of wisdom should find their evil transmogrification in the land of the Buddha, the Apostles, and the Mahatma, to name a few. The transmogrification is such that in the ever-increasing political turnabout, tussle, turmoil, skulduggery, calumny and cacophony men in penitential habiliments unburling the stones on their own unadulterated stones, and men hurling stones at each other in their overweening desire to share the spoils of office, hurting in the process, as though as vicarious punishment, those who help them return to power or remain in politics, is reality.

The reference is to the indulgence of India's political buccaneers. Through brazen mendacity, charades, chicanery, corruption, criminality, crass opportunism, and what have you, all in a country where ideology is passe and politics is the articulation of the perfidies of power by strutting, and stalking every available and conceivable political space. The fast unfolding political scenario in Tamil Nadu for the Assembly elections already reflects these problems. This raises issues of vital concern to the very survival of this State as a democracy and as part of the Indian Republic. These are best understood in the context of the *dramatis personae* of the principal political parties.

There are numerous caste, class, and linguistic political outfits in Tamil Nadu such as the JD(S), the RPI, the Peasant and Workers and Construction Workers Party, the Puratchi Thalaivar Anna DMK led by the former AIADMK leader, Mr. S. D. Soomasundaram, the Dravida Vizhippanarachi Kazhagam, the Makkal Marumalarchi Kazhagam, the several caste associations of the Nadars, and the Puthiya Needhi Katchi of the Mudaliars headed by the former AIADMK MP, Mr. A. C. Shanmugam, and the Tamil Nadu Telugu Federation. Some of these are with the AIADMK and some with the DMK though as yet not in their state of seat sharing, and some are either independent or undecided. As their role in Assembly elections is still hazy, its disjunction will be premature.

to turn to the two major contentions

contending Fronts, the AIADMK-led Secular Front — a misnomer and much hackneyed usage — has the dubious distinction of out-foxing its *bete noire*, the DMK, by clumsily completing its "take it or leave it" seat-sharing well ahead of the latter. With the AIADMK itself retaining as many as 141 seats in an Assembly of 234 seats, this sham was throwing crumbs to, what? Ms. Jayalalitha would have others believe, her allies; more so, when she has minced no words in her testimony that it is only seat-sharing and not power-sharing, it is the AIADMK which will be in power, and she and she alone will be the Chief Minister. All the same, in the prevailing malignant, morbid and moribund political milieu, for the self-seeking political opportunists

The fast unfolding political scenario in Tamil Nadu raises issues of vital concern to the very survival of the State as a democracy and as part of the Indian Republic.

even crumbs can be hard currency. That makes the recipients of the remaining 93 seats important enough: TMC 47; PMK 27 (for the 12-13 per cent Vanniyar population); CPI (M) 8; and one seat each to the Indian National League (for the 5-6 per cent Muslim population), the All India Forward Bloc, and the Tamizhaga Munetra Kazhagam (a Dalit outfit led by Mr. John Pandian).

Shortly after placing the PMK leader, Dr. S. Ramadoss, high on the AIADMK political ladder, with some dilly-dallying, prevarication and hedging, Ms. Jayalalitha first slammed the door behind the TMC President, Mr. G. K. Mooppanar, with a hard-nosed snub. If what she did makes sense it was in the style of The Panchatantra tales: Your party is not worth even 15 seats. Yet I offered you 35 and your Sonia baggage five. You were too greedy to demand more. Despite this, Mr. Mooppanar succumbed to the temptation of latching onto the Jayalalitha juggernaut when she offered seven more seats. This was presumably because he was desperate to keep the TMC-Congress combine, already in their last gasp, above the State's political quicksand and in his perception only the AIADMK could help him do so.

Though the PMK is now with the AIADMK-Front, it is not the only Vanniyar

party. The smaller, localised and break-away parties are with the DMK-Front. Assuming that the DMK-AIADMK together share about 15-20 per cent of the potential Vanniyar votes in general, that is independent of any organisation, and the smaller parties split among themselves 15-20 per cent for the DMK, the PMK may still get about 50-60 per cent votes. This is crucial for the AIADMK when seen against the numerical preponderance of the Vanniyars who are concentrated in the northern districts, especially in South Arcot where they are about 30-32 per cent.

As the AIADMK is a major Dravidian party, its support-base, despite fluctuations since 1996, is still strong. With this, and the support of (a) the PMK; (b) the 5-6

the upper castes or the upper castes do not care for it) and in another context that he is the protector of all communities, has not been a man in a hurry in his poll strategy. As of now, the DMK's seat distribution is: BJP 21; MDMK 21; PT 10; DPI 7; Makkal Tamil Desam Party of the former AIADMK Minister, Mr. S. Kannappan, 6 (for the 4-5 per cent Yadavar population); Tamizhaga Muslim United Jamaat of a former TMC MLA, who quit the TMC protesting against its alliance with the AIADMK, 3; Kongunadu Makkal Katchi 1; Tamil Nadu Muthuraiyir Sangam 1 (for the 2-3 per cent Muthuraiyir population); Farmers and Toilers Party 1; and Thondar Congress (a new party floated by the former TNCC President, Mr. Kumari Anandan) 1.

If the DMK lost a major vote-bank with the PMK's break with it because of the PMK's hawkish Tamil Eelam postures, Dr. Ramadoss' suspicion that the DMK was propping up a rival Vanniyar party, the Tamizhaga Rajiv Congress (TRC), and the DMK's reluctance to curb the DPI (Dalit Panthers of India) for its alleged role in the caste clashes in Cuddalore, this loss is offset by the PT (Puthiya Tamizhagam) and the DPI joining the DMK-Front.

The PT, led by Dr. K. Krishnasamy, contested the last three Lok Sabha elections and the 1996 Assembly elections, and proved its vote-base among the (4-5 per cent) Pallar or Devendrakula Vellalar in the southern districts where they have been taking on their Thevar oppressors and tormentors, fighting for their rightful place in society in which the traditional caste disabilities still shadow them, and fighting violence and indignity with violence and high-tech international publicity of violation of their human rights. Unlike the PT, the DPI, led by Mr. R. Thirumavalavan, entered electoral politics only in 1999, for the Lok Sabha elections. But its vote-base is much larger (11-12 per cent), among the Adi-Dravidar in the northern districts, where they have been engaged in fighting the oppression of their Vanniyar tormentors. Both the parties contested the 1999 Lok Sabha polls in alliance with the TMC-led Third Front, but severed their link with the TMC because of its alliance with the AIADMK, which has the support of the anti-Dalit PMK and Thevars.

(The writer is Professor, Madras Institute of Development Studies, Chennai.)

After ISI, D-company adds to Kanpur's woes

Intelligence team to probe SIMI's links with underworld

Arms constabulary force communal, say residents

By Pervez Iqbal Siddiqui
The Times of India News Service

KANPUR: With the state government contemplating a ban on SIMI (Students Islamic Movement of India), a team of top intelligence officials has reached Kanpur to collect details on reports about their links with Pakistan's ISI and their source of funds and arms which sophisticated enough to put the police armoury to shame.

Director General of Police (DGP) M.C. Dwivedi on Monday approved a team of the Special Task Force (STF) to be rushed to Kanpur to trace the ISI links of the student outfit. The team will try to trace the supply source of sophisticated weapons to a section of the minority community in the riot-prone industrial capital of the state.

Additional director general (intelligence) Himanshu Kumar reached Kanpur on Monday morning with a battery of senior officials to trace SIMI's links with ISI. In the recent past, intelligence sources said, there has been a heavy inflow of arms and ammunition to a particular segment of the minority community. The reports were corroborated after a stengun was recovered from a listed arms supplier,

Nafees Chauda, of Coolie Bazar in Kanpur barely a year ago. The use of AK rifles to gun down ADM (finance) C.P. Pathak on Friday also indicates the kind of firepower at the disposal of rioters. Eyewitnesses talking to *The Times of India* claimed that the rioters fired at least 200 rounds on the first day of violence. Updated guns like 9 mm pistols and revolvers were also used. Countrymade grenades were used in shockingly large numbers by the rioters.

Sources close to SIMI said that the faction of another outfit, Jamaite-Islami-Hind, has been trying to make its presence felt. They have been receiving funds, they claim, from the Dawood Ibrahim gang which has executed as many as four kidnappings of leading paan masala unit owners during the last one year. Crores were extorted from these kidnappings as ransom, sources said.

The penetration of the D-company has of late become so deep in Kanpur that nearly half a dozen paan masala manufacturers shifted base to Noida. On the other hand, organisations like Ram Sena which has come into being exclusively in Kanpur to counter SIMI, are also a new challenge for the police force.

The Times of India News Service

KANPUR: The Provincial Arms Constabulary (PAC) has once again "revealed itself as a Hindu force", adding fuel to the riots which broke out in Kanpur on Friday afternoon. The paramilitary wing of the state police force has attracted widespread criticism of citizens for "unprovoked firing, arson and plundering of shops".

While authorities here have endorsed that nine of the eleven civilians killed in the riots fell prey to bullets of prohibited bore, the withdrawal of PAC personnel from hyper-sensitive pockets has "miraculously helped defuse" the situation within eight hours. "They are dacoits in uniform," said Mariyam, a teenaged resident of Beconganj who saw her father's medicine shop being looted on Sunday morning. "They plundered the shop and loaded the booty in their truck," she recollected, weeping inconsolably. Such was the situation that even a fire tender (UP 78B 7942) parked near the scene did not dare to douse the flames after PAC men set shops on fire, alleged another local trader, whose confectionery store was looted. "The fire began at around 6:30 am and the fire tenders moved in

only around noon," said a resident.

Eyewitnesses said a contingent of senior officials who reached the scene around noon were told of the PAC's atrocities. "In the presence of senior officials, including district magistrate B.S. Bhullar and SSP Arun Kumar, looted stocks were recovered from a PAC truck (UP 78E 1942)," said an eyewitness.

"It is true that shoot-at-sight orders had been issued. But did the PAC have to shoot a teenaged boy in the head when he was crossing a bylane?" asked a visibly agitated Ishtiyah, a resident of Bakarmandi in Colonelganj. "The PAC intentionally targeted anyone peeping from a window as they wanted us to remain indoors while they continued their looting spree," he added.

"We protest against the deployment of PAC because time and again it has brazenly shown its communal face," argued a college student, Niyaz Ali of Chamanganj, citing examples of the PAC's terror during the 1992 riots in Kanpur.

Interestingly, the inquiry into the 1992 riots had indicted the PAC for its role in worsening the situation. The PAC was also indicted after an inquiry into the Maliyana violence in Meerut during the mid-80s.

THE TIMES OF INDIA

21 MAR 2001

AK-47 sets off alarm as Kanpur burns

FROM OUR CORRESPONDENT

March 17: Evidence that additional district magistrate (finance) C.P. Pathak was shot with an AK-47 yesterday and the use of other sophisticated weapons by rioters has set the alarm bells ringing in the district administration even as Kanpur burned for the second day.

Ignoring shoot-at-sight orders, protesters today attacked a Provisional Armed Constabulary (PAC) patrol party at Yatim Khana in the walled city with crude bombs, forcing the police to open fire in the air in self-defence.

A PTI report quoting official sources said mobs went on the rampage, setting afire at least five places of worship and burning about 45 shops belonging to the minority community in the Shiv-ala area this afternoon. Five people died today, taking the toll to 11.

A policeman succumbed to his injuries as incidents of firing, bomb-throwing, arson and stone-pelting were reported from across the city throughout the day. Another policeman was admitted to hospital with serious head wounds and about 30 persons were injured.

Senior superintendent of police G.P. Sharma said the district administration had made several arrests and was doing all it could to control the situation. But the administration has been rattled as evidence surfaced that trouble-makers had sophisticated weapons like assault rifles and 9mm pistols at their disposal.

Shoot-at-sight orders were issued earlier in the morning against rioters in the curfew-bound areas of the city amid incidents of arson at two places this morning.

The sources said a mob indulged in arson in Phoolwali Gali in areas under Moolganj police station and on P-Road under Ba-

jaria police station, prompting security forces to stage a flag march. Some shops were reportedly set on fire on P-Road, where Pathak used to stay.

Curfew was clamped in seven police station areas and Rapid Action Force and PAC were deployed yesterday after a pitched gun battle between Students' Islamic Movement of India activists and the police left six people dead and 24 injured.

The trouble broke out when police prevented Simi activists from assembling at Parade Chowraha after Friday prayers to protest against the alleged burning of the Quran in Delhi.

The administration has extended the curfew to two more police station areas, in addition to Moolganj, Chaman Ganj, Anwar-ganj, Bajaria, Rai Purwa, Karnet Ganj and Beconganj, which are under indefinite curfew.

Security has been beefed up in communally-sensitive areas of the city where the situation remained tense.

Describing the flare-up as "unfortunate", Uttar Pradesh BJP president Kalraj Mishra has reiterated his demand for a ban on Simi.

Talking to reporters in Lucknow, Mishra said that "it seems that deliberate attempts are being made by certain anti-national forces to create political instability". He demanded that the government deal strictly with the culprits involved in yesterday's episode. Simi, on the other hand, has demanded that the Centre ban the Vishwa Hindu Parishad (VHP) which, it alleged, had "committed sacrilege by burning the pages of Holy Quran" recently in Delhi.

Addressing a press conference in Mumbai, Simi president Sahid Badr Falahi said the "act of the Sangh parivar has hurt the feelings of 30 crore Muslims".

THE TELEGRAPH

18 MAR 2001

Chidambaram floats new forum

By Radha Venkatesan

CHENNAI, MARCH 16. In a major blow to the Tamil Maanila Congress (TMC), its senior leader and former Union Minister, Mr. P. Chidambaram, today launched a new political forum — TMC Democratic Forum — to campaign against the AIADMK-led front in the coming Assembly election.

Mr. Chidambaram, who had openly challenged the TMC's "dishonourable and unprincipled" alliance with the AIADMK, announced at a crowded media conference here that his forum would function only for the next 60 days, till the Assembly election, and re-unite with the TMC under a "united leadership" after the poll.

"We will not quit the TMC. And our forum is only an election platform and not a political party," he insisted.

Virtually taking on the role of a star campaigner for the DMK front and projecting "good governance" as a principal poll plank, Mr. Chidambaram declared, "a single-party rule by the AIADMK general secretary, Ms. Jayalalitha, cannot provide good governance. And the TMC's alliance terms with the AIADMK do not guarantee good governance."

He said the TMC leadership should spell out whether it would accept any AIADMK nominee as a Chief Ministerial candidate, since "it is most likely" that Ms.

Jayalalitha, who is convicted in corruption cases, could not contest the election. If Ms. Jayalalitha chose not to contest, the Governor was "unlikely" to swear her in Chief Minister, if the AIADMK-led front won a majority, he said.

However, he refused to hold the TMC president, Mr. G.K. Moopanar, responsible for the alliance decision as "a few friends" in the party were "taking advantage of" the ill-health of "my affectionate and respected leader" and functioning as de-facto leadership. "The wide-spread belief in Tamil Nadu is that the TMC has a leader but no leadership", he charged.

But he expressed the hope that the health of Mr. Moopanar, "who has been my leader for the past 25 years and a father-figure", would improve and that he would "continue to be his lieutenant". "I am confident the TMC will return to its original path it chalked out in 1996".

As for his "differences with Mr. Moopanar", Mr. Chidambaram said it began in February last year when the TMC decided to provide unconditional support to the AIADMK in the by-elections to three Assembly constituencies. "I tried to bridge the gap, but could not. Perhaps, it's my mistake".

Asked whether he would campaign for the DMK front and against the TMC

candidates in the Assembly election, Mr. Chidambaram said: "With just two fronts, I will have to campaign for the DMK front". However, he hastened to add that a decision would be taken "in a day or two".

Though he would not contest, indications are that his supporters including three sitting MLAs who are keen on contesting would be given seats by the DMK.

According to Mr. Chidambaram, the performance of the present Karunanidhi Government was "clearly better" than the erstwhile Jayalalitha regime, though the ruling DMK too had "committed mistakes and there were pimples on its face as well". While the ruling DMK "respected the aspirations of the people, the democratic spirit of the Assembly and the views of the Opposition", the AIADMK leadership gave no indications in terms of "policies, programmes and attitude" that would guarantee good governance.

Asked if he did not consider secularism, main plank of the AIADMK front, an important issue, Mr. Chidambaram said, "secularism is an important issue. But, as someone who has held high positions, corruption is the single biggest obstacle to good governance".

Mr. Chidambaram refuted media reports that he was making moves to join the BJP.

Moopanar, Jayalalitha strike 47-seat deal in Tamil Nadu

The Times of India News Service

CHENNAI: After the month-long haggling and bargaining, the TMC-Congress combine late on Friday night decided to join the AIADMK front for the assembly elections in Tamil Nadu. Pondicherry has been delinked as a separate issue.

Addressing a press conference on Saturday, TMC president G.K. Moopanar confirmed that he had signed an agreement with AIADMK chief J. Jayalalitha on behalf of the TMC-Congress combine. Ms Jayalalitha has given the combine 47 seats for the polls scheduled for April-May.

When questioned about the Congress' alleged unhappiness with the deal, the TMC chief, flanked by senior party leaders Jayanthi Natarajan and S.R. Balasubramaniam, said the allegation was false and read out a letter from AICC general secretary Ghulam Nabi Azad authorising him to negotiate and conclude the deal with the AIADMK.

It was indeed a hard bargain for Mr Moopanar as Ms Jayalalitha had been willing to offer only 45 seats. However, with the Congress mounting pressure, she ultimately settled for 47 seats of which the Congress will get 15 seats.

Confusion has prevailed for more than a month about the alliance. On Friday morning, TMC spokesperson B.S. Gnanadesikan had issued a statement confirming the alliance, only to withdraw it shortly after.

When Mr Moopanar was asked for reasons for the delay in taking the decision, Ms Natarajan intervened, saying, "Where is the question of a delay? The notification itself is still to be issued."

Speaking about discussions for an alliance in Pondicherry, Mr Moopanar maintained that the

would abide by the decision taken by the Congress, which is the ruling party in the Union territory.

Terming it a winning alliance and not an opportunistic one, Mr Moopanar said both his party and the Congress were satisfied with the bargain. Fielding questions about his having gone back on his anti-corruption policy, Mr Moopanar said that Ms Jayalalitha had been punished for her mistakes. "She was charged with corruption for acts committed while in power. But now she is in the opposition. We had brought the DMK to power although the party had committed mistakes earlier. I am now supporting the AIADMK to ensure good governance," he said.

Denying that he was supporting the pro-LTTE

Pattali Makkal Katchi (PMK) by joining the AIADMK front, Mr Moopanar remarked, "Are there not other parties promoting pro-LTTE parties?" He was evidently referring to the presence of the MDMK in the DMK-led government in the state.

Asked to comment on the charge by chief minister M. Karunanidhi that after campaigning against corruption, he was joining hands with Ms Jayalalitha, Mr Moopanar shot back,

"He can say what he wants. I can also talk about the secular statements he has made in the past and the one crore signatures he collected against the BJP for communalism." Meanwhile, MDMK chief Vaiko on Saturday said his party would hold the second round of seat-sharing talks with the DMK for the Tamil Nadu assembly elections in a few days' time. He added that the discussions would cover both Tamil Nadu and Pondicherry. Expressing confidence that the DMK would retain power in the state, Mr Vaiko made it clear that his party would not participate in the government.

IT'S OFFICIAL



J. Jayalalitha G. K. Moopanar Sonia Gandhi

- Congress gets 15 seats
- Jaya has been punished for graft: Moopanar
- No decision yet on Pondicherry

11 MAR 2001

UP police guns down Naxalites in revenge

STATESMAN NEWS SERVICE

LUCKNOW, March 10. — Uttar Pradesh police avenged the death of two policemen by killing 15 Naxalites in an encounter at Bhawanipur village in Mirzapur in eastern UP yesterday.

Police claimed the dead were Maoist Communist Centre supporters. Mirzapur is the home district of chief minister, Mr Rajnath Singh.

The MCC banned in Bihar after the Dalelchuk-Bagora massacre in 1987, has a foothold in the Kaimur hills.

The Director General of Police, Mr Mahesh Chandra Dwivedi said policemen had closed on the village after being informed of a meeting by the Naxalite group.

He said 15 people died in the firing.

Two policemen, including a sub-inspector, also sustained injuries and were admitted to Heritage Hospital in Varanasi.

This is the highest number of casualties in a single anti-Naxalite operation by the state police in the least developed tribal and Dalit area, facing repression from landlords.

Both CPI-ML (Liberation) and the MCC were active in the area for the past few years, having taken up cause

for the poor.

Officials from the spot reported that among the dead was a tribal, Debnath Kol. He was MCC's 'area commander'

Police earlier alleged that Debnath was involved in killing of Naugarh police station in-charge and another police man in an encounter in October last year.

The chief minister asked the police to adopt retaliatory tactics against the Naxalites after the October deaths. He said the government would provide 'every possible support' to the policemen, and the government wouldn't take any step that would hit the morale of police.

Reports suggested most of the dead were in one house which was encircled by policemen. Some died while trying to escape from the village after policemen reached the spot.

The police recovered six guns and some ammunition. Some persons, including a woman, described as informer by the police, have been arrested.

The CPI-ML (Liberation) has condemned the killings. State secretary, Mr Akhileendra Pratap Singh, before leaving for the area, debunked the encounter theory of police, and alleged that it was a 'massacre of the innocent villagers'.

Mr Singh alleged the killings were a part of operations in the area going on for the past few months in which several persons were killed in 'fake encounters'.

Uttar Pradesh police embarked upon a special plan for an anti-Naxalite campaign. They have identified three eastern districts of Sonbhadra, Mirzapur and Chandauli.

The DGP said firearms license were given to the area's people more liberally than in the past.

Police say the reason for rise in Naxalite activities in the area is due to its geographical location, and social and economic deprivation of the people in the extremely underdeveloped area. Another reason given by the police is the area is not well-covered by police stations.



Mr Rajnath Singh

THE STATESMAN

11 MAR 2001

11 MAR 2001

AIADMK offers Pondy chief minister's post **Jayalalitha keeps** **doors open for** **Congress, TMC**

STATESMAN NEWS SERVICE & PTI

CHENNAI/NEW DELHI, March 6. — Miss Jayalalitha today said her pact with the PMK had not closed the doors on the Congress or the Tamil Manila Congress. She offered 45 Assembly seats to the two parties, to be shared between them in whatever ratio they wanted. This is 10 more than her earlier offer.

She even said the AIADMK would give up its turn of chief ministership in Pondicherry for the Congress if the party desired to join her alliance.

However, the AICC general secretary, Mr Ghulam Nabi Azad, said: "The PMK can't be part of the Congress government in Pondicherry."

"It is just like rubbing salt into the wound," another senior leader said.

The party is likely to review the situation tomorrow. The TNCC president, Mr EVS Elangovan, has been asked to reach Delhi tomorrow along with some other leaders.

Yesterday, Miss Jayalalitha had announced that she had conceded 27 seats to the PMK in Tamil Nadu and 10 in Pondicherry. She had also agreed to share the Union Territory's chief ministership with the PMK, should her Secular Democratic Progressive Front

come to power.

Under the pact, the PMK will head the government for the first two-and-half years, and the AIADMK for the rest of the term.

Today, Miss Jayalalitha said: "If the Congress is willing to join the alliance, we are ready to relinquish our turn of chief ministership. The talks with the Congress and

■ Editorial: Southern mahajot, page 6

■ DMK pins hopes on Vajpayee magic, page 8

the TMC are still going on." She, however, made it clear that her pact with the PMK would not be revoked.

She even proposed to delink Pondicherry from the negotiations. "If the Congress found it difficult to align with us in Pondicherry, it's free to form its own front there and join our alliance in Tamil Nadu," she said.

Miss Jayalalitha said the TMC leader, Mr GK Moopannar, was negotiating with her both for his party as well as the Congress. After the 19 February talks with Mr Ghulam Nabi Azad and Mr Pranab Mukherjee, no Congress leader had spoken to her, she said. "For reasons best known

to the Congress, it has chosen to negotiate through Mr Moopannar."

Asked about reports that her Left allies are unhappy over her offer of seats, Miss Jayalalitha said: "There is such a thing called coalition dharma." If they were unhappy with the offer, they should have talked to her instead of talking to the media which was "unethical and inappropriate".

Sources in Delhi said comments in the Tamil press that Miss Jayalalitha's move would only benefit the DMK caused her change of heart. The media's observations were based on the simple assumption — any split in the anti-DMK votes would help Mr Karunanidhi return to power.

There was much heartburn in the Congress after the AIADMK "handed over" Pondicherry to the PMK, which not only joined the alliance late after severing ties with the NDA but also sympathises with the LTTE.

Several Congress leaders want to take a firm stand while dealing with Miss Jayalalitha whom they now find to be "highly undependable". Some said the AIADMK leader, despite her hatred towards Mrs Sonia Gandhi, would like to embrace the Congress just to win the polls.

THE STATESMAN

- 7 MAR 2001

- 7 MAR 2001

TMC mounts pressure on Cong. to accept AIADMK's delink proposal

By Radha Venkatesan

CHENNAI, MARCH 7. Virtually pouring cold water on the third front proposal, the Tamil Maanila Congress today stepped up pressure on the Congress to join the PMK-inclusive AIADMK front in Tamil Nadu, accepting the "alliance delink" proposal for Pondicherry.

Highly-placed TMC sources indicated that the Congress high command was likely to give its nod for an alliance with the AIADMK and the long-drawn-out suspense would be over by tomorrow.

Hoping for a further raise in the AIADMK's offer to the TMC-Congress combine from the present 45 seats, the TMC leaders see no

reason to float a third front.

At the party's election committee meeting here today, most of the TMC second-rung leaders were for grabbing the AIADMK's "attractive offer", even minus the Congress. But the party president, Mr. G.K. Moopanar, who is in no mood to abandon his parent party, continued efforts to evolve an acceptable package for the Congress in Pondicherry. TMC sources said. As the AIADMK's power-sharing pact with the PMK continued to be the stumbling block for the Congress to join the AIADMK alliance, the TMC leader was working on a "rapprochement".

Calling on the Congress to accept the AIADMK proposal for de-

linking the alliance and leading a separate front in the Union Territory, the TMC chief urged the AIADMK to further modify its offer on "chief ministership".

The AIADMK general secretary, Ms. Jayalalitha, in a bid to accommodate the TMC-Congress combine, declared yesterday that the PMK would hold the office of chief minister in Pondicherry for the first two and a half years and the Congress for the remaining period.

Since the Congress had rejected the offer, Mr. Moopanar was now urging the AIADMK to give the first turn to the Congress and also keep the PMK out of the Government during that period, the sources said. But PMK sources

said the party would not compromise on its claim to chief ministership and the first turn of office.

After meeting Mr. Moopanar, the Pondicherry Congress president, Mr. V. Narayanasamy, told *The Hindu* that the AIADMK's proposals were being "actively considered". "We are agreeable to any proposal except sharing power with the PMK."

Given its limited options, the TMC feels the "best solution" is for the Congress to lead a separate front along with the TMC and the Left parties in the Union Territory, while remaining part of the AIADMK-led front in Tamil Nadu.

The TMC hoped that the Congress would accept the delinking proposal and help solve the alli-

109-12 SATURDAY, FEBRUARY 17, 2001

AN STF SUCCESS

THE CAPTURE OF Veerappan's aide, the Tamil Nadu Liberation Army (TNLA) chief, Maran, is an extremely significant development for more than one reason. Maran was a key member of Veerappan's gang, took active part in the kidnap of the filmstar, Mr. Rajkumar, and played a critical role in trying to project Veerappan as not the killer and serial abductor that he is but as a latter-day Robin Hood and a Tamil nationalist. Maran's capture by the Special Task Force (STF) will go a long way towards breaking the unholy and dangerous nexus between Veerappan and the Tamil extremists he has begun to depend on for support. Over the past couple of years, these elements have been Veerappan's mainstay, providing him with armaments at one level and canvassing Tamil chauvinist opinion in his favour at another. The TNLA chief of course has a criminal record that predates his association with Veerappan and is accused, along with others in his organisation, of being involved in many violent crimes over the past few years. Originally a grouping which espoused a brand of left extremism, the TNLA has traded in its marxism to peddle a noxious brand of Tamil sub-nationalism, reflected in its naked support for the LTTE and its advocacy of a greater Tamil Nadu which includes a good part of south India and a generous slice of Sri Lanka.

At another plane, the capture of Maran strengthens the early signals that this time around the hunt for Veerappan is being conducted with far more earnestness. Over the past few years, the STF's operations were marked by bewildering disinterest and relative inactivity, leading to public suspicion whether it was serious about capturing Veerappan at all. It would now seem that the Rajkumar kidnap episode has goaded the Governments of Tamil Nadu and Karnataka into not only beefing up the STF but also stepping up its operations to catch the

brigand. It was only recently that the STF's intelligence wing had a close encounter with Veerappan and his gang in the forests of Kerala adjoining the Tamil Nadu border. Although hopes that the STF had encircled and trapped the gang were belied, there is little doubt now that the area in which it is currently operating has been identified. The STF appears confident now of finishing the task it was mandated to perform and has raised hopes of an early capture. Such expressions of optimism have been heard before and it would not be surprising if the public views this with a measure of scepticism. However, recent developments — culminating in the arrest of Maran — provide reason for remaining hopeful that the end is near.

It was only earlier this month that the Tamil Nadu Chief Minister, Mr. M. Karunanidhi, revealed that the State Government had written to the Centre urging that it proscribe the TNLA and the TNRT (another like-minded group which was suspected of playing a role in the assassination of the former Prime Minister, Rajiv Gandhi). Although it is arguable that this should have been done much earlier, the banning of these groups was essential to firmly signal that the State will not tolerate groups which commit violence and spread destructiveness in the name of a misplaced sub-nationalism. The all-too-evident flush of triumph at having ensnared Maran is understandable, but the STF should remember that it has much more to do and ensure that the momentum of the chase is not lost. Given that the TNLA leader was a key member of the gang, there is little about Veerappan — from the strength of his gang to the number of his firearms to the location of his hideouts — that Maran will be unaware about. The imperative now is to use this information to pursue the main quarry — Veerappan himself.

THE HINDU

17 FEB 2001

DMK front without NDA viable: Dalits

STATESMAN NEWS SERVICE

CHENNAI, Feb. 22. — The Dalit Panthers of India today said it would align with the DMK-led front if it shed its 'NDA banner'.

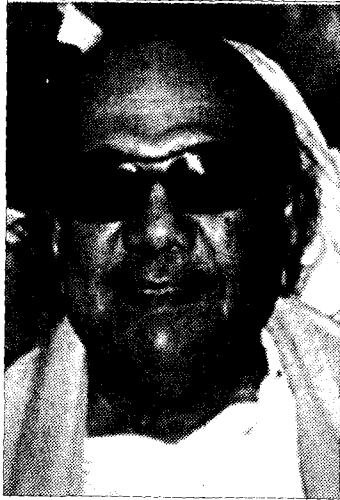
The DPI has a strong Dalit base and enjoys support in some pockets of north-Tamil Nadu.

The BJP plays a dominant role in the NDA and this prevents parties like the DPI, opposed to both communalism and casteism from joining the front, DPI leader Mr R Thirumavalavan said.

"We will be happy if they merely shed the NDA banner" he said, adding hastily, "this is not a condition, only a view". The DPI leader said: "We are not opposed to the BJP being part of the front. We only want to ensure the Dravidian ideology dominates this election, he said.

The DPI fought the 1999 Lok Sabha election with the Tamil Maanila Congress, which floated a third front. While the front was routed, the results revealed DPI's increased influence among the Dalits.

With the PMK joining the AIADMK camp, there was a question of joining the front now even if the TMC decided to do so, Mr Thirumavalavan said. However, the DPI would not take a decision in haste. The party had several options



Mr Karunanidhi

ideologies as the PMK but the latter had harassed the Dalits. It was condemnable that the AIADMK had admitted such a "casteist party" into its fold, Mr Thirumavalavan said.

He appealed to the TMC, the Congress and the Left parties to break away from the AIADMK and float a third front to defeat the AIADMK-PMK combine.

Despite an open invitation from DMK president Mr M Karunanidhi to join the DMK-led front, the DPI leader would like to buy time and see which way the TMC would go.

"If a third front has the potential to defeat the AIADMK-led alliance, then we might seriously consider this option too, Mr Thirumavalavan said.

THE STATESMAN

23 FEB 2001

NEW CONFIGURATIONS IN TAMIL NADU

THE SWITCHING OF alliance by the casteist Pattali Makkal Katchi from the DMK — and, consequentially, the BJP-led National Democratic Alliance at the Centre — to the AIADMK has inevitably set the key political players in Tamil Nadu to reassess their tieup options for the impending Assembly polls, although the development itself had been very much on the cards for the past few months. The development was just waiting to happen, given the running feud between the PMK's supremo, Dr. S. Ramadoss, and Mr. Vazhappadi K. Ramamurthi, leader of the Tamizhaga Rajiv Congress (a co-partner in the NDA) and the former's persistent articulation of his grouse against the Chief Minister and DMK chief, Mr. M. Karunanidhi, that he had not done enough to rein in Mr. Ramamurthi. Barely concealed in all the accusations he has made against Mr. Karunanidhi (whom he has squarely blamed for his parting company with the NDA), however, are hard electoral calculations in Tamil Nadu as well as in the neighbouring Union Territory of Pondicherry, premised notably on his perception of a strong anti-incumbency sentiment prevailing in the State. This, of course, is not to overlook the soured relationship between the two leaders because of mutual suspicion and mistrust, a factor that provided a good enough provocation for the PMK to switch camps.

Going by the conventional wisdom, as derived from the voting patterns over a period, the AIADMK and the PMK may be said to make natural allies, geographically speaking, considering that, while Ms. Jayalalitha's party is seen as having a strong base in the southern and western regions of Tamil Nadu, Dr. Ramdoss' outfit is a factor to reckon with in the Vanniyar-belt comprising the northern districts and parts of the western districts. Viewed in a different perspective, their tieup could be held out as an anti-Dalit phalanx, given the long history of violent clashes between the Thevars (in the south) and the Van-

niyars (in the north), on the one hand, and the depressed classes, on the other — a disturbing phenomenon that still persists in several areas. Even if not by design, the AIADMK under Ms. Jayalalitha has acquired a pronouncedly pro-Thevar image. Add to this, the PMK's assertive support of the LTTE and the cause of Tamil Eelam, not to speak of its known sympathies for the 'Tamil nationalism' movement on the domestic front. The development has in effect thrown into jeopardy the prospects of a 'secular front' emerging in Tamil Nadu, with the AIADMK in the lead, what with the serious reservations and genuine difficulties parties such as the Congress (I) and Mr. G. K. Moopanar's Tamil Maanila Congress are bound to have in joining a front that has the PMK as a partner.

With the Assembly elections a couple of months away, the political players are not in any great hurry at the moment to firm up alliances. Overall, the configuration that has emerged so far has the DMK and the AIADMK as the two poles, with both the formations representing unhealthy and divisive trends. The grouping that has the DMK in the driver's seat, with the BJP (besides others) in tow, is starkly communalist besides including the rabidly pro-Eelam MDMK. By taking the PMK on board, Ms. Jayalalitha has unnecessarily provided space to a chauvinistic and intrinsically disintegrative ideology in utter disregard of the national imperative of combating the anti-secular and centrifugal forces from a common platform. If, in the event, the Congress (I), the TMC and such other parties find themselves left with no option but to form a 'third front', comprising the various Dalit outfits and the caste groups that have proliferated in recent months, it should come as no surprise, although there is little prospect of its making much headway in the polls. Such a contingency will surely be unfortunate; yet as of now it appears possible.

THE HINDU

8 FEB 2001

Southern breeze

NOTHING DEMONSTRATES the primacy of opportunism in today's politics more effectively than the PMK's decision to leave the BJP-led National Democratic Alliance for the sake of greener pastures in Tamil Nadu. There is not even a pretence of ideological compulsion or political disillusionment behind its decision. In fact, even as it seeks an alliance with the NDA's adversary, Ms Jayalalitha, in Tamil Nadu, the PMK may be quite willing to prop up the Vajpayee Government at the Centre. The latter seems to expect the PMK to save it in times of crisis, with neither side concerned in the least about the impropriety of riding two horses at the same time.

Considering that the glue which holds the 23-party NDA together is nothing but political expediency, the promiscuous switching of partners at one level while retaining the old faithful at another should not cause any surprise. Nor is it surprising that a Tamil Nadu party should have indulged in such a blatant crossing of the floor. After all, the two main parties of the state — the DMK and the AIADMK — are not exactly models of political rectitude. For instance, when the AIADMK left the NDA's company after a stormy relationship, it took virtually no time for the DMK to slip into the vacant slot, the only consideration guiding it being proximity to power.

It is also the quest for power which is behind the PMK's somersault. Sensing that the AIADMK seemingly has a better chance of success in the next Assembly elections than its arch enemy, the DMK, Mr Ramadoss' party has decided to experiment with a new partner. The AIADMK will not be displeased. Given its leader's various legal problems, a good show at the hustings is the only way to stop the law from following its own course — or at least to set up a few roadblocks to cause delay. The AIADMK evidently believes that the PMK will be a more useful ally than some of its present partners. For the present, the PMK's departure may not affect the NDA's position at the Centre. But it is nevertheless a reminder of the nature of the sandy soil on which the NDA is built. Virtually all its regional partners are guided by their local interests — in Tamil Nadu, Andhra Pradesh, West Bengal or elsewhere — and not by any national outlook. Once they perceive that they stand to gain more by crossing over to the other side, they will have no hesitation in doing so. While opportunism can help in building a coalition, it can also play a part in demolishing it.

THE HINDUSTAN TIMES

37 FEB 2001

Decide by week-end, Jaya tells allies

PRESS TRUST OF INDIA
CHENNAI, FEB 13

PIQUED by the Congress and TMC's delay in finalising their electoral strategy for the coming polls to the Tamil Nadu assembly, AIADMK supremo Jayalalitha on Tuesday gave them time till the weekend to take a decision and also brushed aside the Congress's reservation on aligning with the PMK.

She told reporters here that though she was not fixing any cut off date for the parties to finalise their stand, it would be convenient if they did so before the weekend.

Their delay had also not made it possible for commencing seat sharing talks, Jayalalitha said.

Justifying the AIADMK's decision to induct PMK into the front, she said it was part of her plan to form a 'grand alliance' to defeat the DMK in the hustings and added that the Congress need not have any reservation on the issue. The Congress, after Rajiv Gandhi's assassination, had contested the Palani lok sabha by-elections in 1993 and Pudukottai assembly bypoll in 1997, with the PMK's support, she said.

The Congress (Tiwari), which



AIADMK supremo Jayalalitha emphasises a point at a press meet in Chennai on Tuesday - PTI

was formed with a view to perpetuating the memory of Rajiv Gandhi, had, in 1995-96, asked Sonia Gandhi to lead the party. They had then fought the last assembly polls in Tamil Nadu in alliance with the PMK. CWC member Arjun Singh and TNCC president E VKS Ilan-govan were part of that party, she pointed out.

She denied having conceded PMK's claim for the chief ministership of Pondicherry and the sta-

tus of the second dominant partner in the front. "We will treat all our allies with equal respect," she added.

Meanwhile, Communist Party of India (Marxist) general secretary Harkishen Singh Surjeet today called on Jayalalitha, whose party heads the secular front in Tamil Nadu, at her Poes Garden residence. The meeting lasted 40 minutes.

The two leaders are believed to

have discussed issues relating to the secular front. However, details of the talks were not immediately available.

The Marxist leader refused to meet the media after the talks.

Jayalalitha, who met mediapersons at her party office after the meeting, declined to divulge the details of the discussion.

On his arrival here last night, Surjeet had met G K Moopananar, president of Tamil Maanila Congress (TMC), also a constituent of the secular front.

When asked whether Surjeet carried any message from Congress president Sonia Gandhi, Jayalalitha said he was a very senior leader and it was demeaning to his stature to say that he had carried a message from Gandhi.

About the pre-poll scenario in the state, she asserted that there was a pro-AIADMK and anti-DMK wave sweeping Tamil Nadu. Surveys conducted by official agencies also revealed overwhelming support for the secular front, she added. Jayalalitha claimed that DMK chief and Chief Minister M Karunanidhi's "ineptitude" in tackling various issues confronting the electorate also weighed against the ruling party.

INDIAN EXPRESS

14 FEB 2001

Sikhism a separate religion: RSS

STATESMAN NEWS SERVICE

NEW DELHI, Jan. 16. — The RSS today tried to apply a balm on Sikhs by declaring that it recognised Sikhism as a separate religion and the Sikhs as having a separate identity. Earlier, the organisation held that Sikhs were part of pan Hinduism.

This was announced in a joint statement issued by Rashtriya Swayamsevak Sangh leaders and members of the National Commission for Minorities after an hour-long discussion between them at the commission's office.

The RSS's earlier stand had created problems for Hindu-Sikh unity in Punjab and even the Akali Dal protested when some RSS volunteers proposed to celebrate "Gurpurab" (birth anniversary of Guru Gobind Singh) in Hindu temples.

The Sikhs took affront to this and described it as an attempt to assimilate Sikhs in the Hindu fold. Sikh religious institutions had said they

UMA FAILS TO RECALL 6 DEC COMMENTS

NEW DELHI, Jan. 16. — The Union minister for sports, Miss Uma Bharati, today failed to recall what exactly she had commented or said in Ayodhya on 6 December 1992 when the Babari Masjid was demolished.

Deposing before the Liberhans Commission inquiring into the demolition of the mosque, Miss Bharati told the counsel for the commission that she did not remember having made any provocative statement or appeal to the *karsevaks* to demolish the mosque.

Miss Uma Bharati was reminded of her comments and speech as quoted in **The Statesman** report from Ayodhya dated 7 December 1992 by the counsel for the commission, which said she along with Sadhvi Ritambara had contributed to the frenzy of the mob which attacked the mosque.

But Miss Bharati told the commission that she did not remember having said anything like "*Ek dhakka aur do, Babari Masjid tod do*".

Mr Justice Liberhans, who is heading the one-man commission, fixed 9 February as the next date of hearing for her.

Advani to appear on 5 & 6 March: The Liberhans Commission has summoned Union home minister and BJP leader Mr LK Advani to appear before it on 5 and 6 March and explain his stand and conduct on 6 December 1992. — SNS & UNI

would not allow this. Today, senior RSS leaders clarified before the NCM that the Sikhs had a different faith and identity which the RSS

recognised without any reservations.

The Rashtriya Swayamsevak Sangh delegation included the spokesperson, Mr MG Vaidya,

Delhi unit chief, Mr Satya Narayan Bansal, and Mr RP Singh.

They also denied that the Rashtriya Swayamsevak Sangh chief, Mr KS Sudershan, had ever said that Sikhs were a part of Hinduism and claimed the statement was misinterpreted.

Mr Vaidya reportedly told the commission that the Rashtriya Swayamsevak Sangh believed in the plurality of religion.

The NCM vice-chairman, Mr Trilochan Singh, who persuaded the RSS and Sikh leaders to settle the issue, said that the SGPC was consulted on the controversy.

The RSS delegation agreed to participate in a dialogue with Christian leaders to remove the confusion.

The dialogue which could not take place earlier is now scheduled in March. The commission would soon start discussions with Christian leaders to remove misgivings between the RSS and the Christians, Mr Singh said.

THE STATESMAN

17 JAN 2001

Appointment as chief minister sans qualification illegal: Supreme Court

PRESS TRUST OF INDIA

NEW DELHI, Sept. 21. — The Supreme Court today ruled that the appointment of a person as chief minister without the person having the requisite constitutional qualifications should be struck down at the earliest.

"We take the view that the appointment of a person to the office of chief minister who is not qualified to hold it should be struck down at the earliest," Mr Justice SP Bhargava, Mr Justice YK Sabharwal and Mr Justice Ruma Pal said. The judgement was supported by Mr Justice GB Pattanaik and Mr Justice Brjesh Kumar, who gave separate but concurring judgements.

The judgement quashed the appointment of the AIADMK chief, Miss J Jayalalitha as Tamil Nadu chief minister on the ground that on 14 May 2001, when sworn in, she was disqualified to become a member of the House.

"We are of the view that a person, convicted for a criminal offence and sentenced to imprisonment for a period not less than two years, can't be appointed chief minister under Article 164(1) read with (4) and cannot function as such", the judges said.

Taking into account the situation when the majority party in the legislature recommended a non-member to be appointed chief minister, the court said the Governor could decline to swear him in as chief minister if the person was disqualified to become a member of the House.

"We are in no doubt at all that if the Governor is asked by the majority party in the legislature to appoint as chief minister a person who isn't qualified to be a member of the legislature or who is disqualified to be such, the Governor must, having due regard to the Constitution and the law, to which he is subject, decline, and his discretion can't



Miss J Jayalalitha

be called into question," the court said.

It said that if the Governor perchance swears in a non-member as chief minister without the latter having the requisite qualification, the appointment could be challenged in a High Court or the Supreme Court under quo warranto proceedings.

Referring to Miss Jayalalitha's counsel's argument that the Governor had the discretion even to appoint a non-citizen, under-age, a lunatic or an undischarged insolvent as chief minister and that the remedial action lay with the House only, the court said: "to accept the counsel's submission is to invite disaster."

The court said that if the nomination to ap-

point a person who was a non-citizen or under-age or a lunatic or an insolvent as chief minister was made by the majority party in the legislature, it was hardly realistic to expect the legislature to pass a no-confidence motion against the chief minister.

Giving an example, the court said the majority party in the legislature could recommend to the Governor the appointment of a citizen of a foreign country, who couldn't be a member of the legislature and who wouldn't be qualified to be a member, as chief minister.

If the Governor was obliged to comply, the legislature would be unable to pass a no-confidence motion against that chief minister because the majority party would oppose it, and the chief minister would be encoined in office until the next election, the court said. "Such a dangerous, such an absurd, interpretation of Article 164 has to be rejected out of hand. The Constitution prevails over the will of the people as expressed through the majority party," the court said.

"The will of the people as expressed through the majority party prevails only if it is in accordance with the Constitution," it said.

The Court said the Governor couldn't in the exercise of his discretion or otherwise, do anything contrary to the Constitution and laws as he was sworn in to "preserve, protect and defend the Constitution and the laws."

"It is another thing that by reason of the protection the Governor enjoys under Article 361, the exercise of the Governor's discretion can't be questioned," the court said, adding that in Miss Jayalalitha's case it wasn't concerned with the correctness of the action of the Governor.

"We aren't concerned with the correctness or otherwise of the action of the Governor in swearing Miss Jayalalitha in as chief minister," the court said.

ter in the exercise of the Governor's discretion," the court said.

Rejecting the contention that courts shouldn't go into appointments made under the discretionary power of a constitutional authority, the Supreme Court cited a case where the appointment of a judge was quashed.

"This case goes to show that even when the President, or the Governor, has appointed a person to a constitutional office, the qualification of that person to hold that office can be examined in quo warranto proceedings and the appointment can be quashed," it said.

The Court also rejected the submission by Miss Jayalalitha's counsel that in deciding this case it would enter a political thicket and said that courts should interpret the Constitution and not bother whether interpretation had a political effect.

"The question before us related to the interpretation of Constitution. It is the duty of this Court to interpret the Constitution. It must perform that duty regardless of the fact that the answer to the question would have a political effect," the Bench said.

The Court said: "We are satisfied that in the appointment of Miss Jayalalitha as chief minister there has been a clear infringement of a constitutional provision and that a writ of quo warranto must issue."

The Bench said: "We aren't impressed by the submission that we shouldn't exercise our discretion to issue a writ of quo warranto because the period of six months allowed by Article 164(4) to Miss Jayalalitha would expire in about two months from now and it was possible that she might succeed in the criminal appeals which she has filed.

"We take the view that the appointment of a person to the office of chief minister who isn't qualified to hold it should be struck down at the earliest," the Bench said.

STATESMAN NEWS SERVICE

NEW DELHI, Sept. 21. — The Congress today said Miss J Jayalalitha was the 'supreme leader' of the AIADMK, adding that today's Supreme Court judgement won't affect the party's ties with her.

"It is an internal matter of the AIADMK," Mr S Jaipal Reddy said today while declining to offer comments on the Supreme Court's verdict. "This is a judicial matter and we won't like to make political comments."

Left reaction: The Left parties, said today while declining to offer comments on the Supreme Court's verdict. "This is a judicial matter and we won't like to make political comments."



Mr S Jaipal Reddy

too, said their alliance with the AIADMK, would continue.

The CPI-M politburo said in a statement: "Consequent to the decision of the Supreme Court disqualifying Miss Jayalalitha from holding the post of chief minister, the AIADMK, as a party that commands majority in the Assembly, will have to elect a new leader to form the government."

The CPI central leadership said the judgement could generate a debate and can have far-reaching implications on the role of the government.

JAYA:

(Continued from page 1)

A key point of the judgment was the declaration, "...We hold a non-legislator can be appointed as chief minister or minister under Article 164 only if he has the necessary qualifications prescribed for members under Article 173 and is not disqualified by the reasons of disqualification under Article 191."

While the judgment noted that no qualification or disqualification had been prescribed under Article 164(iv) of the Constitution which enabled a non-legislator to be appointed a minister or chief minister, the Court held that the Governor could not appoint a person disqualified on account of his/her being convicted and awarded a sentence of more than two years. "...On the date of her appointment as chief minister, Miss Jayalalitha was disqualified on account of her conviction and sentence of more than two years in the Tansi land deal case. Her appointment had been a clear infringement of the Constitution."

While concurring with the main judgment, Justice Pattanaik suggested Parliament consider enacting a law that made a conviction under the Prevention of Corruption Act a positive disqualification for appointment as minister or chief minister.

Reacting to the adverse court verdict, Miss Jayalalitha called on Mr Rangarajan for about 10 minutes at Raj Bhavan. "It is a mere temporary setback and I will soon return as chief minister after proving my innocence in court and winning a seat in the Assembly," she told newsmen. A calm and somewhat defiant Miss Jayalalitha added: "Nothing has happened now to warrant the AIADMK will still run the government."

Thrown out by Supreme Court, Jaya springs successor surprise

BY M.R. VENKATESH AND
R. VENKATARAMAN

Sept. 21: After a widely-expected Supreme Court judgment unseating her, Jayalithaa sprang an unexpected choice as successor in O. Pannerselvam.

The Supreme Court today declared that Jayalithaa's appointment as chief minister of Tamil Nadu was "not legal and valid" and, therefore, "she cannot continue to function as such".

Justice S.P.Bharucha, delivering the judgment for the five-member Constitution bench, said: "We are of the view that a person who is convicted for a criminal offence and sentenced to imprisonment for a period of not less than two years cannot be appointed the chief minister of a state."

Jayalithaa was convicted

for two years in a land scam and the Election Commission had disqualified her from contesting. This is the first instance in the history of independent India of a convicted person being sworn in and then losing her post as chief minister, making Jayalithaa the holder of a record double.

Since the verdict was virtually a dismissal notice, she did not need to even resign and announced immediately that the ADMK would elect a new leader.

The new leader turned out to be Pannerselvam, setting Tamil Nadu up for a mode of governance that will be midway between the Laloo Prasad-Rabri Devi and the Bal Thackeray model. Jayalithaa had plucked Pannerselvam out of his backbencher status by giving a ticket in the May polls and then making him a minister.

The party's Themi district secretary, he is believed to be proximate to one of the relatives of Sasikala, Jayalithaa's close friend.

"You will see what kind of control I have," she shot back in reply to queries about the change in her status from queen to queen mother.

Today's verdict does not overturn her actions as chief minister. The unanimous judgment by the bench said: "All acts (of her) performed as chief minister of the state shall not be adversely affected by the reason of this order."

Ruling on a batch of six petitions challenging Jayalithaa's appointment, the judges said the Governor's decision could not be above the Constitution. Justice Brijesh Kumar, in a separate and concurring judgment, said: "The contention that the Governor is

chosen as a member or continuing as a member of the legislative Assembly or Parliament".

The current practice is that a sitting legislator, even if convicted under criminal laws or PCA, continues to be a member and is not disqualified from contesting elections. The latest example is Kerala's Balakrishna Pillai who was a minister. He was also convicted like Jayalithaa but, being a sitting member, his conviction was automatically, as is the provision in law, stayed and he contested in the last elections. Pillai won and his appeal against the conviction is pending.

This part of the law was not challenged and the judges, pointing this out, said: "We are not passing any judgment over this provision."

Jayalithaa is not a sitting member and her conviction amounted to disqualification

from contesting elections. The verdict ended Jayalithaa's 131-day tenure. Governor C. Rangarajan, successor to Fathima Beevi who had installed Jayalithaa, swore in a 24-member ministry in the evening. Except one, all the members are from the previous ministry.

Earlier, Jayalithaa, general secretary of the ADMK, had announced that Pannerselvam had been unanimously elected leader of the legislature party. She said she did not expect the government to face any problems since the "groundwork had already been laid with policies having been enunciated in the Governor's address and the recently passed budget".

"There is no need for me to submit my resignation since the very appointment has been set aside," she said.

See Page 10

April 24: Nominations from Andipathi and Kishnagiri rejected because of omission in Tansi land deal cases. Papers filed from Pudukkottai and Bhuvanagiri also rejected.

May 10: Leads ADMK to landslide win in Tamil Nadu polls.

May 14: Sworn in chief minister by Governor Fathima Beevi.

July 1: Centre recalls Fathima Beevi.

Sept. 4: Supreme Court dismisses petition for early hearing of appeals in Tansi and hotel cases.

Sept. 6: Supreme Court says people's will subordinate to Constitution after Jayalithaa's lawyer argues people picked her despite conviction.

Sept. 7: Supreme Court orders fresh hearing of Tansi case in Madras High Court. Says hearing should not begin before October 1, sealing



Jayalithaa's hopes of seeking election to Assembly
Sept. 20: Madras High Court appoints Justice N. Dinakar to hear Tansi and hotel cases
Sept. 21: Supreme Court quashes Jayalithaa's appointment as chief minister

THE TELEGRAPH
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