

CENTRE FOR SPECIAL SECY, NOT IB MAN

Delhi wants its way on J&K panel

Sanjay Singh in New Delhi

Dec. 6. — The Centre will undertake "tough negotiations" with the J&K government when it is officially approached to name its nominee on the screening committee for releasing militants. The official likely to be nominated by the home ministry is the special secretary in charge of Kashmir affairs, Mr AK Bhandari.

The Statesman reported yesterday that the J&K government had decided to form a five-member screening committee headed by a state official. The state government wants a senior IB official as the Central nominee.

A senior home ministry official said the Centre was "aware of the fact the state government will prefer a senior IB official in the screening committee. But we've a different view."

He argued: "We'll insist that the special secretary in the home ministry who is dealing with J&K affairs be taken on the committee as Central nominee. An IB official couldn't strictly be called a

Centre's representative." Home ministry officials said their reasons for not wanting an IB nominee is "explained" by the recent controversy between the Cen-

Pervez's Id pat for militants

ISLAMABAD, Dec. 6. — General Pervez Musharraf in his Id message said that he prayed for the success of the "Kashmiri freedom movement". "We remember with respect all those who've laid down their lives in the epic struggle."

Pak PM Mir Zafarullah Khan Jamali termed the Kashmir violence "a courageous and legitimate freedom struggle." He paid tribute to the Hurriyat, which today accused India and Russia of sponsoring terrorism. — PTI

tre and J&K government over the release of militants. Srinagar had said, after Mr LK Advani's statement that the Centre was not consulted, that IB officials had been part of the talks. Referring to this,

a home ministry official said consultations with the Centre "imply at least sounding out senior officials in Delhi". "In any case," he said, "the state government had ignored Intelligence officials' advice in the matter of releasing ultras".

He, however, said negotiations over the Central nominee "will be undertaken at officials' level".

The issue is likely to come up when a home ministry team led by Mr Bhandari visits Srinagar to look into the state government's demands.

Mr Advani will visit Srinagar after Parliament's winter session. He will chair a meeting of the Unified Command. He was informed about the screening committee by the J&K finance minister, Mr Muzaffar Beg. Mr Advani had reportedly told Mr Beg that the modalities of forming the committee should be left to officials.

Lashkar ultras killed: Six ultras were killed in an encounter with security forces at Kreeri while a civilian was killed and two were injured when the Army fired on stone-pelting protesters at Bagdora in Baramulla district.

'COMPLETE UNDERSTANDING WITH CENTRE'

Mufti calls on PM, Advani

By Our Special Correspondent

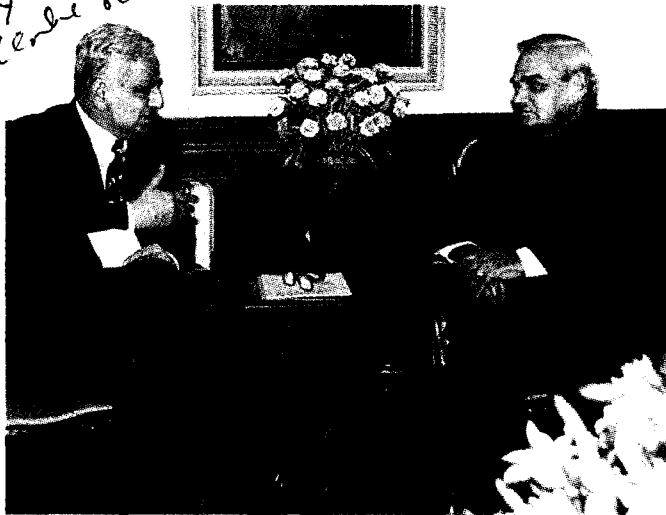
NEW DELHI, DEC. 2. The Jammu and Kashmir Chief Minister, Mufti Mohammed Sayeed, today claimed "complete understanding with the Centre" after meeting the Prime Minister, Atal Behari Vajpayee, here this evening.

Talking to newsmen later, he said the thrust of his meeting with Mr. Vajpayee and other Ministers was on "development", implying that there were no differences in perceptions or approach towards dealing with Pakistan-inspired terrorism in the State.

Perhaps the Chief Minister's most crucial meeting was with the Deputy Prime Minister, L.K. Advani.

It was agreed that the Special Secretary in the Home Ministry, Ashok Bhandari, would visit Jammu and Kashmir to discuss with the State Government in detail, issues such as setting up the screening committee for release of separatists, increasing the stipend of special police officers and schemes for the surrendered militants.

Describing the controversy over the recently released sep-



The Jammu and Kashmir Chief Minister, Mufti Mohammed Sayeed, with the Prime Minister, Atal Behari Vajpayee, in New Delhi on Monday. — Photo: Anu Pushkarna

arartists and militants as "unfortunate", Mr. Advani, told *The Hindu* that he would prefer a detailed interaction between the Home Ministry officials and the State Government on the issue.

"Let there be a detailed discussion at the official level. The Chief Minister has also emphasised on concerted and well-co-

ordinated action between the Centre and the State on several issues," he said. Mr. Advani told the Chief Minister that he would visit the State after the winter session of Parliament ended on December 20. "If there is a meeting of the Unified Command, it would be a good occasion to attend it," he added.

Economic issues: Page 11

3 DEC 2002

THE HINDU

OPPOSITION STAGES WALKOUT IN LS

U.P. Governor not partisan: Advani

9-
Centre
Reference

110-1
23/11

By Our Special Correspondent

NEW DELHI, NOV. 28. Turning down an Opposition demand in the Lok Sabha for a Central directive to the Uttar Pradesh Governor to convene a special session of the Assembly for testing the strength of the Mayawati Government, the Deputy Prime Minister, L.K. Advani, today gave a "clean chit" to the Governor.

Replying to a special discussion on the recent political developments in U.P., Mr. Advani asserted that the Governor, Vishnu Kant Shastri, had committed "no wrong and conducted himself as per the best traditions of the Constitution". The discussion was initiated by the Samajwadi Party leader, Mulayam Singh Yadav, on Tuesday.

"As per my understanding of the Constitution and pronouncements of the Supreme Court, the Centre has no power to give any directive to the Governor," Mr. Advani said. He also brushed aside Opposition criticism that the Governor was "partisan" in protecting the BSP-BJP coalition Government in U.P.

Quoting from the S.R. Bommai case judgment, Mr. Advani said the Governor should be left free to deal with the situation as per his best judgment keeping in view the Constitution and conventions of the Parliamentary system. Although the thin attendance in the Opposition benches indicated a lack of interest in the discussions, al-

most the entire Opposition was dissatisfied with Mr. Advani's reply and staged a walkout. Its members protested "misuse of power" by the Centre under the Constitution and accused it of "pressuring" the Governor not to convene a session of the Assembly for a trial of strength. But Mr. Advani said the Governor was "a dignified person who has been conducting himself in accordance with the provisions of the Constitution. He has committed no wrong so far".

Mr. Yadav said his party, along with the Congress and other supporting MLAs, had submitted to the Governor a list of 204 legislators in the 403-member Assembly to prove that the Mayawati Ministry was in a minority. The list included 23 members of the Congress which the party had so far not denied.

The CPI(M) leader, Somnath Chatterjee, and the Congress chief whip, Priyaranjan Dasmunshi, said that Mr. Advani had "deliberately" avoided saying what the Governor should do at a time when the State was facing a political crisis.

Mr. Chatterjee sought to know why another opportunity was not being given to the MLAs in U.P. for a trial of strength on the floor of the Assembly. Citing the Bommai case judgment and the Sarkaria Commission report on Centre-State relations, Mr. Advani said the floor test was only one of the considerations which the Governor should keep in mind but his decision depended on the prevailing situation.

29 NOV 2002

THE HINDU

THURSDAY, NOVEMBER 28, 2002

MAINTAIN THE LARGER PERSPECTIVE

AT A TIME when the Centre ought to be seen concentrating on ways of stepping up vigil against heightened militancy in Jammu and Kashmir, as manifested most disturbingly by the heinous strike on the Raghunath temple in Jammu last Sunday, it is deplorable that the ruling coalition should be engaging itself — and that, at the level of the Deputy Prime Minister — in a totally unnecessary, pointless and unseemly squabble over the question whether the new PDP-Congress Government got New Delhi's "clearance" while releasing from prison certain separatist leaders and militants under detention. In Parliament, the Union Home Minister, L. K. Advani, was insistent that the Centre was not "consulted" by the Mufti Mohammad Sayeed regime and, two, that an official communication had been sent to the State administration cautioning, in effect, against any "haste" in setting such persons free, although he did concede that the State was well within its powers to act on its own in such matters. But Sonia Gandhi, as the head of a party that forms part of the State Government, was equally assertive that the 'release' had been cleared by "Central intelligence agencies" — a claim Mr. Advani has chosen to dismiss as "baseless" — and her colleagues have since come up with some hard "facts" in support of their case. With the party challenging Mr. Advani's statement and declaring its intention to haul him up under Parliamentary rules, the blame game seems endless.

At the political level, the BJP and its partner in the ruling National Democratic Alliance — the National Conference — have from the beginning been critical of the PDP's declared policy line of reviewing the detention of secessionist leaders and militants against whom there have been no serious specific charges as a prelude to their release where warranted. And this clearly is a salutary initiative forming a critical component of the package which the PDP-Congress coalition's Common Minimum Programme envisages for winning over the alienated sections of the people of Jammu and Kashmir. In fact, both the BJP and the NC had, during the recent poll campaign, accused the PDP of having

struck a "deal" with the subversive elements in its attempt to capture power. It is against this political backdrop that one has to see the BJP leadership's insinuation of a nexus between the perceived spurt in militant violence (over the past one week) and the release of detained 'militants' by the new Government. While Mr. Advani himself has scrupulously avoided endorsing such a construct, for obvious reasons, quite a few of his party colleagues in Government have been quite uninhibited about pushing the 'link' theory. And the irony is that, in the absence of any authentic information, one does not really know how many (if at all) among those set free from prison so far are in fact hard-core militants. What is public knowledge is only that some half-a-dozen high-profile separatist leaders, including Yasin Malik, have been released on parole.

All this is not to discount the need for mutual consultation between the Centre and the State Government, given especially the current political context that leaves a lot of scope for misunderstanding and genuine misgivings or reservations while seeking to neutralise the militants' challenge of the type faced in Jammu and Kashmir, what with its highly sensitive and somewhat vexatious cross-border dimension. The point is that the ultimate objective should not be sacrificed at the altar of unnecessary partisan politics-driven squabbles. Nor should it be held hostage to narrow considerations of realpolitik. And the row that has been kicked up now over the new regime's action in releasing "militants" carries the real risk of snowballing into a major confrontation to the detriment of the larger cause of combating militancy and, if not checked, it may well spell disaster for the traumatised State whose people have only recently, in a show of exemplary courage, registered their faith in democracy with a lot of apparent hope. Commendable indeed is the way the Chief Minister has responded (in the Assembly on Wednesday) to the evolving situation. Restrained and positive-sounding, Mr. Sayeed has committed his Government to a non-confrontationist approach vis-a-vis the Centre.

ONE HINDU

28 NOV 2002

IB SAID WAIT, NOT NO: CONGRESS Mufti 'defied' Delhi on ultras

Sanjay Singh and CL Manoj
in New Delhi

Nov. 26. — Eight of the 10 militants the Centre had advised the J&K government to not release were freed by Srinagar, home ministry sources said. Responding, Congress sources said the only caveat from Intelligence officials was that some militants should not be released before the Assembly session was over.

These, and other claims and counterclaims, were part of a sharp political battle between New Delhi and Srinagar and the BJP and Congress on whether the J&K government had consulted the Centre before releasing 24 militants recently.

The two sides came close to accusing each other of lying, using parliamentary euphemisms and threatening privilege motions. Home ministry sources said Mrs Sonia Gandhi's statement — that the Centre was consulted — was "not the whole truth" or "she had been briefed wrongly by her advisers".

Congress leaders said Mr LK Advani's parliamentary statement yesterday — the Centre wasn't consulted — was not "the entire truth".

Home ministry officials said the J&K government had not consulted them, "not even when local Intelligence Bureau officials had objected to the release of 10 militants". They said it was after local IB officials got in touch with home ministry officials in New Delhi about "this attitude" that Union home secretary Mr N Gopalaswamy wrote a letter to the J&K government last Friday. The latter advised that proper screening must precede the release of militants. Release should be on a case by case basis, the letter advised.

The Congress response to that is that the

J&K government had consulted IB officials posted in the state and that should be deemed "enough". There were "discussions with senior IB officers, including its joint director, and the representatives of the central agencies in the Unified Command," the Congress said. "The chief minister had held a meeting on the issue with special director, IB, Mr KB Singh, on 7 November."

Home ministry officials said local units of Central intelligence agencies and security forces "frequently interact with the chief minister, who is the head of Unified Command."

"Various issues come up for discussion at these meetings," an official said. "How can these be considered in any way as consultations with the Centre?" Of the two Central officers mentioned by the Congress, ministry officials said, one is posted in Srinagar, and "the other, the special director, was promoted recently and brought back to Delhi".

"How is talking to them the same as talking to the Centre?," one of them said.

The home ministry is saying that Central officials in Srinagar told the J&K government that "10 of the militants listed for release are hard core and should never be released". The Congress's response to that is "on such matters, instant agreement cannot be achieved, only nuanced agreement is possible". But the party says the Central officials only wanted to delay the release till the Assembly session.

The Congress accused Mr Advani of trying to politicise the issue of freed militants for the Gujarat polls. Mr Advani today said that whatever he had told Parliament yesterday was on the basis of "facts" and there is no "question of his misleading the House".

Sedition slur

NEW DELHI, Nov. 26. — The BJP chief whip in the Lok Sabha, Mr Vijay Kumar Malhotra, today said remarks reportedly made by the PDP vice-president Ms Mehbooba Mufti that India and Pakistan should not interfere in J&K affairs "smacked of sedition." Mr Malhotra asked the Congress to come clean on the issue. But Mr Sriprakash Jaiswal (Cong), said he had spoken to J&K leaders and was told that Ms Mehbooba had not made such a statement. — SNS

CENTRE ASKED STATE TO GO SLOW ON MILITANTS RELEASE

Temple attacked 48 hrs after govt warned Mufti

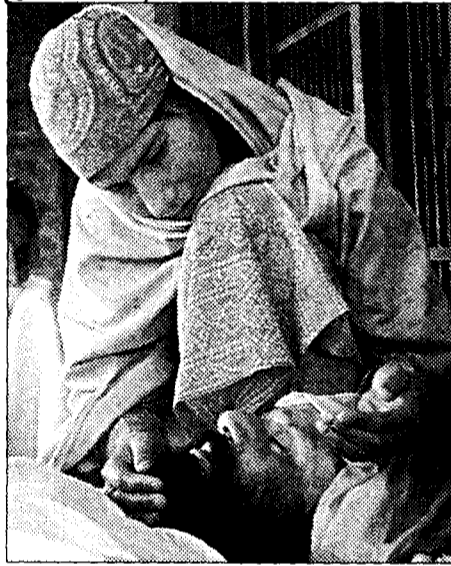
Bharti Jain

NEW DELHI 25 NOVEMBER

THE attack on the Raghunath temple in Jammu came barely 48 hours after the Centre had warned the Mufti Mohammad Sayeed government against releasing detained militants in haste and had suggested that the cases and charges against them be carefully examined and the possible pros and cons of their release weighed beforehand.

The Centre's warning, faxed by Union home secretary N. Gopaldaswami's office to the J&K chief secretary on Friday, came after a spate of militant attacks in the state. The letter advised the state government to go slow on the release of militants, lest the "soft" approach demoralise the security forces and embolden the jihadis to intensify attacks. It also asked the state government to exercise caution to eliminate any chances of the freed militants reverting to their agenda of violence.

The note of caution from North Block came after similar inputs from intelligence agencies, which mentioned the flip side of freeing detained militants, cautioned the state government against hasty decisions on a matter so sensitive. The state government had not heeded such advice, choosing instead to go ahead with its "healing touch" policy by setting free a host of militants, including JKLF chairman Yaseen Malik. The attack on Sunday, the Centre is hoping, will wiser the Mufti government enough to suspend for the time being its soft atti-



THE FINAL HOUR : Relatives of policeman Balwinder Singh mourn his death in Jammu on Monday. Singh was killed fighting suspected militants who stormed two Hindu temples. — Reuters

tude towards the militants. Perhaps that is why L. K. Advani refrained from attributing the spurt in militancy over the last few days to the PDP-Congress government's soft approach towards militants.

Advani lends Buddha hand

SEEMAGUHA

New Delhi, Nov. 23: Deputy Prime Minister L.K. Advani, who has been keeping tabs on the crackdown on agents of Pakistan's Inter-Services Intelligence and its army moles in Bengal, was today briefed exhaustively by Buddhadeb Bhattacharjee.

At a 30-minute one-to-one this morning, the duo put in place a joint strategy to combat terror after agreeing that it would be impossible for Bengal to tackle the spurt in terrorist activity single-handed. Advani assured the chief minister that the Centre would fully back all his efforts.

The leaders also decided to step up intelligence sharing between the state and the Centre. This process is already under way, and some recent arrests in the state followed tip-offs from the Intelligence Bureau.

To tackle the rising threat from fundamentalists, a decision was taken to speed up the putting together of a special combat force — drawn from the state police — for which a training academy is coming up in Durgapur. Advani suggested that commandos be trained at the police academy in Hyderabad at present.

Like all state leaders, Bhattacharjee sought more Central forces for Bengal. Advani agreed to despatch more paramilitary forces but only after the Gujarat elections were out of the way.

Moving on to the rise in anti-India activity from Bangladeshi soil, Bhattacharjee said police had noted an increase in the activities of both the ISI and al Qaida since Begum Khaleda Zia assumed power.

But sources said while it could be true that terror modules were proliferating in Ben-



LK Advani greets Buddhadeb Bhattacharjee in New Delhi. (PTI)

gal, there was little evidence that al Qaida cadre were involved.

"The ideology may be from al Qaida, but these are the same fundamentalist groups which have been operating from Bangladesh. It is true that with the current regime they have got more encouragement to operate as they like. But I would not call these outfits al Qaida in the sense that they take orders from Osama bin Laden,"

an official said.

"Al Qaida is the latest buzzword all over the world. Mention of al Qaida immediately captures the public imagination and all Muslim fundamentalist groups are being dubbed as al Qaida," he said.

But, he added, the outfits were dangerous whatever the name they used, and action had to be taken against them.

The fundamentalist Jamaat-

Muslimi, now part of the Bangladesh Nationalist Party-led coalition, has always been in the forefront of anti-India protests. Active in Sylhet, Jessore and Rangpur districts, it has stepped up its border activities with the government looking the other way.

Unless Bangladesh reins in these forces, India may find itself exposed to terrorists on its eastern border as well. Advani ex-

pressed satisfaction that Bengal had taken the initiative to preempt this.

Bhattacharjee declined to give out much on his meeting with Advani. He merely said he discussed the activities of various militant groups operating in the state, including the Kamtapur Liberation Organisation in north Bengal and the People's War in the south.

■ See Page 9

24 NOV 2002

THE TELEGRAPH

'WE ARE OPEN TO ALLIANCES WITH SECULAR PARTIES'

Centre discriminating against Cong. Govts., says Sonia

By Anita Joshua

MT. ABU (RAJASTHAN), NOV. 9. The Congress president, Sonia Gandhi, today launched a broadside against the Vajpayee Government for what she called its "step-motherly treatment" towards the Opposition-ruled States.

Lamenting the "partisan manner" in which the Centre had dealt with the drought situation in various States — showering plenty on Andhra Pradesh while doling out just a fraction of what Rajasthan requested — she said her party would raise the issue during the coming session of Parliament.

Ms. Gandhi was addressing a



The Congress chief, Sonia Gandhi, at a press meet in Mount Abu on Saturday. —

Photo: Gopal Sengar
press conference here at the end of a two-day conclave of the Chief Ministers of the Congress-

ruled States. On the issue of coalitions both at the Centre and in the States, Ms. Gandhi said that though her party preferred to form governments on its own, it was open to aligning with like-minded and secular parties. "Our main aim is to strengthen the party. The ideal situation would be to have our own governments, but we do not have a closed mind on the issue of coalitions."

Ms. Gandhi was categorical that the Congress would not indulge in the "politics of split". To a specific question on the political crisis in Uttar Pradesh, she said the "the situation is fluid". "If the BJP-BSP Government falls, then we will look at

the situation as it emerges."

Asked whether she thought that the Lok Sabha polls might be advanced after the Gujarat elections, Ms. Gandhi said she was not an astrologer and she did not know the mind of the Central Government. "But certainly, Gujarat (results) could have an effect on the Central Government."

On a possible poll tie-up in Gujarat, she said the AICC general secretary in-charge of the State and the PCC chief, Shankersinh Waghela, were looking at the local and State-level situation. "If there is a possibility for seat adjustments to defeat the BJP and communal forces, we will do it. The exercise is still on".

To a question on "how close she was to becoming the Prime Minister" four years after she took charge of the party, Ms. Gandhi said "this is not a question we need to address now".

On the contentious issue of disinvestment — particularly in the light of the Punjab Government's decision to go in for the strategic sale of five "profit-making" public-sector undertakings in the State — Ms. Gandhi reiterated that the Congress was not in favour of disinvesting profit-making units.

As for the progress made by the Congress-ruled States on the nine-point Guwahati resolve, Ms. Gandhi said she was satisfied with what the Chief Ministers had reported, but conceded that there was still more to be done. And, to monitor the progress on the Guwahati resolve for good governance, a similar conclave would be held within the next four months to put into place a mechanism for quarterly review of the performance of Congress-ruled States.

Anguish over starvation deaths in Rajasthan: Page 8

'It is for Rahul to decide'

By Javed M. Ansari

NEW DELHI, NOV. 9. Congress circles here expressed surprise today at reports of the Congress president, Sonia Gandhi's son, Rahul Gandhi, being drafted into the Seva Dal. The Seva Dal chairman, Janardhan Dwivedi, told *The Hindu* that he had no knowledge of any move to induct Mr. Gandhi into the organisation on November 14.

(Replying to a question on the issue at her press conference in Mt. Abu, Rajasthan, today, Ms. Gandhi said, "They (Rahul and Priyanka) are grown-up man and woman. They have been brought up to take their own decisions." Stating that it was not correct to say that she has "finally decided to do this or that" in relation to her children, she said, "We are all individuals who take our own decisions. They are free to join politics if they wish to or not it they do not wish to.")

Though the party leadership may appear to rule out the immediate possibility of Mr. Gandhi joining the party, the move cannot be brushed aside. During the final session of the Seva Dal national camp in Ghatprabha, Karnataka, on August 26 last, Mr. Dwivedi, also CWC member, had submitted a resolution urging Ms. Gandhi to appoint her son as chairman of the organisation.

Ms. Gandhi said at the time that it was not for her to decide. "This is a decision that I cannot take, it is for them (her children) to decide."

Congressmen have been urging Ms. Gandhi to induct her children into the organisation. Some years ago, the Youth Congress passed a resolution admitting Priyanka Gandhi into the party, without even consulting her. The demand resurfaced again on the eve of the last Lok Sabha elections. Her high-voltage campaigning in Bellary and Amethi led to demands that she take up a position in the party and assist her mother.

Though Rahul Gandhi (31), the elder of the two, has accompanied Ms. Gandhi on her campaign tours, he has remained in the background. In the last couple of years he has been abroad, mainly in London, and a year ago he moved back to India. With Priyanka preoccupied with family responsibilities for now, the focus appears to have shifted to Mr. Gandhi.

Anil Shastri, senior Congress leader and member of the media cell, said though the decision would have to be made by the children, "it is only natural that they follow in the footsteps of Jawaharlal Nehru, Indira Gandhi, Rajiv Gandhi and Sonia Gandhi and join politics".

No support from Left, says BJP president

PM to discuss Poto with CMs on 17 Nov

51-8
Centre floor

6/11

STATESMAN NEWS SERVICE

NEW DELHI, Nov. 5. — The Prime Minister, Mr Atal Behari Vajpayee, has convened a meeting of chief ministers in Delhi on 17 November to discuss the Poto.

The BJP president, Mr Jana Krishnamurthy, sounded conciliatory saying the government might accept amendments to the proposed Poto Bill if the Opposition came out with convincing arguments.

The Poto's contentious provision is to come under scrutiny on Wednesday at the home ministry's parliamentary standing committee.

The official agenda of the chief ministers' meeting is internal security scenario and ways to combat terrorism, but the meet is likely to discuss the Poto. Some officials said the meet was a follow up of the state DGPs and chief secretaries' meeting that took place earlier. But non-NDA ruled states are likely to follow up the agenda of their respective parties which have opposed the Poto describing it as "draconian."

The government had reportedly decided to get the Poto promulgated after a meeting of the chief ministers, but it could not

take place. So the compulsions for the Ordinance are likely to be raised. Mr Vajpayee has already said he wanted to talk to the chief ministers but was not getting cooperation.

It remains to be seen how the two Congress chief ministers, Mr Vilasrao Deshmukh (Maharashtra) and Mr SM Krishna (Karnataka) oppose the Poto when they framed similar laws in their states. The Left has already come out of the contradiction by forcing the West Bengal government not to have such an Ordinance.

The BJP president claimed the Congress was a divided house and that the NDA would get support of all parties to pass the proposed Poto Bill. He ruled out the Left's support saying the Communists were not known for cooperating on national issues. Probably, for the Left, this was the only way to keep their independent identity, he added.

Mr Krishnamurthy clarified in an informal chat the government was open to accepting amendments to the proposed Bill if the Opposition could come out with convincing arguments against those provisions they consider objectionable. The Bill is to be placed before

Parliament during the winter session beginning from 19 November.

"If X or Y provisions may be used as a handle to harass, it can be discussed in Parliament." But to say that there should be no law to combat terrorism was not acceptable, he said while justifying the need for a special and stringent law to deal with terrorism in the context of threat due to international terrorism.

About the possibility of differences within the NDA on the Poto, he said the BJP would go together with its allies and hammer out a consensus. Some of the allies might have local compulsions.

The ultimate test for their stand should be their vote in Parliament, he said when a journalist pointed out that the Punjab chief minister, Mr Parkash Singh Badal, had reservations.

Mr Krishnamurthy justified the BJP's opposition to the Tada that lapsed. There was no need for Tada at the point of time, he said. The various cases of misuse of Tada also justified opposition to it, he stressed. In the Poto there were in-built measures to prevent its misuse, he added.

THE STATESMAN

7 NOV 2001

Jayalalithaa calls for fixed agenda at CRA meetings

By Our Special Correspondent

CHENNAI, NOV. 5. The Tamil Nadu Chief Minister, Jayalalithaa, today called for a "minimum fixed agenda" at the meetings of the Cauvery River Authority (CRA) to enable the State to "participate effectively".

In a letter to the Prime Minister, Atal Behari Vajpayee, with copies to the Chief Ministers of the riparian States, Ms. Jayalalithaa sought a "table of agenda" to be followed at the meetings which would provide for the pleadings and representations of Karnataka to be placed in writing with a copy given to Tamil Nadu to prepare its objections, if any.

Tamil Nadu, she said, was entitled to a minimum of three days to look into Karnataka's representations. "If any rejoinder is to be filed by Karnataka, such rejoinder shall reach Tamil Nadu in time so as to enable it to file any reply. For the reply, another three days should be given to Tamil Nadu."

The CRA meeting could be held one week thereafter, after the completion of all pleadings by the parties. "If any of the participant States want to file their representations, the above time factor has to be taken into account."

Discussions at the CRA meeting should be based only on the records submitted earlier by the parties. No new pleading should be entertained at the time of the meeting. The CRA's decision should be in writing and addressed to the States concerned within a timeframe, which could be set apart. "However, while the CRA implements the Water Disputes Tribunal's award, it shall give reasons based on the records submitted

and not fly off in any tangential manner."

In this context, Ms. Jayalalithaa pointed out that the Union Water Resources Minister, during the past few meetings, "unnecessarily and deliberately used the word 'consensus' which had never taken place as far as Tamil Nadu was concerned. His press briefing, if any, shall be only in the presence of a representative of Tamil Nadu and not otherwise."

Also, the minutes of the CRA meeting should be distributed to the participant States within 48 hours of the meeting. The table of agenda should be the table of conducting the business. "Tamil Nadu insists upon it, so as to avoid any claims and counter-claims being made later." There should be minimum procedural wrangling since the CRA's decision affected millions of people in each State. Tamil Nadu wanted a procedural regulation also in respect of business of the CRA, since the Authority had not framed any specific rule or regulation in respect of such meetings though it was envisaged in the gazette notification.

"The State of Tamil Nadu, while respecting the office of the Prime Minister, feels highly disappointed at the manner in which it is being treated by the Prime Minister," she said.

The experience gained in the past few meetings was that on the day of meeting, some oral representations are made by Karnataka and the requirement of Tamil Nadu, made in writing and placed on record, was not fully considered and some via media order was later passed vis-a-vis Karnataka's failure to comply with the order. "Such things ought not to take place in future," she said before detailing the "table of agenda".

6 NOV 2002

THE HINDU

① 'EC HAS POWERS TO DECIDE ON POLL SCHEDULE'

49/10 HD-1 Six-month rule not for dissolved Assemblies: SC ^{consolidated}

By J. Venkatesan

NEW DELHI, OCT. 28. The Supreme Court today rejected the contention of the Centre and the Gujarat Government that Article 174 (1) of the Constitution — which mandates that not more than six months should lapse between two sittings of an elected Assembly — would apply not only to a “live Assembly” but also to a “dissolved assembly” and that the Election Commission was bound to hold elections within the six-month period.

A five-Judge Bench headed by the Chief Justice, B.N. Kirpal, giving its advisory opinion on the three-point Presidential reference, held that Article 174 (1) would not apply to a ‘dissolved Assembly’ “whose life has come to an end and ceased to exist. Further, Article 174 (1) neither relates to elections nor does it provide any outer limit for holding elections for constituting the Legislative Assembly”.

The Bench, which included Justice V.N. Khare, Justice K.G. Balakrishnan, Justice Ashok Bhan and Justice Arijit Pasayat,

held that the holding of elections “is in the exclusive domain of the Election Commission under Article 324 of the Constitution”.

Speaking for the Chief Justice, himself and Mr. Justice Ashok Bhan, Mr. Justice Khare said: “this was evident from Sections 14 and 15 of the Representation of the People Act (RPA) which provide that the President or the Governor shall fix the date for holding elections on the recommendations of the Election Commission.”

Answering the reference, whether Article 174 would yield to Article 324, the Bench in its 159-page opinion said that “Article 174 (1) and Article 324 operate on different fields and neither Article 174 (1) is subject to Article 324 nor Article 324 is subject to Article 174 (1)”.

The Bench referred to the contention of the Centre, one of the political parties and one of the States, that in the absence of any period provided either in the Constitution or in the RPA, the Election Commission might not hold elections at all and in that event it would be the end of

democracy. Answering this contention, the Bench said that “on the premature dissolution of an Assembly, the Election Commission is required to initiate immediate steps for holding elections for constituting the Assembly on the first occasion and, in any case, within six months from the date of premature dissolution of the Assembly”.

On the Election Commission’s August 16 order (rejecting the BJP’s demand for holding early polls) that the President would step in under Article 356, if Article 174 (1) was not complied with, the Bench said, “we find that it was misplaced”.

But in view of the clarification given by the Election Commission that the (August 16) decision was taken without reference to Article 356, the Bench said: “The question of applicability of Article 356 on the infraction of Article 174 loses much of its substance and, therefore, application of Article 356 is not required to be gone into”.

The Bench said that in view of its opinion that Article 174 (1)

was inapplicable to a dissolved Assembly, “the question that the Election Commission is required to carry out the mandate of Article 174 (1) does not arise”.

Regarding the third question, the Bench said that “under Article 324, it is the duty and responsibility of the Election Commission to hold free and fair elections at the earliest. No efforts should be spared by the Election Commission to hold timely elections”.

In an obvious reference to the Commission’s decision to postpone elections in Gujarat citing law and order situation in the State, the Bench said that “ordinarily the law and order or public disorder should not be the occasion for postponing the elections and it would be the duty and responsibility of all concerned to render all assistance and cooperation to the Election Commission for holding free and fair elections”.

In his separate but concurring opinion, Mr. Justice Pasayat said the consequential fallout of not holding elections for a long time was the functioning of a caretaker government, which was contrary to the principles of responsible government.

Therefore, even in the case of premature dissolution, the Election Commission must hold elections in time so that a responsible government was in office.

He said that “reasons for deferring elections should be related to acts of God and normally not acts of man. Myriad reasons may be there for not holding elections,” and “situations may be created by interested persons to see that elections do not take place and the caretaker government continue in office”.

He said that “any man-made attempt to obstruct free and fair election is antithesis to democratic norms and should be overcome by garnering resources from the intended sources and by holding the elections within the six-month period”.

In his separate opinion, Mr. Justice Balakrishnan did not agree with the Election Commission’s view that Article 356 should be imposed in a State if Article 174 (1) could not be complied with.

He said: “I do not think that the solution suggested by the Commission is appropriate or justified. Article 356 is an independent power to be exercised very rarely and this power is hedged in ever so many constitutional limitations”.

2 9 OCT 2009

Krishna Govt relents, TN gets water

9-11-77
State
HT-7

HT Correspondent
Bangalore, October 27

A DAY before the Supreme Court's verdict on contempt petitions filed against Chief Minister SM Krishna, Karnataka today began releasing Cauvery water to Tamil Nadu.

The Krishna Government is also likely to apologise to SC judges, who on Thursday prima facie held the Chief Minister guilty of contempt for not obeying the court's last month directive to release water.

The release of water is Karnataka's last-ditch attempt to avert a strong indictment by the court, which could force Krishna's resignation. Fearing agitation by farmers on the issue, the administration has already deployed forces at the dams.

The release of water began on Sunday afternoon, a few hours after Krishna held a two-hour meeting with his Council of Ministers and discussed in detail the availability of water in the four dams across the river on the Karnataka side.

The meeting, attended by both Cabinet Ministers and the Ministers of State, resumed again late in the night to review the situation.

The State first began releasing the water from the Krishnarajasagar dam, by gradually increasing the outflow from the

normal 2,500 cusecs for local use to more than 4,000 cusecs, some of which is bound to reach Tamil Nadu. Officials told *Hindustan Times* the gates of Kabini dam, too, will be opened later in the night and the total outflow to Tamil Nadu will be, by Monday morning, almost as much as the court order.

The decision to release water was the result of pressure on the Government by the State's lawyers and some informal advice given to Krishna by Congress Central leadership. Lawyers advised Krishna that if the Government had to apologise to the court on Monday, some amount of water should be released before that.

The Chief Minister briefed his colleagues at length on how the State's legal team did its best in the court and on what transpired during his talks with Central leaders.

Krishna said Sonia Gandhi told him the Cauvery dispute was a "regional problem", which should be sorted out at the "regional level".

However, he hinted that the party high command will review the whole issue again after Monday's ruling.

Krishna was also scheduled to hold an all-party meeting but it proved to be a non-starter as most parties rejected his invitation.

2 8 2 272

Krishna govt is guilty of contempt: SC

TIMES NEWS NETWORK

New Delhi: Holding Karnataka chief minister S.M. Krishna prima facie guilty of committing contempt by "deliberate non-compliance" of its order on the Cauvery waters issue, the supreme court on Thursday asked the Karnataka government to release "some water" to Tamil Nadu immediately.

Lambasting Karnataka for "wilfully disobeying" its order, the apex court observed that if the state cited the law and order situation as a ground for not implementing its orders, then it should go. "If state governments play to the emotions of the people and violate court orders, God help this country. There are lots of cases where emotions can be aroused, but it will be unfortunate if the states come and say that they cannot implement the court orders because of emotions," the court said.

The court fixed Monday for passing the final order on the two contempt petitions filed by the Tamil Nadu government against its Karnataka counterpart.

Drawing a parallel between the Cauvery issue and the Ayodhya incident, the bench comprising Chief Justice B.N. Kirpal, Justice Y.S. Sabharwal and Justice Arijit Pasayat pointed out that the Babri mosque had been demolished in Ayodhya despite the court's directive to protect it.

When Karnataka's counsel Anil B. Divan said the state had released as much water as it could and that a farmer's suicide and the ensuing riots had prevented it from implementing the apex court's order, the bench remarked, "If an elected government cannot comply with the supreme court's order, let it go. You (Karnataka) have come to that. These man-made situations to flaunt the court order should stop. You get political

mileage out of it."

Criticising the Karnataka government for "misleading" the court, the bench said instead of approaching it and asking for indulgence, Mr Krishna had resorted to a 'padyatra'. "For what purpose did you undertake the 'padyatra'? What was the unanimous resolution of political parties? 'Don't release water?'" the court asked.

Addressing Mr Divan, the bench asked, "What happened to Article 144?"

The article says that all authorities—civil and judicial— shall act in aid of the supreme court.

Continuing with its criticism of the Krishna government, the court said, "You (Karnataka) have no regard for supreme court orders. We are of the view that there is a wilful non-compliance of the order." But Mr Divan pleaded that there was no wilful disobedience of the court orders and that Mr Krishna had only thought it fit to let "tempers cool down" in the first instance.

Rejecting his argument, the bench said, "The plea of bandhs and agitations has unfortunately been raised by other chief ministers as well. We cannot accept it. It has to be deprecated in the strongest terms."

Shifting its attention to the Centre, the bench said, "We dare say the Union government has not covered itself with glory. It was its duty as well to see that the orders were complied with. It had sufficient powers to do so. No one has covered themselves with glory."

Asked why the Centre did not take any steps to ensure that the court's orders were followed, solicitor-general Harish N. Salve said, "If the Centre is directed to ensure compliance of the directions, we will take steps accordingly. But taking steps suo motu will be difficult."

Jayalalithaa rejects Krishna's offer of talks

24/10 HD-1
By Our Special Correspondent

CHENNAI, OCT. 23. The Tamil Nadu Chief Minister, Jayalalithaa, today rejected outright her Karnataka counterpart, S.M. Krishna's offer of talks on the vexed Cauvery issue, saying, "let him appear before the Supreme Court and say what he wants".

The Karnataka Government had "consistently disobeyed" the orders of the Cauvery Tribunal, the Cauvery River Authority and the Supreme Court order, and two contempt of court petitions were pending against him in the apex court. "When the matter is sub judice," talks would be "meaningless" and "of no purpose".

Asked if the Supreme Court could find a solution to the inter-State dispute, she shot back: "You can't come to a conclusion that it will not". The Prime Minister, Atal Behari Vajpayee, in his recent statement, had stated that the court would find a good solution.

9 - Centre-State relations (Centre-State)
Asked about the Centre-State relations in the wake of Mr. Vajpayee's failure to back Tamil Nadu on the Cauvery issue and provide the Rs. 3,000-crore bailout package sought to tide over the State's financial crisis, the Chief Minister, after a pause, said: "It is okay".

On her Government's recent controversial ordinance banning "forcible" religious conversions, Ms. Jayalalithaa asserted that a review of the ordinance was not "necessary" and that it had adequate safeguards against misuse. The Government would enact legislation replacing the ordinance in the Assembly session beginning tomorrow.

However, she dismissed suggestions that the ordinance brought her closer to the BJP. "It is not correct," she said. The ordinance neither targeted any particular religion or community nor interfered with the individual freedom to "voluntary conversion".

Ms. Jayalalithaa also criticised the Congress president, Sonia Gandhi, for her al-

leged "intransigence, obduracy and obstinacy" in not letting a government to be formed in Jammu and Kashmir. Disagreeing with the view that the Congress' performance in Jammu and Kashmir testified to Ms. Gandhi's leadership despite her Italian origin, Ms. Jayalalithaa said: "I think it is a disgrace and slur on democracy that the Congress has not allowed government-formation because it wants the Chief Ministership. The party is in power in 14 States, why can't it let go of one State?" It was a singular achievement of the nation that a free and fair election had been held in Jammu and Kashmir and the people had participated in the democratic exercise braving threats of terrorist attacks.

But, Ms. Gandhi's "obduracy" was a throwback to 1999 when she forced another general election on the nation without allowing an alternative government to be formed after the fall of the Vajpayee regime, Ms. Jayalalithaa claimed.

24 OCT 2002

TUESDAY, OCTOBER 22, 2002

IMPASSE ON STATE FINANCES

110-10
27/10

THE FAILURE OF the conference of Chief Ministers to reach an agreement with the Centre on measures to tackle the financial difficulties of the State Governments shows that there cannot be a quick-fix solution to the problem. The package that the Centre had placed on the table was essentially part of a fire-fighting exercise. But even on that the States did not just disagree with the Centre; there was no unanimity of views among them either. It is now back to the drawing board to evolve a package that addresses the immediate problem and at the same time tackles some of the larger issues raised by the States.

Centre Govt

It is common knowledge that the finances of all State Governments are in a parlous position; the difference is only in degree. All of them are finding it difficult to meet even routine expenditure demands (including salaries). All of them have cut back on maintenance and capital expenditure. And some have been reduced to dishonouring the guarantees they have provided to creditors. In spite of the extreme situation in which they find themselves, the Chief Ministers have turned down a proposal to exchange high-cost borrowings for low-cost loans which would have given them some relief over the next three years. The debt swap would have meant that part of the fresh small savings collections would have had to be used to retire the high-cost debt, but that would also have meant that the flows from one major source of capital receipts would have slowed down. For the State Governments which are surviving on the margin this was unacceptable proposal, even if it had been suggested by an empowered Committee that comprised representatives of the States and the Union Finance Minister. This issue, as well as others such as freezing the dearness allowance and commutation of pensions, will now be addressed by yet another high-power committee that has been asked to come up with an acceptable package. Another problem looming on the horizon is about the State Value-Added Tax that is to be introduced

in April 2003. The States have been demanding compensation for any short-term loss in revenue following the switchover. However, there is, at present, no meeting point between the States' demand for full compensation and the Centre's insistence on a proportionate, sliding and time-bound neutralisation of revenue loss. A failure to reach an agreement will mean that the movement to a VAT will be postponed yet again.

While State finances are in a bad shape, they are in many respects in a collectively better position than that of the Centre. The States have done better during the past decade than the Centre in additional resource mobilisation and but for a sluggish trend in devolution of Central tax revenue their tax-GDP ratio would have been even better. The gross fiscal deficit was, unlike the Centre's, contained until the late 1990s, before the Fifth Pay Commission (FPC) dealt a near body blow to the State Treasuries. It is not that the States have been models of fiscal prudence. Their common position on irrigation and power tariffs is the best though not the only example of the reckless way in which they have been managing their finances. But the Chief Ministers are right in now raising systemic issues that involve Centre-State relations. The State Governments' demand for a more liberal ways and means facility is one such issue. This too has been passed on to a committee for consideration. Another fundamental question that has been posed is whether or not future Pay Commissions should consider the impact of their recommendations on State finances before taking a decision on salary revision of the Central Government employees. Since the impact of the FPC recommendation has been the immediate cause of the States' present problems, this is a question of considerable significance for the future. Answers to none of these questions will be easy to find; but without addressing the systemic issues an emergency package of the kind the Centre has offered to the States will only temporarily douse the fires.

THE HINDU

22 OCT 2002

India, Iran wooing Central Asia

By Atul Aneja

MANAMA (BAHRAIN), OCT. 20. After the removal of the Taliban from the political scene in Afghanistan, Iran and India are wooing neighbouring Central Asian nations to build a second line of defence against extremism that could affect their security.

Iran is particularly attempting to cultivate Afghanistan's neighbour Tajikistan apart from trying to build bridges with Kazakhstan and Azerbaijan, in order to acquire a larger share of the oil wealth of the Caspian Sea.

Unlike India, Iran has more to worry about the developments in neighbouring Central Asia. This is because the U.S. profile in the region has increased manifold since the unseating of the Taliban regime and the relations between Washington and Teheran are still hostile. The Bagram airbase, which is 40 k.m. from Kabul, has emerged as a major U.S. facility with 5,000 troops apart from Kandahar, where nearly 4,000 U.S. troops are stationed. Kandahar sits on a highway, which extends towards Herat, close to the northern Iranian city of Mashad. The Manas air base in Kyrgyzstan, which is also now called the Peter J. Ganci base in honour of the New York firemen who died in the

World Trade Center rescue efforts, also stations 1,000 U.S. troops apart from the 1,500 American soldiers located in Khanabad in Uzbekistan.

Surrounded by the U.S. armed forces personnel and with the possibility of more U.S. forces landing in Iraq on its Southern borders, Iran is taking major steps to increase its profile in its Central Asian neighbourhood. Iran's President, Mohammad Khatami, visited most Central Asian countries, including Tajikistan, earlier this year. Iran is now seeking to develop a land corridor from its territory to Afghanistan via Tajikistan. Keen on expanding transportation links, a direct flight has been introduced between Teheran and Dushanbe, Tajikistan's capital, supplementing an air-link between Dushanbe and Mashad that had already existed. Iran now plans to build a hydroelectric power station in Tajikistan, apart from opening a cement manufacturing plant.

India, on its part, has three core objectives in Central Asia. First, India wants to acquire a share of Central Asia's huge oil and gas resources. It has already made some headway in this direction during the visit of the Prime Minister, Atal Behari Vajpayee, to Kazakhstan in June this year.

India is likely to acquire a stake with Russia as partner in the proven Kazakh oil field of Kurmangazy. A senior Indian official delegation is currently touring Kazakhstan to clinch the deal.

Second, India, after the positioning of a friendly regime in Kabul, wants to deepen its political and economic influence beyond Afghanistan in the region. Mr. Vajpayee is planning a visit to Tajikistan and Kyrgyzstan later this year.

India, diplomatic sources say, wants to build a major software development centre in Central Asia and this effort could begin by building a software facility in Kyrgyzstan. India also wants Central Asia to be part of an expanded trade network, which has Myanmar and Thailand in South East Asia on the one end.

India is already negotiating with Iran and Russia, the construction of a North-South corridor that can be used for sending Indian goods to Central Asia via Iran.

Third, India is keen to balance Chinese influence in the strategically vital region that abuts China, Iran, Russia and Afghanistan. India is quietly negotiating for participation in the Shanghai Cooperation Organisation (SCO), which is primarily a security grouping that has most Central Asian States.

INDU

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CONCERN OVER STATES' FISCAL DEFICIT

No consensus on DA freeze, debt swap

HD

Centre State
Mts.

By Alok Mukherjee

NEW DELHI, OCT. 18. Despite some States pitching in for strong economic measures, major decisions on freezing dearness allowance, bonus and the commutation of pension of Central and State Government employees were deferred at a meeting the Prime Minister, Atal Behari Vajpayee, had with the Chief Ministers here today to discuss the fiscal position of the States.

Similarly, the debt-swap programme proposed by the Centre for retiring high-cost past debts of the States by fresh low-cost borrowing was also put off for further reworking.

That nothing much would come out of the meeting seems to have dawned on the Centre even before the meeting began this morning. In his opening remarks at the meeting and before the Chief Ministers spoke, the Union Finance Minister, Jaswant Singh, made it clear that on the issue of payment of DA, bonus and the commutation of pension, a broader consensus was required which was not there at present. "Therefore, any decision on this would have to be deferred," he said, practically withdrawing the item from the agenda of the meeting.

Similarly, on the contentious issue of debt swap, Mr. Singh said that a consensus had not emerged. Some States had expressed difficulty with the scheme during the current year due to cash flow problems and a high-power committee would discuss the matter further with the States. The Centre, howev-



The Prime Minister, A. B. Vajpayee, the Union Finance Minister, Jaswant Singh, and the Tamil Nadu Chief Minister, Jayalalithaa, at the Chief Ministers' conference in New Delhi on Friday. — PTI

er, agreed to the States' demand for transfer of funds under the Centrally-Sponsored Schemes (CSS) to the consolidated fund of the State Governments instead of routing them through registered societies, with the pre-condition that the States would pass on the funds to the

end-users within a stipulated timeframe of about two-three weeks.

On the demand for powers to mobilise more tax resources, Mr. Singh said that while the State-level Value Added Tax (VAT) would be implemented from April 1 next, amendments

to Article 269 of the Constitution were under way to place the services in the Concurrent List so that States could tax certain services. Issues such as quantum of compensation to the States in case of some initial revenue loss due to a switch to VAT would be sorted out soon.

As for the demand for a more liberal "ways and means advance" scheme, under which limits on overdrafts by the States and the duration of their overdrafts are regulated, Mr. Singh said the Reserve Bank had appointed a committee under the former Expenditure Secretary, C. Ramachandran, to give recommendations.

The States said that the recent Supreme Court judgment on pay scales of subordinate judiciary implied a total expenditure of Rs. 14,000 crores, most of which would have to be borne by them. This would be taken up in an appropriate manner after discussions, Mr. Singh said.

Earlier, addressing the meeting, the Prime Minister said, "I must stress — at the cost of repetition — that unless we broaden the area of political consensus and consensus between the Centre and the States on critical developmental and governance reforms, the problems that we currently face would get compounded."

Mr. Vajpayee said the fiscal deficit of the Centre and the States together was unacceptably high, seriously affecting the country's economic and social development. It had widened the gap between people's expectations and the system's ability to fulfil them. "I, therefore, appeal to you to help make today's conference a major milestone in our ongoing efforts at achieving better fiscal discipline and thereby attaining higher growth rates," the Prime Minister said. At the conclusion of the conference, Mr. Vajpayee's appeal went largely unheeded.

19 OCT 2002

19 OCT 2002

CHIEF MINISTERS MEET / 'EMPLOYEES HAVE TO SHARE DISTRESS'

New norms sought for fixing DA ^{110/12} ^{19/10}

By Our Special Correspondent

NEW DELHI, OCT. 18. At the meeting of Chief Ministers on the fiscal situation of the States, convened by the Prime Minister, Atal Bihari Vajpayee, here today, many Chief Ministers advocated the freezing of dearness allowance and bonus for Central and State Government employees while some others sought a consensus on the issue. There were some rare voices in favour of not freezing these benefits and finally, a decision on this issue was deferred.

The Tamil Nadu Chief Minister, Jayalalithaa, was the most vocal when she said "the distress has to be shared. Employees cannot expect increases in emoluments as a routine, when States are floundering to meet their obligations to the poor. Are we elected into office merely to guarantee an ever increasing share of the cake to those privileged to have it in the first place? Are we to remain mute spectators, wringing our hands in helplessness, while we watch the social safety net dismantled" the Chief Minister said.

Calling for new norms to fix dearness allowance based on capacity to pay, Ms. Jayalalithaa said those in Government service were already pre-empting a lion's share of the available resources and all the incremental resources were being deployed to keep those in Government service satisfied.

Holding a different view, the Karnataka Chief Minister, S.M. Krishna, maintained that "the solution is not to stop further DA, but to delink State Government salaries from those of the Central Government and to fix scales depending upon each State's capacity to pay." Mr. Krishna was not present and his



The Chief Ministers of Gujarat and Chattisgarh, Narendra Modi, and Ajit Jogi, at a meeting on 'Fiscal Situation of States' in New Delhi on Friday. — Photo: V. V. Krishnan

speech was read out at the meeting.

The Assam Chief Minister, Tarun Gogoi, said his State was not in a position to bear the extra burden of DA. "If the Centre decides to go ahead with releasing the DA instalment, then the Centre will have to bear the extra burden," he said.

The Madhya Pradesh Chief Minister, Digvijay Singh, criticised the Centre for not taking effective steps towards fiscal reforms saying "first, the Centre should take steps towards fiscal reforms before asking States to take hard measures.

As far as DA freeze is concerned, we already have an agreement with trade unions and have frozen it till April

2004," he said, adding that the Centre should take steps to improve tax efficiency and increase the tax-GDP ratio to bring about an improvement in overall fiscal situation.

Talking to presspersons after the meeting, the Orissa Chief Minister, Naveen Patnaik said "while no decision has been taken so far on the freezing of DA, in my opinion the proposal should be implemented. I would suggest DA should be frozen for a few years," he said and pointed out that Orissa was calamity prone and had a large number of people living below the poverty line.

Expressing a different view, the Himachal Pradesh Chief Minister, P. K. Dhumal said "I

don't agree with the view to freeze DA of the employees as it will only amount to postponing of DA. Even otherwise, DA payment will have a minor impact on the fiscal situation," he added.

Mr. Dhumal said the Centre should consider writing off of loans which have been given to the States for their economic infrastructure and the Government should also consider a softer interest regime for the States.

The Haryana Chief Minister, Om Prakash Chautala, said that while no decision was taken on the issues discussed at the meeting including DA freeze, it was a good opportunity for the States to discuss the fiscal situation of the country.

There was agreement on three issues, namely, transfer of Centrally-sponsored schemes with funds going to the State consolidated fund for on-ward time-bound transfer, implementation of Value Added Tax (VAT) from April 1, 2003 and the Supreme Court order on pay-scales of subordinate judiciary.

On the debt swapping issue, while most States were in agreement in principle, they demanded alteration in the terms and conditions.

The Madhya Pradesh Chief Minister made the point that while the Centre could spend Rs.18,000 crores to cover wrong investments of the Unit Trust of India (UTI) and additional Rs.20,000 crores to commercial banks for diluting non-performing assets but not for addressing the problem of States' debt.

Even the external aid which came to States at zero per cent interest gets converted into loans by the Centre, causing tremendous hardship to the States, Mr. Singh said.

All-party meet a show of solidarity

By Our Special Correspondent

CHENNAI, OCT. 7. Unlike the earlier all-party meeting on the Cauvery issue, which was marked by boycotts, walkouts and differences, today's session here put up a show of solidarity, with all parties endorsing the State Government call for a general strike on Wednesday.

Even the DMK, which stayed away, supported the general strike call. The Congress, which walked out of the earlier meeting when the Chief Minister, Jayalalithaa, wanted the Karnataka Government dismissed, today backed the AIADMK Government stand.

The meeting proceeded smoothly, and a resolution for the general strike was adopted unanimously.

Ms. Jayalalithaa set the tone for the meeting, asking the parties to sink their differences and express their solidarity on the Cauvery issue. She said a show of solidarity was necessary at this point of time, as the Centre could not be expected to act until after the return of the Prime Minister, A.B. Vajpayee, from his foreign



The Chief Minister, Jayalalithaa, speaking at an all-party meeting on the Cauvery issue held at the Secretariat in Chennai on Monday. — Photo: Vino John

tour on October 13. The Supreme Court would be holding the next hearing in the case only on October 24. "Thus, we have to do something to express our sentiments to the Centre, the Karnataka Government and the country."

The meeting then decided on the general strike from 6 a.m. to 6 p.m. as the Supreme Court had banned bandhs. The general strike, the meeting decided, would be

conducted peacefully without affecting the people in any manner and without causing any damage to public or private property. There would be no hindrance to essential services, the resolution added.

Representatives of the parties felt the need for some immediate action on the part of Tamil Nadu. The general strike would take place well ahead of the agitation by the Tamil film industry on the same issue at Neyveli on October 12.

Ms. Jayalalithaa told the meeting that the Prime Minister had not paid heed to the demands made by the all-party delegation led by her after the

earlier all-party meeting. Karnataka, she said, did not respect the order of the Cauvery Water Disputes Tribunal, the Supreme Court and the Cauvery River Authority.

Altogether, 35 parties participated. The DMK president, M. Karunanidhi, thanked the all-party meeting for accepting his call for total closure. The party would support the general strike, he said.

T.N. fraud root cause of problem, says Karnataka

By A. Jayaram

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7/10
judin
Cauvery
Karnataka

BANGALORE, OCT. 6. Karnataka hit back at Tamil Nadu on the Cauvery issue today, alleging that the "fraud" Tamil Nadu had committed on it was the root cause of the problem.

Enraged by the description of the Tamil Nadu Chief Minister, Jayalalithaa, of its stand as "roguish conduct" and the demand that the Prime Minister dismiss the S.M. Krishna Government, Karnataka accused Ms. Jayalalithaa of being a hardliner and said persons like her were responsible for complicating the water dispute.

The Chief Minister, S.M. Krishna, who is embarking on a 'padayatra' from here on Monday to assuage the feelings of the people of Mandya and Mysore districts, said that Karnataka was ready for another legal battle.

Mr. Krishna was reacting to Ms. Jayalalithaa's statement on Saturday that Tamil Nadu would file another contempt of court petition against Karnataka in the Supreme Court.

Speaking to presspersons, he reiterated that Karnataka would not release water to Tamil Nadu despite the court directive. He denied that any MP from the State had resigned on the Cauvery issue and did not see any need for it.

Mr. Krishna let his Water Resources Minister, H.K. Patil, take on Ms. Jayalalithaa and reply to the points made by her. It was Mr. Patil who accused Tamil Nadu of committing fraud on the co-riparian State of Karnataka and blamed Ms. Jayalalithaa for the crisis.

In a statement issued at a separate press conference reflecting Karnataka's stand, Mr. Patil said, "The comment of Ms. Jayalalitha is unfortunate and unbecoming of a Chief Minister. The comity of States requires the Chief Minister of a

lower riparian State to use dignified language. Words like 'roguish conduct' are undoubtedly provocative and have a dangerous potential. I clarify and reiterate that the Government of Karnataka by discharging its duty in upholding the interest of farmers whose crops are standing on about 5.9 lakh acres of land has not committed any offence of misconduct. It is also incorrect to say that the Government has been using standing crops as a pretext to hold waters in the reservoirs."

Mr. Patil said Ms. Jayalalithaa should know what her State had done. In the 1960s and 1970s, the Tamil Nadu Government grossly and unilaterally violated the so-called agreement of 1924 (between the princely State of Mysore and the British-ruled Madras Presidency) and expanded the irrigated area from around 16 lakh to 28 lakh acres.

The area under the Kuruvai crop was expanded from 1.65 lakh to six lakh acres. "This illegal expansion and appropriation of Cauvery waters is nothing but a fraud on the co-riparian State of Karnataka, and this has been the root cause of the problem to which Ms. Jayalalithaa is trying to find fault with Karnataka. Hardliners like Ms. Jayalalitha are responsible for complicating the Cauvery water dispute."

On the release of water, he said Karnataka had already clarified the matter before the Supreme Court in an affidavit filed on September 21. It had also justified its action before the Court on suspension of flows after September 19.

It was justified in view of the dwindling inflows and heightened tension in the Cauvery basin area. "The matter is before the Supreme Court; therefore it is not permissible for anyone to discuss the same or pass judgment on it."

No water for TN: Karnataka House

HT Correspondent
Bangalore, October 5

THE STATE Cabinet and the Opposition today backed Chief Minister SM Krishna's stand that no Cauvery water would be released to Tamil Nadu in view of the grim position in Karnataka's reservoirs.

Briefing reporters after the all-party meeting attended by both factions of the Janata Dal and the BJP among others, Law Minister D B Chandre Gowda said all parties had endorsed the Chief Minister's stance on not releasing the Cauvery waters to Tamil Nadu.

The Opposition parties, along with the ruling Congress, also appealed to the Cauvery River Authority (CRA), headed by the Prime Minister, to convene an immediate meeting to reconsider the issue. The meeting made it clear that it was not possible to release the water until there was an improvement in the reservoir's water level in Karnataka.

The Supreme Court had on Friday ordered Karnataka to release 0.8 TMC-ft of water everyday as per the CRA directive.

Reacting to a query whether there would be a constitutional crisis for not complying with the court's verdict, Gowda, said the

CRA, at its meeting last month, had said the release would be based on the inflow into Karnataka's reservoirs as well as to Tamil Nadu's Mettur reservoir.

"We will explain this position to the Supreme Court at the next hearing on October 24," he said, adding, there was no constitutional crisis.

Earlier, the CM reportedly said that he was ready to face any consequence of his decision not to release any water. "When there is no water in our reservoirs, how can we release it to the detriment of our own farmers and our towns," a Janata Dal source quoted him as having said.

BJP scoffs at Ganga-Cauvery plan

EVEN AS Chandrababu Naidu is strongly pitching for the Ganga-Cauvery link, Andhra Pradesh BJP leaders say it is a publicity stunt to cover up his failures on the irrigation front.

The BJP on Saturday launched a Shasyashyamala Yatra to expose the State Government's failure to execute several irrigation projects.

Two senior BJP leaders, Vidyasagar Rao and SV Seshagiri Rao, have advised Naidu to

first think of linking Krishna and Godavari, two rivers in the State, before thinking of the Ganga-Cauvery link.

But the Centre is seriously considering Naidu's proposal to link the Ganga and Cauvery basins as a solution to all the water problems of the country.

Naidu advocates for the Ganga-Cauvery linkage as a cure for all drought-related problems in the country.

HTC, Hyderabad

'CRA rulings have no force of court decree'

By Our Legal Correspondent

Tamil Nadu
K.O. A/10

NEW DELHI, OCT. 3. The Cauvery River Authority is not a court or a tribunal and therefore its decisions do not have the force of a decree of the court, the Karnataka Chief Minister, S.M. Krishna, has submitted in the Supreme Court in reply to the contempt notice issued on Tamil Nadu's petition.

Even Tamil Nadu in its petition had criticised the Prime Minister, Atal Behari Vajpayee, who was the CRA chairman of the CRA, in an undisguised attempt to challenge his impartiality, Mr. Krishna said.

Asserting that Karnataka had complied with the orders, he said between September 4 and 18, the total water to be ensured at Mettur should be 14.026 tmcft (6.25 tmcft as per the apex court's order and 7.776 tmcft as per the CRA's order).

The actual releases from the Karnataka reservoirs during this period were 8.187 tmcft and if anticipated contribution of 10.020 tmcft from the intermediate and lower catchment areas had been realised, it would

have been higher than the quantity to be ensured.

He said the correct statement prepared by the technical officers of the Karnataka Government would show that the shortfall in the receipts at Biligundlu for 19 days from September 8 to 26 worked out to 5.264 tmcft and not 10.07 tmcft as projected by Tamil Nadu. This shortfall would also not have occurred if the inflows in the catchment below Karnataka reservoirs and Biligundlu had materialised as anticipated.

Regarding farmers' agitation and other incidents in the State on September 7, 8 and 18, Mr. Krishna recalled the 1991 riots resulting in loss to life and property to the tune of about Rs. 100 crores and said this background had to be kept in mind by the government while dealing with the above incidents. The actions of Karnataka in effecting the releases by taking into account the anticipated contributions was bona fide and there was no wilful disobedience of the orders of the apex court, Mr. Krishna said and sought dismissal of the contempt petition.

SC asks TN to cooperate with Cauvery panel

SNS & PTI

NEW DELHI, Sept. 30. — The Supreme Court today asked Tamil Nadu to extend all cooperation to the Cauvery

Monitoring Committee in carrying out its directive to assess the situation on the availability of water and crops in the two states.

Expressing concern over the non-implementation of the Prime Minister's directive, a Bench comprising CJI Mr BN Kirpal, Mr Justice KG Balakrishn-

an and Mr Justice Arijit Pasayat directed the CMC to complete the assessment and submit a report by Thursday.

The Bench directed a copy of the report to be placed before the court on 4 October, when the matter would be taken up for further consideration.

On the contempt petition filed by Tamil Nadu against Karnataka chief minister Mr SM Krishna, water resources minister Mr HK Patil and chief secretary of the state, the Bench asked them to file their responses within three days. The Bench had earlier issued show cause notices to the re-

spondents. Mr Atal Behari Vajpayee had directed the CMC to visit the reservoirs in Karnataka and Tamil Nadu and the Cauvery basin area and assess the ground situa-

tion. Appearing for the CMC, additional solicitor-general Mr Mukul Rohtagi said that due to non-cooperation of Tamil Nadu, the team could not visit areas in the state. Appearing for Tamil Nadu, senior advocate Mr KK Venugopal contended that directives of both the Supreme Court and the

Cauvery River Authority was violated by Karnataka.

Karnataka counsel Mr Anil Divan contended that Tamil Nadu was the sole beneficiary of the return monsoon and that any release of water would harm standing crops in the state.

SC on hazardous waste

The SC today asked the Union government and the Customs department to inform it by Friday as to why the hazardous waste imported to India illegally should not be sent back to the country of its origin, adds PTI from Delhi.

Bandh in Cauvery delta

CHENNAI, Sept. 30. — The Cauvery delta areas of Tamil Nadu today observed a daylong bandh protesting against non-release of Cauvery waters to the state by Karnataka despite an appeal by Miss Jayalalitha, not to go ahead with it. — SNS

Jaya says no to bilateral talks on Cauvery

Centre - State

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20/9

Statesman News Service

CHENNAI, Sept. 29. — The Tamil Nadu chief minister today described the invitation of bilateral talks on Cauvery called by the Prime Minister and Karnataka chief minister Mr SM Krishna as “crumbs to the needy” and said her government preferred to get justice from the Supreme Court. But DMK president Mr M Karunanidhi said Tamil Nadu and Karnataka should hold talks to resolve the dispute.

“Tamil Nadu prefers to get justice from the Supreme Court which can only come to the rescue of the farmers in Tamil Nadu for whom immediate water is the last resort to overcome the crisis prevailing in the state,” Miss Jayalalitha said.



Miss Jayalalitha

In a three-page statement, she detailed the steps taken by her government for talk with Karnataka in the past, and lashed out at Mr Vajpayee’s “inability” as the chairman of Cauvery River Authority (CRA) to make Karnataka release water to Tamil Nadu. She said the very fact that Mr Vajpayee has suggested that Tamil Nadu and Karnataka could talk it out meant that he was “openly admitting” his failure.

“Mr Vajpayee’s statement is a categorical admission of his inability to get Karnataka to release water. The CRA’s failure to implement the Tribunal’s interim order needs no further proof and it has shown itself to be an ineffective body which deserves to be disbanded,” she said, adding that it was precisely for this reason that “aggrieved” Tamil Nadu had approached the Supreme Court.

Miss Jayalalitha said she had made “repeated attempts” for talks with Karnataka earlier as was being suggested now. “But

I was confronted by dilatory tactics.” In July 2001, she had written to Mr Krishna, “impressing upon him the urgent need to release water from Cauvery”, the chief minister said. She had followed this up with another letter (dated 23 August 2001), reasking Mr Krishna for a date for the meeting with Tamil Nadu minister for public works, chief secretary and other officers to discuss the issue “at a time convenient to him”.

But Mr Krishna “hedged and evaded” such a meeting. “Even though a full year



Mr SM Krishna

has passes since then, Mr Krishna has not given an appointment to the Tamil Nadu team.”

“Karnataka has practically hijacked Cauvery water in its backyard and refused to see reason and understand the plight of the Delta farmers in Tamil Nadu who have lost

their kuruvai crop and have not been able to start Samba cultivation.”

During the two CRA meetings, the position prevailing in both the states had been laid threadbare before the Prime Minister, she said. Everything that could be said had already been stated by the two chief ministers, not only in the CRA meetings but also while leading all-party delegations to the Prime Minister. “This being so, I’m at a loss to understand what remains to be discussed afresh at this juncture when Tamil Nadu can brook no further delay.”

“When the distress sharing formula evoked by the Central Water Commission has clearly laid down the quantities to be released to Tamil Nadu and the Supreme Court had directed the quantities to be released in the interim period, the CRA has been unable to do anything to ensure the water releases to Tamil Nadu.”

THE STATESMAN

30 SEP 2002

T.N., Karnataka could talk it out: PM

110-1

g. Centre State

By Our New Delhi Bureau

NEW DELHI, SEPT. 28. The Prime Minister, Atal Behari Vajpayee, today deprecated the "tendency" to rush to courts for settling disputes instead of the parties including Governments sorting the disputes among themselves. He made this observation in the context of the on-going Cauvery dispute.

Speaking at the 38th Indian Labour Conference, the Prime Minister wondered why the dispute could not be settled bilaterally instead of both Karnataka and Tamil Nadu seeking a remedy in the Supreme Court.

Observing that the dispute was the result of a conflict of

interests between the two States, Mr. Vajpayee asked "who will settle the dispute — courts? Why cannot the States do so themselves?"

Though there could be a legal remedy, two sides could also resolve the dispute themselves. These days court intervention was being sought even in a matter which could be settled bilaterally.

Karnataka accuses T.N.

But how entangled the Cauvery dispute has become was evident from Karnataka's reply filed in the Supreme Court today, charging Tamil Nadu with adopting an "obstructive attitude".

This, it said, had denied a meaningful report from the CMC leading to possible solution to the present crisis.

Karnataka recalled various instances when Tamil Nadu had boycotted the meetings of either the CMC or the Cauvery River Authority. Referring to Tamil Nadu's boycott at the Bangalore meet, it said that the whole game plan of was to "hide from the CMC" the real and truthful situation prevailing in the delta region.

Tamil Nadu's crisis it said that Tamil Nadu "has to blame itself for the present state of affairs, since it has failed to save waters from the surplus water available in the last water year".

Contending that Tamil Nadu had miserably failed to prove any injury, Karnataka sought the dismissal of the application.

CMC meet on Monday

Meanwhile, the Centre has convened another meeting of the CMC here on Monday soon after the hearing of the Cauvery case in the Supreme Court.

The meet is a sequel to the Water Resources Minister, Arjun Charan Sethi, apprising the Prime Minister on Friday of the outcome of the committee's visit to Karnataka early this week.

However, indications are that Tamil Nadu may not attend the meeting.

29 SEP 2001

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PM seeks details on Cauvery panel's visit

By Gargi Parsi

NEW DELHI, SEPT. 27. Even before the report of the Cauvery Monitoring Committee that visited Karnataka on Tuesday and Wednesday was submitted, the Prime Minister, Atal Behari Vajpayee, called the Union Water Resources Minister, Arjun Charan Sethi, to his house today and ascertained the details.

The Committee, which returned today, was sent by him for a spot inspection of the Karnataka reservoirs and the Mettur dam in Tamil Nadu as part of a process to resolve the issue of distress sharing between the Cauvery basin States this season when monsoon has been scanty.

Mr. Sethi, who was accompa-

nied by the Chairman of the Cauvery Monitoring Committee and Water Resources Secretary, A. K. Goswami, told Mr. Vajpayee, Chairman of the Cauvery River Authority, that the Central team had visited all the four Karnataka reservoirs but could not visit Tamil Nadu as the State had taken the stand that the matter was "sub judice."

The Tamil Nadu Chief Secretary had expressed his inability to join the team as the matter was "sub judice" and later the Tamil Nadu Government said it was not in a position to comply with the request of the Monitoring Committee to visit Mettur.

Mr. Vajpayee was told about the water levels in the Karnataka reservoirs. According to Mr. Sethi, Karnataka had complied

with only 50 per cent of the Supreme Court's order of September 3 to release 1.25 tmc ft water to Tamil Nadu and with only 60 per cent of the CRA's order of September 8 to release 0.8 tmc ft water, accountable on a weekly basis through September and October. Karnataka had expressed its inability to make the stipulated releases on account of distress.

The Centre has decided to wait till the Supreme Court hearing on a contempt petition filed by Tamil Nadu against Karnataka, which is coming up on Monday. It is likely that a meeting of the Cauvery Monitoring Committee will be convened soon. Kerala and Pondicherry are the other States which share the Cauvery waters.

26 SEP 2003

THE HINDU

Centre
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SC notice to Krishna over TN's contempt petition

SF-5 29/9

Press Trust of India

NEW DELHI, Sept. 23. — A three-judge Bench comprising the CJI, Mr Justice BN Kirpal, Mr Justice KG Balakrishnan and Mr Justice Arijit Pasayat of the Supreme Court today issued notices to the Karnataka chief minister, Mr SM Krishna, and four others on a contempt petition filed by Tamil Nadu alleging violation of orders of the Court and Cauvery River Authority by its neighbour on release of stipulated quantity of water.

The Bench also issued notices to Karnataka water resources minister Mr SK Patil, chief secretary and water resources secretary while asking all of them to respond to the contempt petition latest by 30 September, the next date of hearing.

The Court asked the Centre to file an affidavit by 27 September detailing the daily inflow of water into Mettur reservoir in Tamil Nadu "in order to ascertain whether directions of the CRA and the Supreme Court is complied with".

Appearing for Tamil Nadu, senior advocate Mr KK Venugopal termed the Karnataka's action of not releasing stipulated quantity of water as "gross violation of the Supreme Court orders for political gains". He said the Court had ordered Karnataka to release 1.25 tmc ft water on daily basis

from 4 September, which was in force till 8 September. He said for the five days, Tamil Nadu was to receive 6.25 tmc ft water but Karnataka released only 2.3 tmc ft.

Terming that non-release of water was causing havoc for the samba crops, Mr Venugopal said as per the order of the CRA, which was headed by the Prime Minister, Karnataka was to release 0.8 tmc ft water

daily but in the subsequent week instead of the stipulated 5.6 tmc ft water, the state released only 1.925 tmc ft water. He said a total of 7.5 tmc ft water due to Tamil Nadu from Karnataka was never released by the neighbour.

The counsel said: "It was clear from all reports that it was a conscious decision to defy the Supreme Court orders as well as those of CRA."

The Tamil Nadu counsel said the stand taken by Karnataka not to release water was dangerous as it would

strike the root of India's federal fabric. Appearing for Karnataka, advocate Mr Anil Divan said the court should keep in mind the interest of farmers as a whole and not that of either the farmers of Karnataka or Tamil Nadu.

He said Tamil Nadu alone gets the benefit of return monsoon and not Karnataka. "The state could delay planting of samba crops till November so as to get the benefit of the return monsoon."

Life in Mandya hit

MANDYA, Sept. 23. — Life here was paralysed and road traffic between Mysore and Bangalore disrupted as the Cauvery stir gained momentum in the district, despite suspension of release of water to Tamil Nadu. An irate mob resorted to stone-pelting against cinema houses which did not close down and looted 20 shops, besides detaining a Bangalore-bound train from Mysore. — PTI

Wash out the bitterness

Karnataka must release Cauvery water and
Tamil Nadu must tone down the rhetoric

THE growing discord between Karnataka and Tamil Nadu on the issue of sharing the Cauvery waters in the wake of a grossly deficient southwest monsoon holds dangerous portents for amity between two states. The growth of sectarian sentiments in the region would jeopardise peace in both states and it is, therefore, incumbent on the two governments to exercise the utmost restraint in dealing with an issue as emotive as this.

When, on September 8, the Cauvery River Authority (CRA) — which has Prime Minister Vajpayee as its chairperson — had scaled down the quantum of water to be released by Karnataka to Tamil Nadu, from the 1.25 tmcft directed by the Supreme Court to 0.8 tmcft as per the recommendations of the Central Monitoring Authority, the crisis seemed to have blown over, despite Tamil Nadu's stated dissatisfaction. The subsequent refusal by the Karnataka government to stand by what it had agreed to in New Delhi, citing the sensitive law-and-order situation in the state, has put the clock back on the entire process. Of course, there is no doubt that Karnataka is reeling under one of the ghastliest droughts it has ever experienced thus far and

farmers in the worst-affected districts are greatly exercised over giving water to Tamil Nadu, but the Supreme Court and the CRA must surely have weighed all aspects diligently before they passed their orders. To now disregard them would not only lower the sanctity of these institutions but also pose an open challenge to the rule of law.

The level of the Mettur dam in Tamil Nadu is perilously low and stoppage of the mandated flow from Karnataka would predictably destroy the 'samba' crop — which is the major one — close on the heels of the complete failure of the 'kuruvai' crop. The gravity of the drought situation in Karnataka, too, can hardly be brushed aside. In such circumstances, it is imperative that the Centre extend all possible help, both in terms of foodgrain supply and relief works. At the same time, the two states must approach the issue of water sharing in a spirit of accommodation and work towards evolving a rational, distress-sharing formula. The bitterness that creeps in every time there is a crisis must give way to a give-and-take approach. Pragmatism, rather than wild displays of emotion, is what both states need at this juncture.

23 SEP 2002

INDIAN EXPRESS

Implement CRA order, says PM

By Gargi Parsai and K.V. Prasad

NEW DELHI, SEPT. 21. The Prime Minister, Atal Behari Vajpayee, today directed Karnataka to implement the Cauvery River Authority order to release 9000 cusecs (0.8 tmcft) water to Tamil Nadu accounted on a weekly basis even as a Central team of the Cauvery Monitoring Committee will inspect the reservoirs in both the States for water levels and submit a report within three days. The Chief Secretaries of both the States will accompany the team.

The Centre could convene another meeting of the CRA after receiving the team's report.

The Union Water Resources Minister, Arjun Charan Sethi, who briefed correspondents after the Prime Minister separately met the delegations from Tamil Nadu and Karnataka led by their respective Chief Ministers here this evening, said the central team was expected to leave tomorrow. Mr. Sethi said the Prime Minister also appealed to both the States to maintain law and order, saying that it was a State subject. Mr. Vajpayee pointed out that "law and order" should not be cited as a reason for not sharing distress at a time of drought.

Krishna non-committal

However, the Karnataka Chief Minister, S.M. Krishna, speaking to mediapersons after the meeting, declined to give a commitment whether the State would implement the directions of the Prime Minister, who is also the CRA Chairman. He maintained that the CRA order of September 8 had two qualifying points — "depending on the inflows and on levels in the reservoirs".



The Tamil Nadu Chief Minister, Jayalalithaa, and her Karnataka counterpart, S.M. Krishna, (right) presenting memoranda on the Cauvery issue to the Prime Minister, Atal Behari Vajpayee, in New Delhi on Saturday. —Photos: Shanker Chakravarty

Earlier, Mr. Vajpayee met a 67-member strong all-party delegation (minus the DMK) from Tamil Nadu led by the Chief Minister, Jayalalithaa, and assured it of all efforts to make Karnataka abide by the CRA decision, even as Ms. Jayalalithaa sought immediate Central intervention by taking over the Karnataka reservoirs for the release of water to Tamil Nadu.

Jayalalithaa's plea

In a memorandum submitted to the Prime Minister, Tamil Nadu said there was a shortfall of 10,228 tmcft in the water released by Karnataka at Mettur till September 19 and lakhs of farmers who had lost their 'kuvrai crop' might not be able to sow the 'samba' crop.

The memorandum did not raise the controversial issues of Central directive to the Karnataka Government under Article 355 or 356.

Later, when asked by mediapersons whether she was satisfied with Mr. Vajpayee's assurance, Ms. Jayalalithaa said, "We need water. In a democratic and federal set-up, we have to make use of all fora. We've gone to the Supreme Court. We've also filed a contempt petition and have approached the Centre. We will await the Supreme Court hearing in the matter (on September 23)."

Asked about the DMK's absence from the meeting today, she said, "It is unfortunate that in a matter so vital to Tamil Nadu as the Cauvery — which is a

non-political issue and the lifeline of the State — the DMK had stayed away. They also did not participate in the all-party meeting yesterday. We had sent individual letters to all the 10 Central Ministers from Tamil Nadu to participate in this meeting. The absence of the DMK Ministers shows their lack of concern and loyalty to Tamil Nadu."

The Tamil Nadu delegation comprised 33 political parties, including the Congress and the BJP, four Union Ministers, two State Ministers, 22 MPs and farmers representatives.

'Depleted storage'

Mr. Krishna too met the Prime Minister armed with the support received at an all-party meeting he had convened here

earlier, where the State reiterated its stated position of "difficultly in releasing water to Tamil Nadu" in the wake of drought. Karnataka submitted a three-page memorandum to Mr. Advani.

The State's plea was that the inflows and storages had come down drastically since the CRA decision. It said that besides meeting the drinking water and irrigation requirements, if the State were to ensure release of 0.8 tmcft water at Mettur, the active storages in Karnataka reservoirs would get "wholly exhausted in about 40-45 days, even assuming that the present level of inflows continued during the period.

Deve Gowda's suggestion: Page 11

Release water, Centre tells Karnataka

By Gargi Parsai
NEW DELHI, SEPT. 20. As the Cauvery water issue gets politicised, "an exercised" Prime Minister, Atal Behari Vajpayee, today directed the Union Water Resources Minister, Arjun Charan Sethi, to ask Karnataka to im-

plement the decision of the Cauvery River Authority (CRA) for release of 9000 cusecs of water to Tamil Nadu. The Prime Minister, who is the CRA chairman, had also sought details of the releases from the Ministry late last night and is closely monitoring the situation.

Immediately after a review meeting today with the Prime Minister, Mr. Sethi wrote to the Karnataka Chief Minister, S.M. Krishna, urging him "to honour the decision of the CRA as agreed to by him" under which the State must release 0.8 tmcft (thousand million cubic feet)

water to Tamil Nadu at Mettur, accounted on a weekly basis through September and October. The Minister also talked to the Karnataka Irrigation Minister, H.K. Patil, on the phone. He appealed to both the States to exercise restraint. Speaking to *The Hindu*, Mr.

Sethi said, "Since yesterday, the Prime Minister is very much exercised over the non-release of the stipulated quantity of water to Tamil Nadu by Karnataka."

He said Karnataka had not complied 100 per cent with the September 2 order of the Supreme Court (asking Karnataka to release 1.25 tmcft water to Tamil Nadu till the CRA took a decision), nor had it implemented the CRA decision taken on September 9, as agreed to — and even welcomed — by Mr. Krishna.

Asked how much Karnataka had complied with the orders, Mr. Sethi said it had only complied with 50 per cent of the apex court's order and 60 per cent of the CRA's decision.

In a letter written to Mr. Vajpayee yesterday, Mr. Krishna had said that he was suspending the release of water "for the time being" because of the law and order problem in the State.

Tomorrow, the Tamil Nadu Chief Minister, Jayalalithaa, is leading a delegation from the State to meet the Prime Minister on the issue. Mr. Krishna has convened an all-party meeting in New Delhi to decide further strategy since the matter is listed for hearing before the Supreme Court on Monday.

Tamil Nadu has also filed a contempt petition against Karnataka.

T.N. urges Centre to take over dams

By Our Special Correspondent

CHENNAI, SEPT. 20. The Tamil Nadu Government was today forced to drop a controversial resolution at an all-party meeting here, demanding the dismissal of the Karnataka Government over the Cauvery issue, amid a walk-out by the Congress and objections from major political parties, including the Bharatiya Janata Party.

However, the meeting, in a near unanimous voice, asked the Centre to take over the dams in Karnataka to ensure the release of Cauvery waters due to Tamil Nadu. It also adopted a resolution urging the Prime Minister, Atal Behari Vajpayee, to direct the Karnataka Government to immediately release the legitimate share of the waters to Tamil Nadu.

"Since the mechanism for implementing the orders of the highest judicial body of the country cannot be left to the mercy of a rival State Government," the Centre should amend the rules of the Cauvery River Authority for taking over the reservoirs in Kar-

nataka, the resolution said. Significantly, the main opposition, DMK, boycotted the meeting protesting the recent "humiliating remarks" heaped by the Chief Minister, Jayalalithaa, on the Opposition over the Cauvery issue. At the four-hour meeting, the first this year on the Cauvery issue, Ms. Jayalalithaa accused the Karnataka Government of enacting a drama through "stage-managed protests" and "attempted suicides" in the Kabini reservoir for stalling the release of water to Tamil Nadu. Cauvery was an inter-State river and not Karnataka's property, she said. But, the State had headed neither the Supreme Court directive to release 1.25 tmc ft of water every day nor the Cauvery River Authority's fiat of discharging 9000 cusecs.

And, taking the gathering of the leaders of 42 parties and farmers' forum by surprise, the Chief Minister read out a set of draft resolutions which included the contentious demand of invoking Article 356 against the Krishna Government for its "unconstitutional acts." She then threw open the floor to the Congress to discuss the

draft. Fiercely opposing the demand for the removal of the Congress regime in Karnataka, the State Congress president, E.V.K.S. Elangovan, said while his party was keen that the delta farmers should get the Cauvery waters, asking for the removal of another State Government was improper and unacceptable. Only if the resolution drafted with a "vendetta" was dropped, the Congress would stay on at the meeting, he said.

However, Ms. Jayalalithaa maintained that she would go by majority views, triggering exchanges and the two-member Congress team, including the former Union Minister, S. R. Balasubramaniam, walked out. The ouster demand had few takers as almost all the State party leaders, including the CPI secretary, R. Nallakannu, the CPI (M) secretary, N. Varadarajan, the BJP president, S. P. Kirupaniidhi and the MDMK president chairman, L. Ganesan, asked the Chief Minister to shelve the resolution.

The PMK president, G. K. Mani, said Tamil Nadu should ask Mr. Vajpayee to invoke Art. 355 and issue a warning to Karnataka.

Cauvery: PM steps in to resolve crisis

New Delhi, September 20

THE CENTRE has asked Karnataka to release Cauvery waters to Tamil Nadu and summoned the two Chief Ministers to Delhi to discuss the issue further with the Centre.

Confronted by an escalating Cauvery crisis, the Prime Minister today stepped in to resolve the standoff. After a meeting with Prime Minister Atal Bihari Vajpayee, Water Resources Minister Arjun Charan Sethi urged Karnataka "to honour the decision of the Cauvery River Authority, as agreed to by the two parties (Karnataka and Tamil Nadu)".

The Minister's appeal comes in the wake of Karnataka Government's decision to stop release of water following the suicide by a farmer on Wednesday, in protest against allowing water to Tamil Nadu.

But Karnataka, which stopped releasing water, is in no mood to relent. Even today its ministers in Delhi, said that they don't have water to release.

The seven-member Karnataka ministers delegation led by State Home Minister Mallikarjun Kharge met Union Agriculture Minister Ajit Singh and pressed the demand for immediate Central help of Rs 1,562 crore and 11 lakh tonne foodgrains for relief programmes in the drought-affected areas of the State.

The Tamil Nadu Government has, however, filed a contempt case against Karnataka in the Supreme Court. The AIADMK Government also called an all-party meeting to evolve a consensus on the Cauvery issue, especially since the State BJP took a different line from Jayalalithaa.

Charging the ruling AIADMK

with treating the Opposition like "slaves", the DMK today boycotted the all-party meeting convened by Jayalalithaa.

DMK President M Karunanidhi in a statement made it clear that the Jayalalithaa government, which was taking unilateral decisions on the issue had spoiled the chances of evolving a consensus on the Cauvery waters by issuing statements against Opposition leaders.

He said Jayalalithaa's charge that Prime Minister Atal Bihari Vajpayee had betrayed the interests of the Tamil Nadu people was also baseless. He also appealed to the Prime Minister to take steps to fulfill the justified demands of the Tamil Nadu farmers and urged the Karnataka Government to release the Cauvery waters.

Both Chief Ministers will now be in Delhi tomorrow as battleground Cauvery shifts to the capital. Congress today reacted cautiously over the Centre's directive to Karnataka Government to honour the Cauvery River Authority (CRA) decision to release water for neighbouring Tamil Nadu saying the party would like to see that justice was done to both the States.

"As a national political party, we would not like to take a side in this regard. But we would like to see that justice was done to the people of the two states," party spokesman Jaipal Reddy told reporters here.

In all the inter-State water disputes, Congress has not made any comment, he said adding that in regard to river water dispute between Karnataka and Tamil Nadu the matter was before the Cauvery River Authority and the Supreme Court.

PTI

Cong walkout over Krishna 'dismissal'

Chennai, September 20

THE CONGRESS today walked out of the all-party meeting on Cauvery convened by Tamil Nadu Chief Minister Jayalalithaa, protesting against a draft resolution that demanded the dismissal of the S M Krishna Government for not releasing Cauvery water despite orders by the Supreme Court, Cauvery River Authority and the Cauvery Tribunal.

During the meeting other parties like the BJP, CPM, CPI and PMK also opposed the dismissal resolution. The PMK stressed that TN should ask the Centre to use Art 355 and issue a directive to Karnataka to implement the award.

Tamil Nadu Congress Committee President EVKS Elangovan told the meeting that his party cannot support the proposal as no State Government can demand the dismissal of another state Government over an inter-State dispute. When Jayalalithaa proposed that the Congress go by the majority view at the meeting Elangovan said unless the dismissal demand was removed his party could not be party to any resolution and walked out of the meeting along with former Union Minister S R Balasubramaniam.

Talking to reporters Elangovan said that the resolution if adopted would only rouse feelings in Karnataka and jeopardise the lives of lakhs of Tamils living there. With the DMK staying away from the meeting the walk out of the Congress right at the start further deprived Jayalalithaa the consensus she is striving for on the issue.

In her opening speech Jayalalithaa came out with three key resolutions, which she said would be incorporated in the memorandum to be submitted to Prime Minister Vajpayee on Saturday.

The resolutions proposed are — PM should direct Karnataka to release the water sanctioned by the CRA; in view of Karnataka's repeated refusal to implement the orders of the Tribunal, CRA and the SC the CRA rules should be amended so the Centre could take over all the reservoirs in Karnataka and finally the dismissal of the S M Krishna Government under Article 356.

PTI

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THE HINDUSTAN TIMES

RIVER OF DISCORD

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Cauvery Sours Karnataka-Tamil Nadu Ties

By SAM RAJAPPA

Sharing the Cauvery waters has been a contentious issue between Karnataka and Tamil Nadu for centuries. Known as the Dakshina Ganga, it is one of the seven sacred rivers of India. In both Karnataka and Tamil Nadu, the Cauvery is the subject of myth and legend in folklore, literature, music and poetry. A number of ancient temples along the river testify to its religious and cultural significance. "Adiperukku", a popular thanksgiving festival which falls in the Tamil month of Aadi (second half of August), coinciding with flushes in the river, when offerings are made, could not be celebrated this year with the customary pomp and gaiety as the river was completely dry. The Chola kings had built the Grand Anicut (Kallanai) and developed a network of irrigation canals more than 1000 years ago, making the Cauvery delta the granary of Tamil Nadu. Considered the oldest irrigation work in India, Tamil Nadu had firmly established its prescriptive right over the Cauvery waters.

Review

Two agreements between the governments of old Mysore state, now Karnataka, and the government of erstwhile Madras Province were signed in 1892 and 1924 for an amicable settlement of the dispute over sharing of the Cauvery waters. When the 1924 agreement, which gave Tamil Nadu 575.68 tmcft. water, came for review in 1974 at a meeting of the Chief Ministers of the four Cauvery basin states convened by the then Union Irrigation Minister, Jagjivan Ram, it was agreed to reduce Tamil Nadu's share of water to 489 tmcft. Karnataka was allotted 177 tmcft. and Kerala five tmcft. It was also agreed that no state will take any steps to make the solution of the problem difficult either by impounding or by utilising water of the Cauvery beyond what is allotted. Disregarding this agreement, Karnataka started constructing a series of dams across various tributaries of the Cauvery reducing the flow of water to Tamil Nadu, and vastly increased the area of cultivation. The Centre remained a silent spectator.

Eventually, Tamil Nadu moved the Supreme Court which constituted the Cauvery Water Disputes Tribunal. In its interim award dated 25-6-1991, Karnataka was ordered to release 205 tmcft. into the Mettur dam in a water year beginning June with specific quantity for each month on a weekly basis. Out of its share of

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

205 tmcft., Tamil Nadu was to release six tmcft. to Karikal, which is part of the Union Territory of Pondicherry. Regarding the unauthorised construction of dams and reservoirs in the Cauvery system by Karnataka, the Tribunal said: "These issues would be gone into if found necessary at the appropriate stage". The Tribunal is yet to give its final award.

From the beginning, Karnataka held the interim order unacceptable and unimplementable. However, it did not cause any serious problem because of good rains in the following years. For the first time after the interim order, rainfall was inadequate in 1995-96 and Tamil Nadu approached the

to the Karnataka government to release water according to the Tribunal's interim order. The apex court however directed Tamil Nadu to approach the CRA first and asked the CRA to evolve a distress-sharing formula speedily. The CRA met on 27 August but failed to evolve an acceptable formula of sharing the available waters impounded in the various reservoirs in Karnataka. Miss Jayalalitha walked out of the meeting.

The Tamil Nadu government went back to the Supreme Court which, as an interim measure, ordered Karnataka to release 1.25 tmcft. water to Tamil Nadu on a daily basis from 4 September onwards and requested the CRA

tmcft. to 0.8 tmcft. Although Ponnaiyan strongly protested, it was announced by the CRA that the decision was unanimous. The three Congress chief ministers of Karnataka, Kerala and Pondicherry ganged up against the AIADMK, ruled Tamil Nadu and endorsed the BJP Prime Minister's decision. While Kerala, a water surplus state, could afford to forgo its share of the Cauvery waters, the action of the Pondicherry chief minister is nothing short of betraying the interests of the people of the Union Territory. Only if Tamil Nadu gets its share could it convey six tmcft. of water to Karikal, which is at the tail end of the Cauvery system.

Decline

For Tamil Nadu, the worry is not the mere reduction of the quantum of water brought about by the CRA, but the supersession of the Supreme Court order of 3 September which alone was legally binding on Karnataka. The CRA is not even an "authority" in the true sense of the term. It is only a political committee, albeit a high level one, to solve disputes by consensus. The Supreme Court order was implemented only partially by Karnataka. In the five days its order was in force till the CRA superseded it, Karnataka should have released 6.25 tmcft. water into the Mettur reservoir but the quantum received was only 1.64 tmcft. The flow had steeply declined since then. With the support of all political parties in the state, Karnataka had organised state managed bandhs and siege of the Kabini and the Krishnarajasagar reservoirs to avoid further release of water.

While the BJP, a serious contender for power in Karnataka where Assembly election is due in less than two years, hopes to expand its support base by the partisan stand of the Prime Minister, opposition parties in Tamil Nadu having the largest contingent of 10 in the Union Council of Ministers, failed to take up the cause of the Cauvery delta farmers lest they invited the Prime Minister's displeasure. They seem to value their ministerial chairs more than the interest of the people who voted them. Famine has already claimed one young life in the delta region and farmers have started selling their livestock for survival.

Agricultural workers, deprived of employment during the kuruvai season, have been catching rats to eat. Miss Jayalalitha, who has placed her trust on the Supreme Court as the ultimate dispenser of justice, is fighting a lone but losing battle to secure Tamil Nadu's legitimate share of the Cauvery waters. However the people are backing her to the hilt in this unequal battle.



Supreme Court to redress its grievances. Instead of giving a direction to the Karnataka Government to honour the Tribunal's order, the Supreme Court referred the matter to the Prime Minister with a request to find a political solution to the problem. As a result, an official level Monitoring Committee headed by the Union Water Resources Secretary and the Cauvery River Authority with the Prime Minister as chairman and the Chief Ministers of the four basin states as members, were established in 1998. Miss Jayalalitha, who was not in power then, objecting to the mechanism as unworkable, dubbed the CRA a toothless wonder.

Supreme Court

The CRA met hardly thrice until the present crisis erupted and the experience gained in the last four years showed that Miss Jayalalitha was right in calling it a toothless wonder. Therefore, when the monsoon failed this year and the Mettur dam could not be opened as scheduled on 12 June for the kuruvai crop, Miss Jayalalitha refused to ask the Prime Minister to convene a meeting of the CRA. Instead, she approached the Supreme Court seeking a directive

to take a final decision on the sharing of the Cauvery waters in this year of distress. Until such time, the interim order was binding on Karnataka. Knowing that the Prime Minister was due to leave for New York on 9 September and there was unlikely to be another meeting of the CRA earlier and in the knowledge that 1.25 tmcft. water would flow into the Mettur reservoir daily, the Tamil Nadu government ordered release of water to the Cauvery delta from 6 September so that farmers, who had to skip the kuruvai crop, could at least raise the samba crop.

The Karnataka chief minister, SM Krishna, who had been camping in Delhi, outwitted Miss Jayalalitha by persuading Ananda Kumar, Union minister of urban development and poverty alleviation, belonging to the Karnataka unit of the BJP, to prevail on Atal Behari Vajpayee to hurriedly convene a meeting of the CRA on 8 September without even 24 hours' notice to the four Chief Ministers. Miss Jayalalitha asked her Finance Minister, C Ponnaiyan, who happened to be in Delhi at that time, to attend the meeting in her place. Mr Vajpayee slashed the quantum of water to be released to Tamil Nadu by Karnataka from 1.25

SC URGED TO RETURN PRESIDENTIAL REFERENCE

President's rule only option in Gujarat: EC

By J. Venkatesan

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19/9

J. Venkatesan

NEW DELHI, SEPT. 18. Even as the Election Commission today urged the Supreme Court to return the three-point Presidential reference unanswered as they were hypothetical questions, it stuck to its stand that imposition of President's rule in Gujarat after October 3 was the only option available as Article 174 (1) could not be complied with.

Continuing his submissions before a five-Judge Bench headed by the Chief Justice, B.N. Kirpal, senior counsel for the Commission, K.K. Venugopal, argued that the question of interpretation of Article 174 did not form part of the reference as the President had proceeded on the premise that the provision would apply not only to an existing Assembly but also to a dissolved one. Giving several precedents, counsel said the court could not traverse beyond the scope of the reference and should refrain from answering the reference, particularly when there was an error in it.

The Bench, which included Justice V.N. Khare, Justice K.G. Balakrishnan, Justice Ashok Bhan and Justice Arijit Pasayat, observed, "Whether we accept the President's premise or not, we have to give reasons one way or the other. Returning the reference unanswered will not solve the problem".

However, Mr. Venugopal said that in the preamble to the reference, the President had said that under Article 174 (1), elections in Gujarat had to be held and a new Assembly put in place by October 3 as the Assembly was last convened on April 3.

The only doubt in the President's mind was that after the dissolution of the Assembly on July 19, whether the EC was bound to hold elections before October 3, irrespective of the fact whether free and fair elections could be ensured or not.

When the Bench asked Mr. Venugopal whether the Commission could postpone elections indefinitely for one reason or the other, he said the EC, being a constitutional authority, was expected to exercise its function independently and hold a free and fair election. But if the Commission exercised its function arbitrarily or in a malafide manner, political parties would rush to court, and the court would then correct the situation, he said. But in the case of Gujarat, the Commission had not postponed elections indefinitely. The electoral rolls would be ready by October 15 and the elections would be held during November/December, he said. The question was not really whether Article 174 was subject to the decision of the Commission under Article 324, but whether it was subject to the constitutional mandate of holding a free and fair election, which was the basic feature of the Constitution. When counsel maintained that both the Articles must work in harmony, the Bench quipped "they (the two Articles) are made for each other".

Regarding the second point in the reference, Mr. Venugopal was of the view that if for some reasons, Article 174 (1) could not be complied with, the Constitution had provided a "safety valve" in the form of Article 356 and President's rule was the answer.

The Bench told counsel that after the 'Bommai case', the resolution regarding imposition of President's rule had to be ratified by Parliament, but given the present situation, such a ratification was not possible. But Mr. Venugopal maintained, "why should not Parliament understand its responsibility and resort to President's rule and the Commission will hold elections thereafter".

When the Bench asked what would be the position if such a situation arose in Parliament, he said that as the Council of States (Rajya Sabha) continued to exist, the Prime Minister and other Ministers were accountable to it, but it was not the same situation regarding the States. "That is why the role of the States has to be taken over by the Centre by invoking Article 356," he said.

He also refuted the Solicitor-General, Harish Salve's argument that if Article 174 (1) could not be complied with, a caretaker government could continue in office for six months from the date of dissolution of the Assembly by virtue of Article 164 (4).

Mr. Venugopal said Article 164 (4) would apply only to individual Ministers to enable them to get elected in an existing Assembly and not to the Council of Ministers of a dissolved Assembly.

Further, a Chief Minister who dissolved the Assembly prematurely when he felt that he was losing the confidence of the people could not remain as caretaker Chief Minister beyond the period contemplated under Article 174 (1) and thereafter President's rule was the solution.

Jaitley's counter: Page 11

Vaghela attacks Advani, wants President's rule

Statesman News Service

NEW DELHI, Sept. 11. — The Gujarat Congress leader, Mr Shankarsinh Vaghela, today targeted Mr LK Advani, calling him "the weakest home minister ever". Comparing Mr Advani to Sardar Patel "was repugnant and painful" Mr Vaghela said. The BJP-turned-Congress leader's strong personal attack on the Deputy Prime Minister is significant as it reveals the Congress strategy of taking the Gujarat rhetoric beyond Mr Narendra Modi and focussing on senior BJP central leaders.

Addressing a press conference, Mr Vaghela said Mr Advani is "responsible" for what has happened in Gujarat because "he removed Mr Keshubhai Patel and replaced him with Mr Modi". He also questioned Mr Advani's commitment to Gujarat by asking him to explain the delay in visiting the state after the Godhra incident and his government's lukewarm response to the state's developmental needs. "Mr Advani should explain how much funds were given to people like Mr Chandrababu Naidu and how much to the Gujarat government".

After his meeting with Mrs

Cong demands Modi's dismissal

NEW DELHI, Sept. 11. — The Congress today demanded Mr Narendra Modi's dismissal on account of his "provocative" observations against the minority community and thus "violating the law of the land". Party spokesman Mr Anand Sharma demanded an explanation from Mr LK Advani on Mr Modi's statement, holding him answerable on this count. "Silence on his part would confirm the Centre's endorsement of Mr Modi's statement," he said.

He said the objective of Mr Modi's remark against the Muslims was to provoke religious frenzy and create a communal divide to derive political mileage in the forthcoming Assembly polls. — SNS

Sonia Gandhi, Mr Vaghela led a party delegation to meet the President, Dr APJ Abdul Kalam, urging him to impose Central rule in Gujarat. "There is no constitutional provision for a caretaker government to go on indefinitely". Mr Vaghela said, "If Mr Modi's *Gaurav Yatra* turns violent then the yatra has to move over my body". He denied playing the "soft-Hindutava" card to match the BJP and claimed the "solid support of the entire minority community".

He also alleged a plot by the government to "create" a "Kargil-like war" and another round of riots to "win the Gujarat elections". "Don't forget this is the government that took coffins to the widows to win the

elections," he said.

The kind of personal allegations and language being used (by Modi) will not add prestige to any party he said and wondered how only the BJP can appreciate them. He said the people of India "have accepted Mrs Sonia Gandhi's leadership and the BJP is raking up non-issues (foreign origin)".

He said in response to the BJP's divisive politics, the state Congress will offer "prosperity, peace and security to Gujarat." He also promised four to five lakh jobs, waiving of farmer's loans and increase in the hours of water supply. There is speculation that Mr Vaghela may later plan a "pro-development" to counter the effect of the *Gaurav Yatra*.

Centre to help nab Veerappan

Statesman News Service & PTI

BANGALORE, Aug. 27. — The Centre today offered all possible help to Karnataka to arrest Veerappan.

Karnataka home minister Mr Mallikarjun Kharge discussed the matter with Mr LK Advani today. The Deputy Prime Minister later said: "The Centre's concern is not confined to external security. It covers internal security as well." Though "the Veerappan issue is a state problem, the Centre will provide whatever help and assistance that Karnataka wants".

Mr Advani said Veerappan and his actions had become a matter of concern as he was being able to repeat his kid-

nappings with impunity. "If any request is made to the Centre for assistance in terms of men and material, the Centre would have no hesitation in giving it." Mr Kharge has reportedly asked for more central forces, including commandos.

Combing operations by the Special Task Force to track Veerappan are on. Asked if Karnataka was ready to consider the brigand's demands, Mr Kharge said the government, for now, was focussed on rescuing Mr Nagappa.

In New Delhi, Mr SM Krishna and Miss Jayalalitha discussed the matter. The chief ministers decided to seek surveillance aircraft, interception equipment and helicopters to achieve the twin objectives of securing Mr Nagappa's release and arresting the brigand. A decision to

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this effect was taken at a 30-minute strategy session between the two leaders at Tamil Nadu House. Mr Krishna said the meeting was "cordial and dealt with ways to tackle Veerappan". The two states decided to strengthen the Joint Task Force through further reinforcements.

Matinee idol Rajkumar, who was held captive by the brigand for 108 days, said he was willing to appeal to Veerappan to release Mr Nagappa.

JD-U demands CM's resignation: The JD-U today demanded Mr SM Krishna's resignation for the government's failure to protect Mr Nagappa. State unit president Mr Byre Gowda sought a judicial inquiry into the incident, saying "if an ex-minister could not be protected, what would be the common man's fate?"

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SC to fix schedule for hearing of reference on Aug. 29

HD 11
21/8

Centre group

By J. Venkatesan

NEW DELHI, AUG. 26. The Supreme Court, today while issuing notice to the Election Commission, all States and six national political parties for their response to the three-point reference from the President, A.P.J. Abdul Kalam, relating to the stand-off between the Centre and the Commission on the issue of early elections in Gujarat, indicated that it would fix a timeframe on August 29 for hearing of the reference.

A five-Judge Constitution Bench, headed by the Chief Justice B.N. Kirpal, directed that the notices shall be issued through the Chief Secretaries and Advocates General of all States.

When the Solicitor General, Harish Salve, told the Court that under Article 174 the Gujarat Assembly had to be reconstituted by October 2, the Bench observed "You don't worry about that for the time being. We will work out a time schedule on Thursday for hearing of the reference."

(Sources in the Congress said

the time given to the States was inadequate and it would request the Court to grant further time for filing the response).

The Bench, however, rejected the demand for issuing notice to regional political parties (after it was informed that there were 48 such parties in the country) on the ground that it would be difficult to control the proceedings.

The six national parties to whom notices were issued were: the Congress, BJP, CPI, CPI (M), Nationalist Congress Party and the BSP. Except the BSP, counsel for the other parties accepted the notice.

The three questions referred by the President in this reference were: Does Article 174 of the Constitution yield to Article 324, viz. whether the timeframe provided in Article 174 would be subject to the decision of the Election Commission under Article 324 to hold Assembly elections;

Can the Election Commission frame a schedule for elections to an Assembly on the premise that any infraction of the mandate under Article 174 would be

remedied by resorting to Article 356 by the President;

Is the Election Commission bound by the mandate of Article 174 by drawing upon all the requisite resources of the Union and the State to ensure free and fair elections.

Under Article 174, there should not be a gap of more than six months between two sessions of a State Assembly. And it is the argument of the BJP that as the last session of the Gujarat Assembly was held on April 3, the next session should be held before October 3 and the Election Commission must hold Assembly elections before that date.

Also according to the Government, the Commission's observation that "the non-observance of the provisions of Article 174(1)...would mean that the Government of the State cannot be carried on in accordance with the provisions of the Constitution within the meaning of Article 356 (1) of the Constitution and the President would then step in", was the most objectionable part of the 40-page order.

THE HINDU

21 AUG 2002

Atal ticks off Modi for Lyngdoh slander

RADHIKARAMASESHAN

New Delhi, Aug. 24: Prime Minister Atal Bihari Vajpayee tonight issued a hard-hitting statement against Gujarat chief minister Narendra Modi for his intemperate and personal remarks against chief election commissioner J.M. Lyngdoh.

Expressing distress at the "undignified controversy", Vajpayee said: "I may have differ-

ences over the decision or the attendant observations of the Election Commission with regard to the Assembly polls in Gujarat. There are constitutional means to deal with such matters but no one should use improper language or make indecorous insinuations in expressing their views."

The note of censure struck by Vajpayee was aimed directly at Modi, who was quoted as saying at a public rally near Vado-

dara on Tuesday: "Some journalists asked me recently, 'Has James Michael Lyngdoh come from Italy?' I said I don't have his *janam patri*. I will have to ask Rajiv Gandhi. Then the journalists said, 'Do they (Lyngdoh and Sonia) meet in church?' I replied, 'Maybe they do.'"

But given that Modi has an influential section of backers in the BJP, Vajpayee pulled off a balancing act by making a veiled criticism of Lyngdoh as well.

"Both are high constitutional authorities and must be given the respect that is their due," he said. "It must be recognised by one and all that maturity of our democracy lies in all its institutions working within their constitutional limits, respecting each other's domain and maintaining proper balance."

The Prime Minister then appealed to "all those concerned" to put an immediate end to the "unseemly" row.

BJP general secretary Arun Jaitley echoed Vajpayee, adds PTI. "No one has the right to make a personal or political remark against the Election Commission," he said in Jaipur. "Modi should have refrained from such personal and subjective remarks... A better vocabulary has to be chosen by him."

But Jaitley repeated the BJP line that the decision of the poll panel on the Gujarat election was "unconstitutional and unseemly".

The DMK, a partner in the Vajpayee-led coalition, slammed Modi's remarks as "uncivil". "If the remarks attributed to Modi are true, it is neither proper nor desirable," party president M. Karunanidhi said in Chennai.

Vajpayee's grim view follows human resources development minister M.M. Joshi's unexpected criticism of Modi yesterday before RSS brass in Nagpur. "No one, not even a chief minister, should make such remarks

against a constitutional authority," he had said.

Since the elevation of L.K. Advani as deputy Prime Minister, Joshi is considered one of the few Vajpayee-backers left in the Cabinet. Observers feel Joshi's remarks were a reflection of the Prime Minister's disquiet.

But Advani, now in the UK, continued to back Modi. In an interview to BBC London, he said the poll panel could not hold up elections in Gujarat and dis-

missed the "propaganda" against Modi as "bereft of factual content". He also has the backing of BJP chief M. Venkatesh Naidu.

Lyngdoh notice

Lyngdoh was served a legal notice by a Gujarat official for allegedly "insulting" him. Ghanibhai Qureshi, Chairman of the Gujarat Minority Finance and Development Corporation, said Lyngdoh had mocked him as a "government agent".

Emergency Cabinet meeting on Gujarat today

Govt may seek SC opinion

SUDESH K VERMA
STATESMAN NEWS SERVICE

NEW DELHI, Aug. 17. — The Vajpayee government may request the Supreme Court to give its opinion on the "possibility of a constitutional crisis" due to the Election Commission's decision not to hold polls in Gujarat before the year-end. The government may also urge the court to give its opinion within a "time-frame."

The request is likely to come after an emergency Union cabinet meeting slated for tomorrow. Sources confirmed that the meeting will exclusively discuss the Gujarat situation. Referring the matter to the Supreme Court is one of the options being seriously considered, they added.

The other options are whether to accept the Commission's order "gracefully" or to "challenge it in court". While the Union law minister, Mr Jana Krishnamurthy, has held that there was no point in going to court, the former law minister, Mr Arun Jaitley, has indicated the contrary.

Caught between the hawks and the liberals, referring the issue to the Supreme Court appeared to be the best option, a senior BJP leader said. This would prevent a

legal wrangle in the court on a routine basis and save the government time, he stressed.

The calculation is that an opinion would come before the first week of October, when the Gujarat chief minister, Mr Narendra

Curfew after clashes in Rajkot

GANDHINAGAR, Aug. 17. — Indefinite curfew was imposed in Dhoraji, Rajkot district, after eight people were injured in clashes between two communities this afternoon.

A dispute over the parking of an autorickshaw in front of a cluster of shops in Nadi Bazaar area of the town triggered the clashes. Police said mobs threw stones and soda bottles at each other. Sensing more trouble, local authorities have clamped curfew in the town from 2.30 p.m. — PTI

Modi, would complete his six-month period after dissolution of the Assembly. This would save the government embarrassment even if President's rule was to be imposed, government sources said.

The BJP has held that the Commission's order has created a constitutional crisis. The issue was whether a constitutional authority has the right to take the country to a crisis knowing full well the outcome of its decision and then recommend the imposition of President's rule, a BJP leader said.

Some senior leaders of the party have argued that it should not look as if the Commission was appropriating to itself the right to recommend dissolution of the Assembly. "And why should an elected government follow such a recommendation and what happens if such a recommendation is not followed," a BJP leader said.

Tomorrow's Cabinet meeting does not include in its agenda whether or not to impose President's rule on Gujarat now.

The chief minister can continue in a caretaker capacity till the first week of October and hence there is no hurry. Furthermore, imposing President's rule now would send out a message of meek surrender, he added.

**Editorial: EC get it right,
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Advani attacks EC on Gujarat

TIMES NEWS NETWORK

New Delhi: The Vajpayee government on Monday took the stand that it had sought a presidential reference on the Election Commission's order on Gujarat "to avoid a confrontation between one constitutional body and another."



L. K. Advani

While Prime Minister Vajpayee declined to comment on the issue, stating that it was before the president, Deputy Prime Minister L.K. Advani on Monday asserted that the "EC's job is to hold elections and take the cooperation of the executive for it." He told a TV channel that the EC's opinion that President's rule would have to be imposed in Gujarat after the expiry of six months of the last assembly sitting had made the government refer the issue to the supreme court through a presidential reference. "If he (chief election commissioner) had confined his observation to simply his opinion that the law and order situation there is not favourable for an election, may be you could have differed with it but it would not have been anything which could be legally challenged," Mr Advani said.

The relevant portion from

'Gaurav yatra' from Sept 1

TIMES NEWS NETWORK

Ahmedabad: The BJP has decided to launch 'Gaurav Yatra' from September 1. Party sources on Monday said there was nothing offensive in the programme and it was only to propagate the achievements of the Modi government.

The yatra to be led by Mr Modi and state BJP chief Rajendrasinh Rana will start from Phagvel, a religious centre in Kheda district, instead of Ambaji as planned earlier. Mr Modi is keen that deputy Prime Minister L.K. Advani flags off the yatra.

the EC's order is: "The non-observance of the provisions of Article 174(1) (that a fresh assembly sitting be convened no later than six months after the preceding one)... would mean that the government of the state cannot be carried on in accordance with the provisions of the Constitution... and the President would then step in."

Advani said that he felt "surprised" the EC "should have written (the above paragraph) at all". He was responding to a question on whether it was proper on the part of the government to enter into a confrontation with the poll panel.

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TUESDAY, AUGUST 20, 2002

THE PRESIDENTIAL REFERENCE

THE CENTRE'S RESPONSE to the Election Commission's disinclination to hold early elections in Gujarat has been unnecessarily bristly and needlessly combative. Yes, the Union Government is entitled under Article 143 to seek the opinion of the Supreme Court on any important question of law which may arise or has arisen. And yes again, the Election Commission's decision on Gujarat does throw up some issues of serious constitutional import. But what is really germane here is a clutch of other questions. Why is the Centre so single-minded about rushing through with elections in Gujarat, a State which is still traumatised and in which (as the Commission has pointed out) it is impossible to conduct a free and fair election? Why is the Centre (or more precisely, the BJP leadership at the Centre) so piqued when, in effect, all that the Election Commission's decision means is that the poll is deferred by a couple of months? Why has it risked the impression that it is on a collision course when, by the Commission's own reckoning, Gujarat would be ready to go to the polls by the end of this year? Finally, what is the urgency about seeking a Presidential reference under Article 143? If the issue was only to clear up a possible misinterpretation of the Constitution by the Election Commission, why couldn't this have waited until later?

These questions, when read either singly or together, throw up answers which show up the BJP-led Government in a very poor light. They are answers which suggest that at the bottom of the BJP's eagerness for an early election in Gujarat lies not so much a concern for constitutional propriety but a cold and cynical calculation that its electoral rewards would be far greater if the election is held in the existing, inflamed and communally polarised, situation. The issue of whether the Election Commission's interpretation of the Constitutional provisions, particularly Articles 174 (1) and

324, are valid or otherwise is something for the Supreme Court to decide. The principal question to be settled would probably be the validity of the Commission's view that in extraordinary situations Article 174 (1) (which mandates that a Legislative Assembly meets every six months) should give way or yield to Article 324 (which vests the Commission with the total responsibility for the conduct of free and fair elections). But where was the need, in the course of announcing the Cabinet's decision to make a Presidential reference, to charge the Election Commission with transgressing its jurisdiction? Or, for that matter, to suggest that the Commission's decision has somehow put a question mark on democracy? A Presidential reference under Article 143 of the Constitution amounts to seeking a clarification on a point of fact or a point of law. It should not be accompanied with remarks, either direct or veiled, which serve to discredit a constitutional authority such as the Election Commission.

Such remarks only bolster the impression that the Presidential reference is not merely about seeking a constitutional clarification, but is the BJP's tetchy rejoinder for failing to persuade the Election Commission to declare an early election in Gujarat. Unfortunately, there were moments when such 'persuasion' seemed to assume the shape of a coercive tactic, as it did for example when the party's general secretary, Arun Jaitley, bluntly urged the Chief Election Commissioner, J.M. Lyngdoh, to focus on holding the Gujarat poll and not on the (tardy) relief and rehabilitation measures in the communal riot-hit State. It is absolutely essential to recognise that the basic issue remains that of ensuring the voters in Gujarat, especially of the minority community, a sense of real security which will enable them to exercise their franchise freely. In that sense, no pressure should be unfairly placed on the Election Commission to reverse its opinion.

20 Aug 2002

'COMMISSION HAS TRANSGRESSED ITS JURISDICTION'

Centre to refer EC decision on Gujarat polls to President

By Vinay Kumar

NEW DELHI, AUG. 18. Responding to the Election Commission's firm no to early Assembly polls in Gujarat, the Union Cabinet today decided to make a Presidential reference to seek the Supreme Court's opinion on the EC's interpretation of Article 174 of the Constitution under which there should not be a gap of more than six months between two Assembly sessions.

The Presidential reference would be made under Article 143, which provides for the advisory jurisdiction of the apex court. The court's opinion will be sought on whether the EC could recommend imposition of President's rule in a State where it felt polls could not be held, the Information and Broadcasting Minister, Sushma Swaraj, told a press conference here while briefing reporters on the Cabinet decision.

The Presidential reference seeking the opinion of the apex court would cover interpretations of three crucial constitutional provisions — Articles 174, 324 and 356.

"Is Article 174 of the Constitution mandatory? All other questions flow from this and deserve clarifications. These questions go much beyond Gujarat. A reference will be made to the President who will forward it to the Supreme Court for advice," Ms. Swaraj said.

The decision came at the extraordinary meeting of the Union Cabinet this morning, which was also attended by the Solicitor-General, Harish Salve, and the additional

Solicitor-General as special invitees. It is learnt that many Ministers felt the Commission had transgressed its jurisdiction while suggesting that Gujarat be brought under Article 356 and were inclined to take a confrontationist attitude. However, the Prime Minister, Atal Behari Vajpayee, felt that a balanced view should be taken and a confrontation with the Commission should be avoided, sources indicated.

The EC's decision had raised several important questions which were bound to have far-reaching consequences. "Though the decision of the Commission was in respect of Gujarat, very crucial Constitutional

Gujarat Govt. may approach SC; Cabinet move not an attack on EC, says Mahajan; Advani drops U.S. visit: Page 11

questions have been raised by it," Ms. Swaraj said. First and foremost was the primacy of Article 174. "Is it mandatory? This is being asked. This provision says that there should not be a gap of more than six months between two sittings of the Assembly. The Gujarat Assembly last met on April 6, 2002, and the six-month period expires on October 6, 2002. Before that polls should be held and a new Assembly should be constituted."

'Question mark over democracy'

The EC had said that the decision

datory and it was so in the case of the Lok Sabha also. "This puts a question mark over Indian democracy. The Commission said that this provision cannot be read in isolation and must yield to Article 324 which provides for supervision, control and conduct of polls by the Election Commission," she said.

The Cabinet, she said, held detailed discussions on the entire gamut of Constitutional questions raised by the poll panel. "On the one hand, the Commission is saying Article 174 is mandatory, on the other the panel is saying that it must yield to Article 324. This is contradictory," she said.

On the Commission's suggestion for imposing President's rule in Gujarat, Ms. Swaraj said there was a pre-requisite for it, which said that there should be a breakdown of the constitutional machinery.

"If for any reason the Commission cannot hold polls, can it suggest imposition of Article 356. In the Bommai case, the judiciary went a step further and said that Central rule must be ratified by Parliament. What is the use of Parliament's ratification if the Commission can recommend imposition of President's rule in a State? This gives rise to yet another Constitutional crisis," she added.

Asked about the time frame for Supreme Court's opinion, she said the urgency flowed from the Presidential reference itself. The reference was being drafted and it could take a day or two to be sent to the

BJP will get yet another rebuff, says Opposition

By Neena Vyas

NEW DELHI, AUG. 18. Opposition parties were aghast that the Vajpayee Government had shown scant respect for a Constitutional authority like the Election Commission by its decision to make a Presidential reference to the Supreme Court on the question of timing of the elections in Gujarat, thus dragging even the President into a needless controversy.

Both the Congress and the CPI(M) expressed confidence that the Bharatiya Janata Party would get "yet another rebuff" from the highest court of the land, as in their view it was crystal clear that the Election Commission had "unfettered powers" to assess the situation on the ground and announce the election schedule accordingly.

Some Opposition leaders also pointed out that the very same Election Commission would also supervise and control the all important and crucial election process in Jammu and Kashmir, which the Government was showcasing internationally as fair and impartial. It was strange that the Government was, at the same time, indicting the same Commission for violating the

Constitutional provisions and accusing it of political bias. Ironically, even as the Government today took the decision on the Presidential reference, which amounts to questioning the EC's order on Gujarat, the three-member EC left for Jammu and Kashmir to oversee preparations for polling in the State which begins on September 16.

Even within the BJP there is a section which is wary of the decision to confront the EC — the Deputy Prime Minister, L.K. Advani, had himself stated in Parliament that the party would respect whatever decision the EC took and the Prime Minister, Atal Behari Vajpayee, had also rejected the idea of early polls in Gujarat during a debate on the subject. But it seems the pro-Modi lobby in the party got the upper hand and the mood now in the party is to confront the EC. Of course, officially the party welcomed the Government decision. The party spokesperson, Vijay Kumar Malhotra, justified the Cabinet decision today saying that "it was the only way left for the party". Rather than move court, he said the Presidential reference was the better option as the Supreme Court's views on the interpreta-

tion of Article 174 of the Constitution (which refers to not more than six months gap between one Assembly session and another) would become available as quickly as possible. And Sunil Shastri, also party spokesperson, added that the Cabinet took the "right decision" after "due deliberations".

The BJP general secretary, Mukhtar Abbas Naqvi, said the "Constitutional confusion" created by the EC would be cleared by a Supreme Court decision. Early elections, he said, were in the best interest of the people of Gujarat.

Kamal Nath, in-charge of Congress affairs in Gujarat, charged that "the BJP was not willing to face the reality on the ground in Gujarat nor the Constitutional reality of the EC's powers". He welcomed the Presidential reference saying the BJP and its Government would get "yet another rebuff". He pointed out that the Gujarat Government had blatantly misled the Commission, it was accountable to nobody and the Congress would press for the imposition of President's rule so that it was made accountable to Parliament.

The Congress spokesperson, Anand Sharma, described the

Government decision as "an assault on the Constitutional authority and dignity of the EC" and said that if any proof was needed it was here that the BJP did not respect Constitutional institutions and authorities. The effort was to "undermine" them. It was clear that "the Cabinet has acted to help the BJP further its communal agenda and exploit the communal divide (after the riots in Gujarat) for electoral gains". His view was that the EC's powers under Article 324 to determine the date of elections was "unfettered" and it was for the EC to determine whether the situation on the ground was conducive for holding polls.

The CPI(M) politburo member, Prakash Karat, said the Government's decision was "totally unwarranted" as there was neither any Constitutional crisis nor any Constitutional problem as made out by the Cabinet. "The only problem is that the BJP wanted early elections to exploit the communal divide," Mr. Karat added. By the decision, the Government has "needlessly dragged the President into the controversy" and it has "further undermined the authority of the Election Commission".

19 AUG 2002

Rs. 2,500 cr. Central grant for 14 States

By Our Special Correspondent

NEW DELHI, AUG. 8. A Rs. 2,500 crore package in the form of a cent per cent grant from the Centre would soon be available to 14 identified States, apart from Orissa and Bihar which are to receive special packages. These funds are for the development of more than 100 identified most backward districts in the 14 States and also for the Kalahandi-Bolangir-Koraput (KBK) region of Orissa and Bihar which will individually receive a package of Rs. 800 crores.

Known as the Development and Reform Facility (DRF), this provision was announced in the current year's budget by the then Finance Minister, Yashwant Sinha.

Subsequently, the Deputy Prime Minister and Union Home Minister, L. K. Advani, forwarded a request to include districts affected by Left wing extremism and about 30 out of the 43 districts identified by the

Home Ministry have been included for devolution of funds.

The States which have been identified for receiving DRF funds in the first phase are Andhra Pradesh (five districts), Gujarat (three districts), Haryana (one district), Karnataka (four districts), Kerala (two districts), Madhya Pradesh (nine districts), Maharashtra (nine districts), Punjab (one district), Rajasthan (three districts), Tamil Nadu (five districts), Uttar Pradesh (20 districts), West Bengal (eight districts), Chhattisgarh (four districts) and Jharkhand (six districts).

Each of the identified backward district would be provided approximately Rs. 15 crores per annum working out to a total of Rs. 1,500 crores while the KBK region of Orissa would get Rs. 200 crores. Bihar individually would get Rs. 800 crores.

As per plans, DRF funding would be cent per cent Central grant in the form of in-

From Centre-State sub
centive to the States to take up reforms and would basically give a fillip to agriculture, fill critical gaps in infrastructure and address local needs and problems.

The States would, on their part, have to ensure stability of tenure of all critical functionaries involved in the DRF programme at the district level, provide complete transparency in the selection, formulation and implementation of projects to be funded and also involve panchayati raj institutions and non-government organisations in the development activity.

To receive DRF funding, the States would also have to commit themselves to undertaking medium term fiscal reforms as listed out by the Finance Ministry, the accelerated power development programme as drawn up by the Power Ministry and the accelerated irrigation benefits programmes put out by the Water Resources Ministry.

8 AUG 2002

THURSDAY, JULY 25, 2002

Centre-State
FOR REAL MORAL CREDIBILITY *MD-10*

THE RESPONSE OF the Vajpayee Government to the Lok Sabha debate on 'Gujarat' — in the specific context of premature dissolution of the Assembly necessitating a snap poll — has been on predictable lines. After all, it was the BJP high command which, in the face of indignant calls (including from the party's own allies in the ruling coalition) for Narendra Modi's removal as Chief Minister, contrary to the sense of widespread outrage over his attitude, actually seemed to commend him and asked him to seek a fresh mandate. The tenor of the debate provided a virtual throwback to a similar one witnessed less than three months ago. Except that the dissenting voices of 'secular' NDA partners such as the TDP and the Trinamool Congress were somewhat muted this time around, while on the other hand the Government sounded more dismissive and authoritarian than earlier, and this attitudinal change is obviously relatable to the BJP's new assertiveness vis-a-vis the coalition partners and its calculated decision to hark back to its Hindutva ideology and to be unapologetic about it.

In stoutly defending Mr. Modi's action in getting the Assembly dissolved eight months ahead of tenure as a prelude to fresh elections, the Deputy Prime Minister, L.K. Advani, has tried to take a Constitutional high ground. The argument that an incumbent Chief Minister enjoying majority support has a right to recommend premature dissolution of the House and seek a fresh mandate and that the Governor is bound to accept such a recommendation is of course unassailable. But the fact remains that Mr. Modi's technically sustainable move stands seriously vitiated by the diabolical design and cynical motivation that lies behind it. Witness his Government's provocative and partisan stance during the post-Godhra carnage, its blatantly anti-minority bias in providing relief and rehabilitation to riot victims and, above all, the unseemly pressure being brought to bear on the Election Commission to schedule the polls 'early'.

There can, of course, be no question about the

E.C.'s obligation to ensure that a new House is elected without loss of time and within the ambit of relevant Constitutional provisions. But the panel cannot be, and ought not to be, hustled into conducting the process in conditions that are far from conducive for the voters to exercise their franchise in a free and fair manner. In Gujarat, organised communal violence may have practically ceased, but by all objective accounts the situation is nowhere near normal, vehement denials by the ruling establishment notwithstanding. In fact, as late as July 7, Mr. Advani himself has admitted as much when he said 'normality' could be considered to have returned only when the Government succeeded in instilling a sense of security among "all sections" of the people. There has been no real improvement of significance on the ground since then, although the Deputy Prime Minister chose to change his tune while speaking in the Lok Sabha.

Mr. Advani has been emphatic in rejecting the Opposition demand for holding the elections under President's rule. There is indeed no Constitutional bar on a Chief Minister opting for a snap poll and continuing in office in a caretaker capacity, nor has a convention been evolved for incumbent State Governments to quit ahead of Assembly elections. Yet, given the totality of circumstances under which Mr. Modi has resorted to this course, the larger national and democratic cause demands that he ceases to function as Chief Minister (even with a caretaker status) once he has tendered the resignation of his Cabinet and that the State thereby be brought under President's rule. There can be no credibility to an election process that is held under a Government headed by Mr. Modi, what with the fear psychosis that has come to grip the minority community because of his brazenly discriminatory ways. It must be remembered that, in a democracy, those elected derive their legitimacy essentially from the free and rightful participation of all sections including the minority in the democratic process.

THE HINDU

25 JUL 2002

HO-1 'MODI DOES NOT NEED YOUR CERTIFICATE' 2/17

Advani rejects demand for President's rule in Gujarat

By Vinay Kumar

NEW DELHI, JULY 23. Rejecting the Opposition demand for imposition of President's rule in Gujarat, the Deputy Prime Minister, L.K. Advani, today said the Chief Minister, Narendra Modi, did not need a "certificate" from the Opposition parties but certainly needed one from the people.

Replying to the eight-hour long discussion in the Lok Sabha on relief and rehabilitation measures in Gujarat, Mr. Advani brushed aside the Opposition accusation that Mr. Modi was guilty of encouraging violence in Gujarat. In his opinion, there was no breakdown of the Constitutional machinery in the State to warrant the imposition of President's rule.

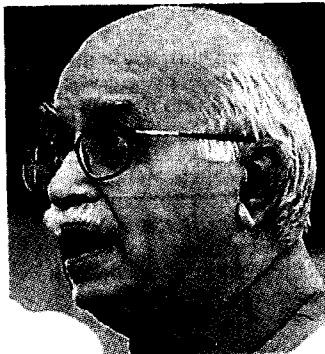
"This is a baseless allegation that the violence in Gujarat was state-sponsored. There can be officials in the administration who are guilty but that will be

pinpointed by the Commission of Inquiry already looking into all such related aspects," he said.

In his 45-minute reply, Mr. Advani said Mr. Modi's offer of resignation had been rejected by the BJP's national executive in Goa and the Chief Minister wanted to go in for the polls in April itself but was asked to ensure the restoration of peace.

Pointing towards the Opposition benches, Mr. Advani said: "You have forced him (Mr. Modi) to go to the people. He does not need your certificate, he needs the certificate of the people. Whatever he has done by recommending the dissolution of the Assembly is within the ambit of the Constitution and politically right."

Referring to Article 174 of the Constitution, Mr. Advani said there was no ambiguity about it and the Chief Minister's advice was binding on the Governor.



He termed the Opposition attack on the Governor and the Chief Minister as 'unfair and wrong' that the two top State functionaries were RSS "pracharakas".

"Even the Congress has found somebody from the RSS", he quipped while referring to Shankarsinh Waghela who was recently appointed president of the Gujarat Pradesh Congress.

Mr. Advani said the Election

Commission would soon have discussions with the officials of the State Government to arrive at a decision on fixing the poll schedule. The Centre would persuade the Commission to ensure that all those whose names figured in the electoral rolls were able to cast their votes even in the absence of the voter identity card.

Mr. Advani said that out of the 182 Assembly constituencies in Gujarat there had not been a single incident of violence in 103 and only 79 segments had been affected. By the end of May, there was peace in all the segments.

Referring to the views expressed by the Samata Party and others that in the case of all Assembly polls President's rule should be imposed, Mr. Advani stopped short of suggesting a proposal as the Opposition wanted Gujarat to be the test case.

BJP allies strike a different note

By Our Special Correspondent

NEW DELHI, JULY 23. Demands for the dismissal of the Gujarat Chief Minister, Narendra Modi, and the imposition of President's rule ahead of the proposed Assembly elections in the State dominated the debate in both the Houses of Parliament today.

While the Opposition stand articulated by the Congress, the Left, the Rashtriya Janata Dal and the Samajwadi Party was known, it was the NDA allies such as the Telugu Desam Party, the Trinamool Congress, the Samata Party and the Janata Dal (United) which spoke in a voice different from that of the BJP. While the TDP emphasised on relief and rehabilitation of the riot victims and suggested that elections in the State could not be the over-riding priority, the Samata Party said that as a standard procedure, President's rule should be imposed in the States going for elections.

Much of the Opposition argument was that the situation in the State was far from normal. Many people were still in relief camps, rehabilitation work was tardy, and fear and insecurity was still prevalent among the minorities. The Opposition members wondered how free and fair polls could be conducted in the State without updating the electoral rolls, especially when several thousands had been displaced and had become victims of pro-

longed communal violence.

In the Lok Sabha, Basudeb Acharya of the CPI (M) initiated the discussion under a rule that does not entail voting. How could the people, especially the minorities, feel secure after the violence, he asked. The Congress leader, Priyaranjan Das Munshi, said that the electors should feel confident of exercising their franchise without fear.

The CPI (M) leader, Somnath Chatterjee, wanted to know why the polls in Gujarat were sought to be advanced. "There is a churning in Gujarat. From Gandhi to Godse to Modi. Officials are being penalised for doing their jobs. Please do not make an empire over dead bodies. The Election Commission will not fall into the trap of holding early elections." Prabhunath Singh (Samata Party) favoured the imposition of Article 356 in all States where elections were due. Krishna Bose of the Trinamool Congress said that fear psychosis was still prevalent in Gujarat and the people did not want to go back to their homes. And that the conditions were not conducive for polls.

In the Rajya Sabha, the Congress leader, Pranab Mukherjee, led the Opposition charge and wondered whether the Governor had "applied his mind" on Mr. Modi's recommendation for dissolving the House. He also accused the BJP of having two yardsticks, one for Uttar Pradesh, where it had argued that the issue of the legislature meeting within six months did not apply to

two different Assemblies, and one for Gujarat, where it was taking the contrary stand.

Arjun Singh, Congress leader, alleged that there was abdication of responsibility by those in constitutional places. Wondering if the "constitutional coup" carried out by the BJP in elevating L. K. Advani as the Deputy Prime Minister was part of a "grand design," he said "the Prime Minister is no longer the focus, he has been sidelined by a constitutional coup... is looking on helplessly." The Congress was not afraid of elections, he said, but criticised the attempt to "pressure" the Election Commission. In hindsight, it appeared that the adoption of the Opposition-sponsored motion on Gujarat in May this year was a ploy of the ruling coalition to silence the Rajya Sabha.

The CPI (M)'s Nilotpal Basu demanded why the BJP, despite its claim of having been "accountable" by calling for early elections, did not call a single sitting of the State Assembly since April to discuss relief and rehabilitation work.

The AIADMK took a cautious route, with V. Maitreyan saying that while it was for the people of Gujarat to have the opportunity of electing a Government of their choice, the matter should be left to the Election Commission. The party also demanded that the Centre spell out the steps taken to evolve a rehabilitation package and restore normality. The debate in the Rajya Sabha remained inconclusive.

Advani growls at Central rule cry

Poll panel scotches discord rumours

FROM OUR SPECIAL CORRESPONDENT

New Delhi, July 23: The Election Commission today denied any internal difference of opinion on polls in Gujarat even as lobbies for and against early elections stepped up pressure on the poll panel.

"The commission has clarified that all its decisions are unanimous and taken after due consideration," said deputy election commissioner A. N. Jha.

Tomorrow, a three-member BJP delegation led by party president Venkaiah Naidu will meet the commission to press for early polls. General secretaries Arun Jaitley and Mukhtar Abbas Naqvi will accompany Naidu. Sources said the BJP leadership will make out a case that it is possible to hold "free and fair" polls in the riot-scarred state.

Following the dissolution of the Assembly, different political parties and organisations have bombarded the commission with petitions as the poll body is the final authority that will decide the election schedule.

Yesterday, a high-powered Congress delegation had met the commission with a petition not to call early polls. The Left leadership today indicated that they, too, might meet the commission and urge it to delay the polls.

Earlier, a group of eminent citizens had petitioned the commission not to go by the govern-

FROM KAY BENEDECT

New Delhi, July 23: Burying the hesitancy that marked his tenure as home minister, L.K. Advani today defended Narendra Modi and his plans for early polls in Gujarat to the hilt.

The chief minister does not need your certificate, the deputy Prime Minister told the Opposition parties, while rejecting their demand for President's rule in the state. He needs the certificate of the people, which he is going to get.

Advani dismissed the Opposition's charge that the Gujarat violence was state-sponsored and said the killings did not amount to genocide. "To call it a genocide is wrong and will send wrong signals to the world as people from both communities have been killed in the violence. If it was state-sponsored, then 201 people would not have

been killed in police firing." "A few incidents of rape took place but not in thousands as some members have alleged," he added.

Advani defended Modi's recommendation for dissolving the Assembly. What the Gujarat government has done is within the ambit of the Constitution and politically right, he said and slammed as "totally wrong" the Opposition's charge that an RSS chief minister's recommendation for dissolving the House had been accepted by an RSS Governor.

"As per Article 174 of the Constitution, a Governor is duty bound to accept the recommendations of a chief minister who enjoys majority," he pointed out. Advani's reply to an eight-hour discussion on an Opposition-sponsored motion in the Lok Sabha under Rule 193 also touched on the forensic report

on the Godhra train carnage, the original flashpoint for the riots.

One did not require a forensic report to reach the conclusion that someone had thrown inflammable material into the coach to burn it, he said. "The basic theory that *kar sevaks* did it is wrong. We are not encouraging communal harmony by saying so. One must weigh each word while referring to it," Advani said.

The deputy Prime Minister said the BJP national executive at Goa had expressed full faith in Modi and rejected his resignation offer. A dissatisfied Opposition walked out as soon as Advani finished his speech and just before the Speaker adjourned the House.

The debate, initiated by the CPM's Basudev Acharya, saw Congress members Priya Ranjan Das Munshi and Margaret Alva and CPM MP Somnath

Chatterjee tear into the government and the BJP for trying to garner votes by communally polarising Gujarat.

Much to the embarrassment of the BJP and the government, several of its allies — the Telugu Desam Party, the Trinamul Congress, the Janata Dal (United) and the Samata Party — also objected to the haste in seeking elections even though relief and rehabilitation work was still going on. The allies said the situation was not conducive to polls and holding of elections could not be the overriding priority.

Parliament had earlier discussed the Gujarat violence twice under Rule 184 and Rule 193. Advani had then appeared hesitant to defend Modi.

The discussion today was markedly different with treasury benches appearing indifferent. Unlike in the Rajya Sabha, the BJP speakers in the lower

House were lightweight and at one time, no senior minister was present. Even minister of state for home Vidyasagar Rao had stepped out. Around late evening, only a 100-odd MPs were present.

Congress member Kamal Nath and others created a ruckus and asked why neither Advani nor his deputy was present. Hearing the commotion, parliamentary affairs minister Pramod Mahajan rushed inside. Advani arrived a little later.

The deputy Prime Minister said the Centre was prepared to consider the proposal for imposing President's rule in all states a month before the poll process. But an exception could not be made only in the case of Gujarat.

Arguing for the need for early polls in the state, he said "elections will help reduce tensions as people's attention gets diverted towards the poll process".

110-1
23/7

Opposition demands President's rule in Gujarat

By Our Special Correspondent

NEW DELHI, JULY 22. The Gujarat Assembly dissolution rocked Parliament today as a united Opposition displayed its ire and demanded that the Chief Minister, Narendra Modi, be dismissed and that the State be brought under President's rule.

Both the Houses were adjourned for the day amid uproarious scenes, as an unrelenting Opposition wanted the suspension of

question hour and a discussion on the Gujarat issue. The Opposition unity, which had come under strain over the presidential elections, was evident for the first time in the current session when it successfully stalled the proceedings in both the Lok Sabha and the Rajya Sabha.

The Rajya Sabha Chairman, Krishan Kant, adjourned the House for an hour soon after it met, following tumultuous scenes for about 20 minutes. The Opposition raised the

pitch by demanding President's rule while the ruling coalition benches countered it by backing the plan to hold elections. The House, originally scheduled to discuss the Gujarat issue on Wednesday, is likely to take it up tomorrow, in view of the latest development.

The scene was no different in the Lok Sabha where the turmoil began as soon as it met, with the Congress members, S. Jaipal Reddy and Priyaranjan Das Munshi,

alleging that the constitutional machinery in Gujarat had broken down. They wanted question hour suspended to discuss the issue.

Within minutes, the Opposition members, including those from the Congress, the Samajwadi Party, the Rashtriya Janata Dal and the Republican Party, entered the well of the House and raised slogans such as "Modi Hatao, Desh Bachao" (Remove Modi, save the nation) and "we want Article 356 (imposition of President's rule)."

The sloganeering drowned question hour even as the Speaker, Manohar Joshi, refused to give in and repeatedly urged the members to go back to their seats. "I will listen to you when you go back to your seats... no point in coming here. Please don't do injustice to the members who have asked questions," he said and asked the Ministers to respond to the questions.

The Leader of the Opposition, Sonia Gandhi, was engrossed in discussions with senior members of her party such as P. M. Sayeed, Shivraj Patil and others. The former Prime Minister, H. D. Deve Gowda, was also conferring with Mr. Das Munshi.

As question hour was about to end, the Opposition members again shouted slogans, raising their hands in solidarity. The RJD leader, Raghuvansh Prasad Singh, raised a point of order saying that Rule 375 did not permit the conduct of business when there was disturbance. On the other hand, the Congress members quoted the reported comments of Mr. Modi and wanted him to be summoned before the Bar of the House. The Speaker warned the members of action if they did not return to their seats but to no avail. He then adjourned the House till 2 p.m.

The situation was no better when the House resumed, and within minutes the Deputy Speaker, P. M. Sayeed, adjourned it for the day.

'Cong. scared of voters': Page 12

Elections not a priority now, says Cong.

By Our Special Correspondent

NEW DELHI, JULY 22. The Congress today urged the Election Commission to defer the elections to the Gujarat Assembly till peace and confidence were restored, and not to give in to the Bharatiya Janata Party's "fallacious" interpretation of Article 174 (1) to justify early election.

A representation to this effect was made by a Congress delegation at a meeting with the Election Commission. Reiterating its demand for President's rule in Gujarat, the Congress cited Supreme Court judgments to say that the power to fix the date of an election was vested in the Election Commission, and it was not within the jurisdiction of the Centre or the State Governments.

The delegation comprised the Leader of the Opposition in the Rajya Sabha, Manmohan Singh, Ambika Soni, political secretary to the party president, Sonia Gandhi, the Jammu and Kashmir Congress president, Gulam Nabi Azad, and the Rajya Sabha MPs, Kapil Sibal, H. R. Bhardwaj, and Oscar Fernandes.

Explaining the party position at a press conference later, the spokesman, Abhishek Singhvi, said that Article 174 (1) stipulated that the gap between two legislative sittings should not exceed six months. "This applies to two sessions of the same Assembly, and not between two sessions of separate Assemblies. Since the Assembly has been dissolved in Gujarat, this law cannot be applied."

Maintaining that the Congress was not shying away from an election — after all, it had won all the elections in the recent past in the State, save the one from Rajkot — Mr. Singhvi said: "Elections are not a priority in Gujarat now. Much needs to be done for the restoration of peace and confidence."

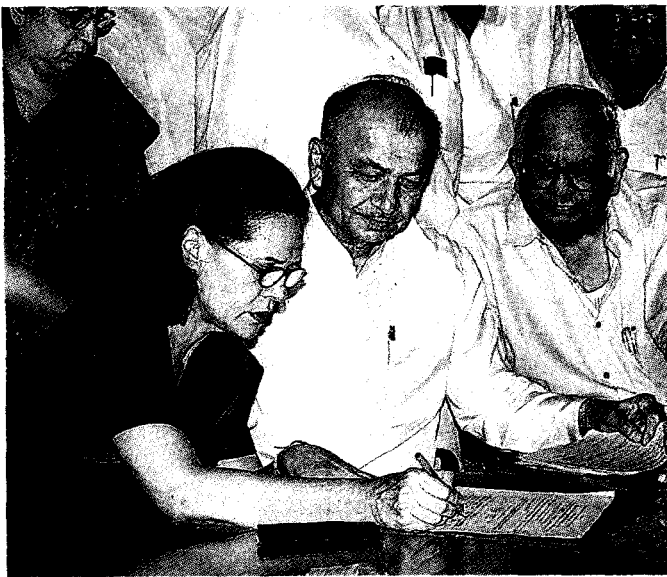
In arguing against the BJP's interpretation of Article 174 (1), the Congress position is that the Election Commission has been vested with a "vast reservoir of powers" under Article 324 (that of superintendence, direction and control for the conduct of elections).

To an observation that the battle of wits and words over the election schedule for Gujarat revolved around "interpretations of Article 174 (1)," Mr. Singhvi said, "our interpretation harmonises Article 174 (1) and Article 324 whereas the BJP interpretation renders Article 324 superfluous."

The Congress is also trying to force the Government into living up to the Rajya Sabha resolution — which it also endorsed — calling for the implementation of Article 355 (that of ensuring that the State Governments are carried on in accordance with the constitutional provisions) in Gujarat. Add to this the fact that "free and fair elections" is the bedrock of an electoral process, and, in the opinion of the Congress, the situation in the State militates against this essential.

The party, however, fought shy of taking the same position on Jammu and Kashmir on the premise that this was one State where — because of cross-border terrorism — it preferred to be guided by Government inputs. Conceding that Mr. Azad had made such a demand, the Congress leader, S. Jaipal Reddy, said: "We are not opposed to it per se; but at the level of AICC we have not take a view on it and are awaiting a word on this from the Government."

The Kashmir-specific demands that it placed before the Election Commission pertained to the "grey irregularities" in the voters' list; allowing the Kashmiri pundits to vote through the electronic voting machines in their camps; and parity in security to the leaders of all the parties participating in the elections.



The Congress president and Leader of the Opposition in the Lok Sabha, Sonia Gandhi, proposing the name of Sushil Kumar Shinde (centre) as the Vice-Presidential candidate, while the CPI (M) leader, Somnath Chatterjee, looks on, at the Parliament House in New Delhi on Monday. — PTI (Report on Page 11)

Amnesty denied visa

By Anjali Mody

NEW DELHI, JULY 22. An Amnesty International team has been denied visas to India because it wanted to go to Gujarat to investigate the massacres and human rights violations.

In a statement issued today, Amnesty International said: "This refusal damages the image of both the Indian and Gujarat Governments before their citizens and the international community. A Government which fully accepts its responsibilities in protecting its citizens and upholds their constitutional rights to life and equality does not shy away from international scrutiny."

Amnesty said that New Delhi's refusal to grant it access to the State would "only reinforce the concern that the Government of Gujarat and the State police might have been accomplices in preparing the ground for the violence and in allowing it to occur and could be attempting now to cover up involvement of their officials." Guilia dePonte, an Italian national, and Parminder Parbha, a British national of Indian origin, comprised the team that was to have come to India. Ms. dePonte said the authorities did not officially refuse visas but said these had been "delayed", in some cases for as long as two years. She said that in order to avoid this situation, it had agreed with the Indian High Commission that if there was no answer by July 12, it would consider that the visa had not been granted.

Opposition stalls Houses for President's rule in Gujarat

HT Correspondent
New Delhi, July 22

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A CONGRESS-LED Opposition today stalled Parliament in protest against dissolution of the Gujarat Assembly and demanded President's rule in the riot-ravaged State.

Congress MPs, followed by RJD members, stormed the Well in the Lok Sabha during Question Hour, shouting slogans against the Narendra Modi Government.

Speaker Manohar Joshi declined to suspend Question Hour but agreed to hear the MPs out during Zero Hour. He refused to suspend the proceedings though neither the members' queries nor the ministers' replies could be heard in the din. Later, Joshi adjourned the House for two hours after the tabling of papers was over.

When the House met again at 2 pm, the Congress MPs resumed their protests, forcing Deputy Speaker P M Sayeed to adjourn the House for the day.

In the Rajya Sabha, Chairman Krishan Kant adjourned the House till 12.30 when Congress, RJD and Left leaders disrupted Question Hour, demanding Modi's ouster and invocation of Article 356 in Gujarat. There were similar scenes when the House re-assembled after which Kant adjourned the House for the day.

In the Lok Sabha, Joshi refused to suspend Question Hour, reminding the Congress MPs that the last time Question Hour had been suspended was in 1990 when both Opposition and Treasury benches had pressed for it.

He also warned that he could take action against the MPs for storming the Well.

The Congress floor leaders, however, asked their MPs to move into the Well in full strength. "Modi *hatao desh bachao* (Remove Modi, save the country)," they shouted. Samajwadi Party and Left members did not join them during Question Hour. But later, they too moved into the Well.

Quoting Modi's remarks that he had been forced to call elections because of the Lok Sabha debate which cast a slur on his ministry, some Congress MPs said the Gujarat CM should be summoned before the bar of the House to be reprimanded.

An unruffled Joshi first asked the Congress to explain why it wanted the House not to take up the Question Hour. Congress chief whip Priya Ranjan Das Munshi said the Modi Government's conduct was the most serious issue before the nation as "democratic and constitutional norms" had been thrown to the winds.

When Joshi sought the Government's view, Parliamentary Affairs Minister Pramod Mahajan said, "It is within Modi's constitutional rights to recommend dissolution of the Assembly."

THE HINDUSTAN TIMES

2 7 2012

BJP no to Central rule

STATESMAN NEWS SERVICE

NEW DELHI, July 20. — The BJP today rejected the call for imposition of President's rule in Gujarat and persisted with its demand for early polls, even as the Election Commission was awaiting an official communication on the dissolution of the Assembly.

But the BJP was at a loss to explain the contradiction between its earlier stand on the Uttar Pradesh Assembly and that now over Gujarat. The party had argued in favour of early polls since the gap between two Assembly sessions cannot exceed six months under Article 174(1) of the Constitution.

Senior BJP leaders today said the EC had "no option" but to hold early polls as a new Assembly must be in place before 6 October, which is six months since the last session of the dissolved Assembly.

(The state BJP's claim of normalcy in Gujarat was shaken yesterday with a flare-up at Virangaon taluka in Ahmedabad, where two persons

died and 14 were injured overnight. Police fired to quell mobs, and there were reports of private firing, too. The area is now under indefinite curfew, adds SNS from Gandhinagar.)

The Congress, however, is keen to point out that this stress on Article 174(1) was conveniently forgotten by the BJP in Uttar Pradesh. The Rajnath Singh government had contended before the Supreme Court that the Constitutional phrases "its last sitting in one session" and "its first sitting in the next session" applied to the same Assembly. The contention then was the life of the Assembly terminated with its dissolution, and hence the provision under Article 174(1) would not apply.

A senior BJP leader said the interpretation by the former UP government was pending before the Supreme Court, and the verdict has not been announced. He was at a loss for words when asked to explain how the party could take a different stand on the same issue in a similar situation.

■ See GUJARAT: page 10

GUJARAT:

(Continued from page 1)

Party leaders said they hope that the EC would go by the constitutional interpretation and not by what stand the BJP took in 2001.

On the demand for Central rule, the BJP tried to turn the tables on the Opposition by asking them to reach a consensus that President's rule be imposed in all states going for the polls. Nine states are going for polls next year, including the Congress-ruled states like Madhya Pradesh, Rajasthan and Chhattisgarh, the BJP president, Mr M Venkaiah Naidu, said.

The Congress reaction to dissolution of Gujarat Assembly reflected the double standards of the Congress and Left parties, he said, and sought to know if these parties were "nervous, weak or unprepared". Mr Naidu said Mr Narendra Modi had "shown the courage to face the people". "We (BJP) are ready and if you (Congress) are ready, let us go to the people and let them decide."

To give an impression that normalcy had returned to the state, he said trade and commerce was looking up and development work in the state was going on well. The law and order situation was conducive to holding

elections and the displaced persons were back in their homes from relief camps, he said, while pointing out that the Jagannath Rath Yatra had taken place peacefully.

The BJP president said he sympathised with the Congress for appointing Mr Shankersingh Vaghela as the party's Gujarat unit chief. When asked if Mr Vaghela was a threat to the BJP's electoral prospects, he said, "Vaghela, who?" The Congress' plight was obvious as it had to take "a refugee from the Sangh Parivar," he said.

The party appeared defensive about reports that it would like to win the elections on the communal card and fielded its two prominent Muslim leaders, the general secretary, Mr Mukhtar Abbas Naqvi, and the civil aviation minister, Mr Syed Shahnawaz Hussain, to dispel the impression.

Both of them asserted that the party would not contest the Gujarat elections on "communal basis" and asked the minority community to shun "pseudo-secular parties" and come along with the BJP.

The EC is in no hurry to take a decision on the Gujarat polls. A clear picture about the EC's strategy on Gujarat is expected to emerge next week, sources said. The commission declined any official comment.

Charges, Counter-Charges See Ry Bifurcation Issue Go Off Track

Bihar, Bengal lock horns in LS

Our Political Bureau
NEW DELHI 18 JULY

IT was Bihar versus West Bengal in the Lok Sabha on Thursday. The reverberations of the raging rail zone row reached Lok Sabha on Thursday, with the vociferous members from Bihar and Bengal trading charges. As the two sides slugged it out, Bihar seemed to be sitting pretty, with the Union Cabinet once again refraining from taking up the matter as demanded by Trinamool leader Mamata Banerjee. NDA managers recognise that reversing Nitish Kumar's decision to transfer Dhanbad and Mughalsarai divisions might not be possible, but will like the issue to be kept in abeyance for some time, lest Ms Banerjee felt humiliated and started tormenting Prime Minister A.B. Vajpayee yet again.

In the Lok Sabha, the mat-

ter was raised during the question hour by BJP member Mansinh Patel, but spilled over into the zero hour because of the persistence of the Bihar and Bengal MPs. Charges and counter-charges were hurled, Ms Banerjee taking the lead in trying to put railways minister Nitish Kumar in the dock.

"How could five new zones be notified on July 4 when the government had clearly said the matter relating to the creation of the east central railway and the north western railway would be referred back to the Cabinet," an irate Ms Banerjee said. "The minister has misled the House.



NITISH & MAMATA: NO END IN SIGHT

Raghuvansh Prasad Singh, the voluble RJD member, launched a counter attack. "We had warned Mamataji not to tinker with the Cabinet decision when she was the minister. This is the first time all political parties from Bihar have taken a united stand," he yelled at the top of his voice.

"We're not going to take this lying down. We want the Katihar division included into the Hajipur-headquartered East Central Railway. There will be a countrywide agita-

Some people are playing dirty games and are indulging in political vendetta," she added. This brought the Bihar MPs on their feet. Mr

tion if Hajipur is touched. We won't allow a single Bengal-bound train to pass through Bihar," he warned.

Mr Singh's assertions brought the House down, forcing the Speaker, Mr Manohar Joshi to urge the members not to make it a Bihar versus Bengal issue.

Even as the Trinamool Congress MPs protested, a new twist was added by the BJP MP from Gorakhpur, Yogi Adityanath. "Samastipur and Sonepur divisions have been taken away from the north-east frontier railway, making it the smallest zone," he said. Turning towards Mr Singh, he continued: "You must allow me to speak. Remember, all trains bound for Bihar have to cross Uttar Pradesh."

Amidst the din, Samata Party MP Raghunath Jha said the controversy had its roots in "somebody's" ambition to grab the rail portfolio.

The Economic Times

19 JUL 2002

ARUN JAITLEY NAMED AUTONOMY INTERLOCUTOR

J&K may get more powers

Statesman News Service

NEW DELHI, July 16. — Ruling out a restoration of the pre-1953 status for Jammu & Kashmir, the Centre has agreed to consider limited autonomy for Jammu & Kashmir while appointing former Union law minister Mr Arun Jaitley as the new interlocutor. This was announced in the Lok Sabha today by Deputy Prime Minister Mr LK Advani.

Mr Advani was replying to the debate on the Opposition adjournment motion on the Kasmir Nagar massacre. The motion was rejected by a voice vote after the entire Opposition walked out of the Lok Sabha rejecting the government's reply on the motion. Opposition leaders said Mr Advani's statement was "greatly disappointing" and failed to address some specific points raised by Mr Shivraj Patil and Mr Somnath Chatterjee on the government's policy to combat terrorism.

In a major policy shift on Kashmir, the government invited chief minister Dr Farooq Abdullah to make specific suggestions to the Centre on areas where the state would like greater autonomy for better governance and development. "We will consider their suggestions and Mr Arun Jaitley will initiate a dialogue on autonomy in a couple of days," Mr Advani said.

He, however, made it clear that the Centre stuck to its earlier decision — endorsed by a Parliament resolution last year — rejecting the demand for restoration of pre-1953 status. "Going back to the

pre-1953 status would mean depriving citizens of J&K of certain Constitutional rights which they enjoy now," Mr Advani explained.

The government also set at rest speculation on dividing the state into three regions, with Mr Advani rejecting the RSS demand outright: "Jammu & Kashmir should be taken as a unit ... there is no question of any division of the state."

Mr Advani's reply, however, did not elaborate on the government's policy on combating terrorism. Opposition members spoke on the rationale behind depending too much on the US in the fight against Pakistan-sponsored terrorism.

Mr Advani said: "I told a visiting US official that the Bush Administration should ask Pakistan to stop providing funds, ammunition and other infrastructural aid to terrorist groups and organisations in Pakistan with the condition that should Islamabad fail to act, the country would be declared a terrorist state."

But the government admitted it should not expect too much from other nations, including the USA, and that India would have to fight its own battle against terror.

The message to the Lok Sabha was that terrorism is

unlikely to vanish and that the nation would have to be prepared for such acts of terror for many more years. Speaking on this line were Mr Advani, defence minister Mr George Fernandes and the minister of state for external affairs, Mr Omar Abdullah.

Advani's praise unsettles Opposition, page 6

Five Chittisinghpura 'ultras were civilians'

JAMMU, July 16. — The five persons who were killed by security forces at Panchaltan-Anantnag in March 2000, six days after 36 Sikhs were massacred at Chittisinghpura, were all local people and not foreign militants as claimed by the forces.

This was established by the report of Kolkata-based Central Forensic Science Laboratory, tabled in the Assembly today by Dr Farooq Abdullah. The state recommended a CBI probe into the killing of the five civilians and the alleged fudging of DNA samples by its officials. The samples were taken from five slain persons alleged to be terrorists.

The government has urged the Centre to depute a High Court judge to probe the 20 March Chittisinghpura massacre that coincided with the visit of Mr Bill Clinton. Senior Army and police officers had claimed the five persons were members of LeT and other terrorist groups. — SNS

THE STATESMAN

19 JUL 2000

From
Centre
11/7

Centre in a bind

By Our Special Correspondent

NEW DELHI, JULY 10. The Centre is in a bind over the impending arrest of the MDMK leader, Vaiko, under the Prevention of Terrorism Act (POTA) for reportedly speaking in favour of the LTTE, a banned terrorist organisation, at a recent public meeting near Madurai.

Though feeling concerned over the invocation of POTA against Mr. Vaiko, whose MDMK is a constituent of the NDA coalition at the Centre, the Union Government appears to be helpless over the development.

Home Ministry sources were unwilling to make a formal comment, but said it was a State matter in which the Centre could do "very little" even if it wanted to rescue the NDA ally.

Sources said that at the most the Centre could share intelligence inputs with the State Government if it pertained to a law and order problem. It could also seek a report from the State Government in the case. Last week, the Deputy Prime Minister, L.K. Advani, described it as a matter concerning the State Government and said that the Tamil Nadu Chief Minister, Jayalithaa, had written to him saying the MDMK leader had made certain speeches regarding the LTTE.

Interestingly, speaking at the recent meeting of the Parliamentary Consultative Committee of

the Home Ministry, Mr. Vaiko had spoken against Section 21 of POTA, saying it could be misused. Anyone who supported a banned terrorist organisation was liable to be prosecuted under this provision.

An indication of the Centre's dilemma on the Vaiko affair came when the former Law Minister and the Bharatiya Janata Party spokesperson, Arun Jaitley, shied away from denouncing the Jayalithaa Government for arresting members of the MDMK, and indicating its intention to arrest Mr. Vaiko himself.

Mr. Jaitley said that it was a "technical issue" and "depended on the evidence available". Without clearly answering the question whether POTA could be invoked against those openly expressing support for a banned terrorist outfit, he said "it depended on exactly what the person said".

Explaining, he added that it would depend on whether that expression of support was qualified in any way or limited to a specific range of activity of that banned organisation.

What was obvious was that the BJP was not rushing — and the Government may also decide to tread carefully — to the aid of Mr. Vaiko. It was also not ready to protest loudly and denounce Ms. Jayalithaa as one who is "misusing POTA to take political revenge."

PM out of Bengal-Bihar row

New Delhi/Kolkata/Patna,
July 10

PRIME MINISTER Atal Bihari Vajpayee has stepped out of the prestige battle between Bengal and Bihar on the division of Eastern Railway.

His deputy L K Advani had promised Bengal MLAs that he would bring up their case before the Prime Minister tomorrow, but sources in the PMO said the meeting is unlikely to take place.

Vajpayee is not likely to meet an all-party delegation from Bihar either. This team, headed by Chief Minister Rabri Devi, has set out to thwart Bengal's efforts to foil the bifurcation.

Laloo Yadav has talked to Deputy PM Advani who has agreed to meet the team tomorrow, the Chief Minister said in the Bihar Assembly.

PMO sources said Vajpayee, however, wanted to project him-

self as even-handed. He had not met the Bengal delegation and is unlikely to spare time for the Bihar one either.

Bengal MLAs were banking on Advani's meeting with the PM. Advani had assured them that he would take up their demands and Railway Minister Nitish Kumar and NDA convener George Fernandes would be present at the discussion, Parliamentary Affairs Minister Prabodh Chandra Sinha said in the West Bengal Assembly today.

Sinha said they discussed the bifurcation with the Railway Minister and he assured them that he too would take it up with the Prime Minister.

Amid Bengal's optimism, Bihar MLAs prepared their counter-offensive. Their delegation will call on Advani and express its support to the decision to carve out a new East Central Railway out of Eastern Railway.

The ECR headquarters will be in Hajipur. Raising the issue during question hour in the Bihar Assembly, Samata Party MLA Umashanker Singh urged Speaker Sadanand Singh to constitute the all-party delegation. It must be sent to counter Bengal's opposition to the division, he said. The Speaker said he would constitute the delegation and it would be headed by the Chief Minister.

Parliamentary Affairs Minister Ramchandra Purve said the House had already unanimously adopted a resolution hailing Nitish Kumar for the decision to bifurcate Eastern Railway.

"If the Union Government reviews its decision, we will launch an agitation in Bihar," he said. The delegation would also seek an appointment with authorities in New Delhi for a special package for tackling floods in Bihar.

Agencies

THE HINDUSTAN TIMES

11 JUL 2002

West Bengal delegation meets Advani, Nitish

By Our Special Correspondent

NEW DELHI, JULY 9. The controversy kicked up by the last month's bifurcation of the Eastern Railway, which also cast its shadow over the Union Cabinet reshuffle, refuses to die.

An all-party delegation from West Bengal, excluding the Trinamool Congress, today met the Deputy Prime Minister, L.K. Advani, and the Railway Minister, Nitish Kumar, with its demand for maintaining status quo in the Eastern Zone and setting up an expert committee to look into the issue.

While Mr. Advani assured the delegation that he would take up the matter with the Prime Minister, Atal Behari Vajpayee, on Thursday, Mr. Kumar said that an expert committee could not be set up by him at this stage to reconsider the bifurcation. After meeting the delegation, Mr. Advani told reporters that he would meet the Prime

Minister on Thursday. "George Fernandes and Nitish Kumar will also come. It is George who has been dealing with the issue," Mr. Advani said.

Asked if any decision had been taken on setting up an expert committee to review the matter as demanded by the West Bengal Chief Minister, Buddhadeb Bhattacharjee, he said the issue would be discussed on Thursday. Mr. Kumar, after meeting the delegation, told reporters that the discussions were "free, frank and cordial".

Mr. Kumar said that the background and rationale behind the creation of new zones was explained to the delegation and it was assured that it would not affect the interests of Eastern Railway and West Bengal. He said creation of the new railway zones was the "natural culmination" of a Cabinet decision which was in accordance with the law and under the Railway Act. He told the delegation that he was ready for any debate on the issue in Parliament.

The Congress chief whip in the Lok Sabha, Priya Ranjan Dasmunshi, said the Minister was told that the opposition was to the bifurcation of the railway zones. The Trinamool Congress, which was party to the unanimous resolution passed by the West Bengal Assembly against the bifurcation, was not part of the delegation.

However, the suspended Trinamool MP, Ajit Panja, did make an appearance.

Answering queries, the West Bengal Transport Minister, Subhash Chakraborty, who led the delegation, said that all parties from the State wanted the June 14 notification, bifurcating the zone, to be kept in abeyance and an experts committee appointed to review the proposal for new zones. He said the Assembly had unanimously passed a resolution last month demanding that "this ill-conceived proposal of reorganisation of the railway should not be implemented and the status quo of Eastern Railway zone preserved".

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10/7

George Fernandes
Centre
Nitish

DECLINES TO GIVE CLEAN CHIT TO GUJARAT GOVT.

Advani asks Modi to concentrate on governance

By Manas Dasgupta

AHMEDABAD, JULY 7. The Deputy Prime Minister, L.K. Advani, today refused to give a clean chit to the Narendra Modi Government in Gujarat and asked it to "concentrate on governance".

Talking to mediapersons on his first visit to Gujarat after being elevated to the new post, Mr. Advani said the Government "performed well" in containing communal violence, but had taken too long a time to do that.

It would have done the State Government credit if the violence had been contained in two to three days, he said, but asserted that some "vested interests" wanted to prolong the crisis. Refusing to identify these elements, Mr. Advani said peace was not mere restoration of normality, but the Government had so far not been able to achieve even this.

Pointing out that normality would return only when the Government succeeded in instilling a sense of security among the people, Mr. Advani, like the Prime Minister, Atal Behari Vajpayee, who had told Mr. Modi to "perform his Raj dharma", asked Mr. Modi to "concentrate on governance". A sense of security among all sections was "part of good governance", he told Mr. Modi, who was also present at the media conference.

Mr. Advani, who cut short his stay here to attend the funeral of Dhirubhai Ambani in Mumbai, said the presence of the former Punjab police chief, K.P.S. Gill, who was deputed as the Security Adviser to the Chief Minister, was of "great help in restoring peace".

But he ruled out a change of



L.K. Advani

leadership in the State pointing out that since the term of the present Assembly was coming to an end, it would be for the people of the State to decide on the future of the Government. The State Government, he said, would decide the timing of the elections.

Mr. Advani said it was out of the apprehension that the proposed 'gaurav rath yatra' by Mr. Modi could lead to another round of violence that the Chief Minister decided to cancel it. "Its aim of restoring peace was good but in case of trouble, the Government would have earned a bad name." The adverse report by the National Human Rights Commission was another consideration for cancelling the 'gaurav rath yatra'.

But there was no question of cancellation of the traditional 'Jagannath rath yatra' on July 12 and said the Centre would give all necessary assistance, including deployment of paramilitary forces to ensure its peaceful passage.

Mr. Advani refused to give much credence to the Forensic Science Laboratory's report on

the Godhra train carnage which suggested that inflammable material was poured from "inside" the burnt coach of the Sabarmati Express and not from outside. Mr. Advani said it would be "amazing" to think that the women and child passengers killed in the train fire themselves poured the inflammable material. It was known from the beginning that the attackers had climbed up the coach and poured the inflammable material. "You do not need the FSL report to learn about it, on the contrary it proved the theory of the Godhra carnage being a planned deep-rooted conspiracy."

'War clouds remain'

On Pakistan, Mr. Advani said the "war clouds" had not totally disappeared though the tension on the borders has eased. He said the incidents of terrorist infiltration from across the border in Jammu and Kashmir had reduced but not totally stopped. But often it was difficult to assess the situation because the Government might come to know about the infiltration much after the infiltrators had entered the country. It was because of this that India had insisted that it needed time to assess whether the Pakistan President, Pervez Musharraf's actions matched his promises.

Mr. Advani, however, said there had been "much change" in the language of Gen. Musharraf from Agra to Almaty but it was yet to be seen if he translated the promises into actions. There was no reopening of the proposal for a joint patrolling of the line of control since Pakistan had rejected it. About the standoff between West Bengal and Bi-

har over the division of Eastern Railways, Mr. Advani said he would discuss the issue with the Railway Minister, Nitish Kumar, tomorrow. The issue should not have been made out to be a conflict between the two States, but it had taken a serious turn because of the passage of a resolution by the West Bengal Assembly to this effect earlier. He said similar demands for shifting of railway headquarters or divisions had been pending from Ahmedabad, Bhubaneswar, Hubli and other centres which needed to be resolved.

Vice-President election

He blamed the Congress for taking a confrontational course on the choice of the Vice-President. Much before the National Democratic Alliance Government took any stand on the issue, it was the Congress, which announced that it would not accept a BJP nominee. It was no use discussing the choice with the Congress after the party had taken such a stand but the BJP would finalise the choice only after consulting its NDA partners and "other Opposition parties". It was not necessary that the Government's choice should be someone from the BJP, he said.

He said the reshuffle in the Central Cabinet and changes in the organisational level proved the BJP's "greater willingness for experimentation" and showed that the party possessed both the will and capacity to restructure itself to respond effectively to changing needs. He did not rule out the possibility of more changes which the new BJP president wanted to keep the organisation in "fine fettle".

8 JUL 2002

THE HINDU

CPI(M) FOR INTER-STATE COUNCIL MEET

Advani to take up railway bifurcation issue with PM

By K.V. Prasad

NEW DELHI, JULY 6. In the face of stiff opposition and stalemate over the decision to bifurcate the Eastern Railways, the Deputy Prime Minister, L. K. Advani, said here today that he would discuss the issue with the Prime Minister, Atal Behari Vajpayee.

Mr. Advani said this after the West Bengal Chief Minister, Buddhadeb Bhattacharjee, called on him and urged the Centre to appoint a committee of experts to study the decision and put on hold the implementation of the notification until the exercise was completed.

The CPI (M) politburo, in session here, today demanded that the Centre call a meeting of the Inter-State Council to discuss the re-organisation of the Railways.

The Railway Minister, Nitish Kumar's decision last month to

notify East Central zone at Hajipur in Bihar has touched off stiff opposition from West Bengal what with two important divi-

sions, Dhanbad and Mughalsarai, being shifted from the existing Eastern Zone at Kolkata.



The West Bengal Chief Minister, Buddhadeb Bhattacharjee, with the Deputy Prime Minister, L.K. Advani, at North Block in New Delhi on Saturday. — Photo: Anu Pushkarna

Unlike the Trinamool Congress leader, Mamata Banerjee, who is said to have turned the issue into a "Bengal versus Bihar" feud, Mr. Bhattacharjee was categorical that the issue concerned the entire country and was not a "simple problem between two States."

After a 30-minute meeting with Mr. Advani, Mr. Bhattacharjee said that Mr. Kumar was planning to reorganise railway divisions all over the country and that similar problems would crop up elsewhere too. "Parochial forces might reap benefits from this tension," he said adding that the immediate task was to defuse tension and establish friendly ties with the neighbouring States.

A delegation of the Left parties and the Congress MLAs from West Bengal is scheduled to meet Mr. Vajpayee next week on the issue of creation of more zones. Mr. Bhattacharjee also raised the issue of the sick Haldia Petrochemicals in West Bengal and the suspension of flights by the Dutch Airlines, KLM, to Kolkata.

PTI, UNI report:

On the Haldia Petrochemical issue, Mr. Advani had told him that he would not intervene and that he had spoken to the Petroleum Minister, Ram Naik, who "is dealing with the matter" and the Minister of State for Coal, Ravi Shankar Prasad.

Regarding the KLM move, in which Mr. Bhattacharjee sought the Centre's intervention to stop the airline from pulling out its services from his State capital, Mr. Advani said that he would speak to the Civil Aviation Minister, Shahnawaz Hussain, "on why some airlines are leaving."

5 more rly. zones announced

By Our Special Correspondent

NEW DELHI, JULY 6. Ignoring protests from West Bengal over the decision to bifurcate the Eastern Railways, the Railway Minister, Nitish Kumar, has gone ahead and notified the creation of five more zones and eight new divisions.

Last month, Mr. Kumar had issued orders for the creation of two zones — East Central (headquarters at Hajipur) and North Western (Jaipur). He has now notified the setting up of the rest of the five zones, which are East Coast (Bhubaneswar), North Central (Allahabad), South Western (Hubli), West Central (Jabalpur) and South

East Central in Bilaspur. While the creation of six zones were announced by the erstwhile United Front Government, the earlier Vajpayee regime decided to create a South East Central zone with its headquarters in Bilaspur. Mr. Kumar has also notified eight new divisions. These have headquarters at Rangiya (Assam), Raipur (Chhattisgarh), Ahmedabad (Gujarat), Ranchi (Jharkhand), Pune (Maharashtra), Agra (U. P.), Nanded (Maharashtra) and Guntur (Andhra Pradesh).

The Minister's latest announcement, creating more zones and divisions, will make it virtually impossible for the Centre to roll back the bifurcation of

the Eastern Railways, in case it is so inclined. The other beneficiary States such as Orissa, Jaipur and Madhya Pradesh will certainly protest if the decision is shelved. For instance, the Biju Janta Dal has been demanding the operationalisation of the East Coast Railways for the last two years.

In the case of the Eastern Railways, most political parties outside West Bengal are not opposing its bifurcation. In fact, most of them are supporting Mr. Kumar's endeavour to transfer a number of revenue-earning divisions from the ER to the zone with its headquarters in Ram Vilas Paswan's Lok Sabha constituency.

Nitish plays superfast slicer

FROM OUR
CORRESPONDENT

New Delhi, July 6: Trinamul Congress chief Mamata Banerjee has something more to rail about. Railway minister Nitish Kumar has issued orders for the creation of five more zones that will involve the trifurcation of the Calcutta-headquartered South-Eastern Railway.

The five new zones are East Coast Railway to be headquartered in Bhubaneswar, North-Central Railway based in Allahabad, South-Western Railway in Hubli, West-Central Railway in Jabalpur and South-East Central Railway headquartered in Bilaspur.

A railway ministry spokesman today said a notification on the constitution of the five new zones has been issued. With the creation of these five zones and two last month, the total number of zones has now gone up to 16.

Just yesterday, Nitish had told **The Telegraph** that he would move fast to announce the creation of the five new railway zones with the first few to be notified next week.

However, the railway minister appears to have decided to notify them fast and all at one go in an attempt to spike Mamata's argument that Eastern Railway was being singled out to subserve the BJP-Samata alliance's political interests in Bihar.

Nitish and the NDA allies rubbish the charge, saying the railway has become too large and needs to be broken up into entities that can be managed more effectively.

The railway spokesman said in addition to the new zones, eight more railway divisions have been created at Rangiya

(Assam), Raipur (Chhattisgarh), Ahmedabad (Gujarat), Ranchi (Jharkhand), Pune and Nanded (Maharashtra), Agra (Uttar Pradesh) and Guntur (Andhra Pradesh).

The notification of the new railway zones was announced even as West Bengal chief minister Buddhadeb Bhattacharjee met deputy Prime Minister L.K. Advani here today to lobby against the bifurcation of Eastern Railway.

The leaders from Bengal will now have to contend with the creation of East Coast Railway and South-East Central Railway, which will be done by trifurcating South-Eastern Railway.

With today's announcement, the battle between Mamata and Nitish opens up another front in what is fast becoming a riveting political soap opera.

Critics of the proposal to carve out new zones from the existing territorial jurisdictions say the interests of Bengal are being bartered away to protect the BJP's interests in the two eastern states of Bihar and Orissa where the party has some sort of a political base.

They also say the proposal was passed by the Cabinet in 1996 when the railways was under Ram Vilas Paswan, Mamata's predecessor, and that the Trinamul chief had done nothing to seek a review when she ran the show.

Mamata's sudden protest against the break-up of Eastern Railway at a time when she has become marginalised by the coalition at the Centre is seen as an attempt to re-establish her political credentials in Bengal, which have been undermined since the Trinamul was battered in the state elections about a year ago.



West Bengal chief minister Buddhadeb Bhattacharjee with deputy Prime Minister L.K. Advani at North Block on Saturday. Picture by Rajesh Kumar

7 JUL 2002

THE TELEGRAPH

HURRIYAT OFFERED UNCONDITIONAL TALKS

PM hints at Central rule in J&K

Statesman News Service

NEW DELHI/LUCKNOW, June 28. — Mr Atal Behari Vajpayee today said the government was considering imposing President's rule on Jammu and Kashmir to ensure free and fair polls.

At a press conference in Lucknow, the Prime Minister hinted that Mr LK Advani might be made deputy Prime Minister in the Cabinet reshuffle on Monday.

Mr Vajpayee talked about major changes in the BJP organisation and the government. Some ministers wanted to go back to the party, he said. "The party's performance in the Assembly elections in some states has not been up to the mark... Changes are needed. This is the right time to improve the efficiency of the government and the organisation."

"Imposition of President's rule is being discussed as a means to ensure free and fair Assembly polls in Jammu and Kashmir," Mr Vajpayee said. (He told Dr Farooq Abdullah over the phone tonight that imposing Central rule on the state was one of the many possibilities being considered, PMO officials said. The phone call reportedly pacified the J&K chief minister, who was angry over Central rule reports).

Will the Centre hold talks with the All-Party Hurriyat Conference? Mr Vajpayee said the government was ready for "unconditional" talks.

Reacting to Dr Abdullah's charge that the Centre had broken its promises made to him, he said Dr Abdullah knew why his name was not considered for the Vice-President's post. "There was a proposal to nominate Dr Abdullah for the Vice-President's post but it had to be changed later ... Dr Abdullah knows about it."

Earlier, Dr Abdullah had told reporters in Jammu: "What mechanism or Constitutional power does the Centre have to impose President's or Governor's rule on the state.. The state government should decide whether or not there should be Governor's rule. Last time we won the elections there was Governor's rule in the state.

What has happened now... Don't they trust us.. What about imposing President's rule on Gujarat, a BJP-ruled state?"

The chief minister is now in New Delhi, where he will hold meetings during the next couple of days before leaving for London.

The Prime Minister's statement on the possible imposition of President's rule on J&K has added a new dimension to the election scene and sparked speculation that the polls may be deferred slightly.

Officially, Mr Vajpayee's statement is being interpreted as the Centre's desire to free the state polls of the "rigged" tag. The proposal to hold polls under Central rule has come from many quarters — including the state Opposition parties. If implemented, the move could serve a dual purpose. It may attract some secessionist elements into the electoral fray and send out a global message that the polls reflect the popular will of the people.

The Election Commission will be able to take effective steps to ensure fair polls, for international teams would be present during the hustings.

If the National Conference wins the elections under Central rule, analysts say, it would not be accused of misusing the official machinery to "rig" the polls. But imposition of Central rule may result in an open confrontation between the NC and the Centre, which the latter wants to avoid. Hence, deferring the polls would make

the Centre's task easy. For, the present Assembly's term expires on 17 October and the state would automatically pass under Central rule after that.

In New Delhi, BJP leaders said they were unaware of a move to make Mr Advani deputy prime minister, though Mr Vajpayee hinted at such a possibility in Lucknow. The home minister is already the No. 2 in the party and the government. Formalising the arrangement would make the line of succession clear, a senior BJP leader said. Mr George Fernandes has reportedly consulted the NDA allies on the matter, officials said.

'What mechanism or Constitutional power does the Centre have to impose President's or Governor's rule on the state? ... The state government should decide whether or not there should be Governor's rule... Don't they trust us? What about imposing President's rule on Gujarat, a BJP-ruled state' — Farooq Abdullah

More reports on page 6

*India's
Cable State*

EASTERN RLY. BIFURCATION / UNITED PROTEST IN BENGAL

All-party team to meet PM

*HD-13
7/6*

By Our Special Correspondent

KOLKATA, JUNE 27. The Railway Minister, Nitish Kumar, has played the role of a "great unifier" with the three warring forces — the ruling communists, Mamata Banerjee's Trinamool Congress and the Congress — coming together to oppose Mr. Kumar's plan for splitting some of the existing profitable zones to new ones shortly.

Both the Trinamool Congress and the Congress MLAs on Wednesday joined the CPI (M)-led Left Front legislators in the Bengal Assembly in protesting against the decision to bifurcate the Eastern Railway saying the move would affect the State's economy. All the three parties moved a resolution in the House opposing the proposed division and decided to lead an all-party delegation to New Delhi to resist the move.

Replying to a calling attention notice brought by the Trinamool, the State Transport Minister, Subhash Chakraborty, complimented the Trinamool for coming up

with the idea of sending an all-party team to Delhi. The Chief Minister, Buddhadeb Bhattacharjee, had already written to Mr. Kumar urging him to re-think the decision, he said, adding that he himself had told the Railway Minister over the telephone that the planned bifurcation would considerably cripple the Eastern Railway leading to large-scale transfer of employees.

The Trinamool Congress MLA, Saugata Ray, said Ms. Banerjee had taken up the issue with the Prime Minister, Atal Behari Vajpayee. Senior Congress leaders such as Atish Chandra Sinha and Abdul Mannan also voiced their opposition to the proposed bifurcation saying the move was "dangerous." The Trinamool's support to the Leftists raised many an eyebrow as only a week ago Ms. Banerjee had directed her supporters to suspend the agitation over the issue saying that she had taken up the matter with Mr. Vajpayee.

She, however, found herself in an embarrassing situation when the Leftists went to

town saying that she had given up her agitation only to ensure her entry into the Vajpayee Cabinet in the coming days.

Realising that the Left parties would extract a great deal of political mileage out of the bifurcation issue, Ms. Banerjee directed her MLAs to immediately record their protest.

Minister's effigy burnt

PTI reports:

Hundreds of Samajwadi Party activists, shouting slogans against the Vajpayee Government, demonstrated before the Eastern Railway headquarters at Fairlie Place here and burnt an effigy of the Railway Minister.

In a memorandum to the Eastern Railway General Manager, the party's national secretary and State unit president, Vijay Upadhyay, demanded that the decision be reconsidered in the interest of thousands of railway employees and passengers. The division would not benefit anyone and, instead, jeopardise the Railway's administration.

THE HINDU

28 JUN 2002

PM for J&K power talks

Statesman News Service

NEW DELHI, June 24. — The Prime Minister seems to have iterated the Centre's stand on holding talks with J&K leaders on the issue of devolution of powers to the state. A National Conference delegation comprising chief minister Dr Farooq Abdullah and his son, Mr Omar Abdullah, met the Prime Minister this evening.

Mr Omar Abdullah said after a 30-minute meeting that he would take the "assurance" of the Prime Minister back home and chalk out a course of action. The Assembly elections in the state are due at the end of September or early October.

In response to a query on the statement made by the minister of state for home Mr ID Swami that the Centre would not restore the pre-1953 status to the state, he said as the discussions progress, "mutually acceptable" points would be implemented. "We have a team of representatives ready and we are only waiting for the Centre to announce its team which will hold discussions with us," he added.

On the speculation about his offer to resign from

the Union Cabinet, he said: "I told the Prime Minister that I would not be able to do justice to both the jobs, and I could neither be of any major help to him (Mr Vajpayee) nor to Mr Jaswant Singh."

He dismissed the accusation that the autonomy issue was being used as a plank by his party to derail talks between the Centre and the separatist leaders, including the Hurriyat Conference. "I have already offered my home as the venue for such talks. How much more support does one need?" he asked.

Mr Abdullah said the issue of his elevation to the Union Cabinet or vice-presidency for his father did not figure during the meeting. On his angry outburst about his father being treated shabbily by the Centre, he said: "Well, these are my views and I stand by them. Anyway, there is no need to rake up the issue again and again."

No postponement of polls: Mr Farooq Abdullah ruled out the possibility of deferring Assembly polls in the state. "There is no need for deferment of elections as no catastrophe has struck nor any natural disaster has taken place," he said.

Editorial: Farooq and the VHP, page 4

THE STATESMAN

25 JUN 2002

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Centre from
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H0-12

Assam Govt. must talk to ULFA, says Fernandes

24/6

GUWAHATI, JUNE 23. The Centre is preparing an action plan to flush out militants hiding in the neighbouring countries.

The Defence Minister, George Fernandes, told presspersons here that almost all the militants operating in Assam had their bases in Bhutan, Myanmar and Bangladesh and this has made it difficult for the Government to crush insurgency.

He also said the Centre was unlikely to initiate talks with the ULFA and asked the Assam Government to start the negotiation process, saying that none of the ULFA leaders had so far approached the Centre.

"Unlike the NSCN (IM), the ULFA has not contacted the Centre despite our effort. It is better that the Assam Government takes up the matter as the

ULFA and the Army officials operating in the region are in touch with them. "Only after some steps are taken that the Centre can join in the process," he said.

The Bhutan Parliament would discuss the matter on Tuesday, said their Government mouthpiece "Kuensel."

At Nagaon, Mr. Fernandes left the entire responsibility to the State Government, saying "neither has the ULFA come forward to talk to the Centre nor has its leadership shown any willingness. Let the State Government take the initiative."

But, the State Government has been repeatedly saying the Centre must initiate the process because the ULFA did not want to talk to it. — UNI

THE HINDU

24 JUN 2002

Vajpayee calms war fears, assures fair elections

ET 24/5

Our Political Bureau
SRINAGAR/NEW DELHI

PRIME Minister Atal Behari Vajpayee on Thursday used a press conference in Srinagar to unveil a two-pronged line to restore normalcy in J&K. While the Prime Minister stuck to his tough line against Pakistan, he took a major step towards reconciliation with the people of J&K by promising them free and fair polls, besides handing over a Rs. 6,165 crore development package.

The Prime Minister also tried to calm the fears of an imminent Indo-Pak conflagration and said he will try to avert it. The highlights of Thursday's press conference, Mr Vajpayee's first-ever, were, a public commitment to ensure the fairness of approaching elections and rejection of Pervez Musharraf's latest declaration to cut off support to terrorists.

On the fairness of polls, he may have repeated what he said from the Red Fort on August 15 last year, but his words seemed to acquire additional significance in

the new setting. Right to franchise is a fundamental right, he remarked, a statement which is sure to have some resonance in an area where complaints of denial to vote have always been rampant. Mr Vajpayee allayed the wide-spread apprehension that no election can dislodge the Abdullah dynasty by insisting that vote had the power to bring about profound changes. "Election will herald a new chapter in the state."

While focusing on fairness, Mr Vajpayee also stressed his keenness to make the election a broad-based affair. He contested the argument about a disconnect between J&K and Centre and held out the prospect of renegotiating the state's demand for autonomy after the election. He also set 2007 as the deadline for the first train run to the valley.

On the tension with Pakistan, Mr Vajpayee refrained from striking the belligerent note that marked his address to the battle-ready troops 25 kilometres from the border. He countered the suggestion that war was imminent.

He even dismissed General Musharraf's declaration not to let PoK be used by terrorists as of "no consequence."

"It is a repetition of his January 12 speech. He made a lot of declarations, but never implemented them. Words have to be matched by deeds," he said. In the internal context, Mr Vajpayee, while putting his "moderate" foot forward, drew the clear line that his offer of talks didn't extend to illegal groups — read all the secessionist outfits. He was also clear that Hurriyat couldn't be granted a seat at the table so long as it insisted on involving Pakistan in the talks over Jammu and Kashmir.

On the question of autonomy, too, he made no secret of his position that lack of autonomy was not the reason why the border state had not seen much development, refuting the suggestion that the demand was summarily rejected.

While announcing the package, Mr Vajpayee said unemployment makes it easy for the jihadis to find recruits from among the local youth.

The Economic Times

24 MAY 2002

Punjab turns down Gill plea for forces

Times News Network

GANDHINAGAR\CHANDIGARH: K.P.S. Gill's plans to control the riots raging in Gujarat were dealt a blow on Thursday with the Punjab government refusing to spare its police force for deployment in the state.

Mr Gill, who is functioning as security adviser to Gujarat chief minister Narendra Modi, had specifically requested commandos from the Indian Reserve Battalion (IRB) stationed in Punjab, a force which he had helped raise during the anti-terrorist operations in that state. The battalion is believed to be fiercely loyal to Mr Gill to this day owing to his leadership qualities as the then director general of the Punjab police.

Punjab chief minister Amarinder Singh, while expressing his regret at being unable to lend the state's forces to Gujarat, said that he had only one battalion to spare since the bulk of the forces was deployed in sensitive places like the Punjab-Jammu & Kashmir border. The state government's announcement came within three days of Punjab DGP G.S. Bhullar agreeing to despatch an IRB battalion to Gujarat after holding consultations with the state's home secretary, S.K. Sinha. However, when Mr Sinha received a formal request from Mr Gill on Thursday, the state government decided to wash its hands off Gujarat.

Officials say that the Punjab government's decision smacks of political expediency, given that that it is a Congress-ruled state while the BJP is in power in Gujarat.

Mr Singh's decision, based on an apparently unconvincing reason and at a time when he is camping in New Delhi, has sparked speculation that the Congress high command might have dissuaded him from assisting Mr Gill in Gujarat on the ground that the forces could be misused against the minorities.

Senior officials of Punjab admit that sparing a battalion from a total of 11 combined battalions of the IRB and commandos would not have been much of a problem, especially at a time when the state does not

face a serious threat to law and order.

In Gandhinagar, Mr Gill sounded unperturbed, saying he would now seek the help of the central reserve police force (CRPF) to control the communal situation in Gujarat. He did not say how many personnel would be brought in or when they would come.

Emerging from his chamber in the CMO after an hour-long meeting with chief secretary G. Subba Rao, additional chief secretary Ashok Narayan, DGP K. Chakravarthi and other senior bureaucrats on the prevailing situation in the state, Mr Gill told newsmen that Punjab may have had "its own compulsions for making the decision".

Six companies, comprising 600 personnel from the CRPF landed in Ahmedabad on Wednesday night and are likely to be placed directly under Mr Gill's command. Three companies of the CRPF have already been deployed in the state—two in Ahmedabad and one in Anand.

GUJARAT ON HOLD



K.P.S. Gill

Amarinder Singh

THE TIMES OF INDIA

10 MAY 2002

ARTICLE OF FAITH

The graph of communal violence continues to run unbroken in Gujarat. It is, therefore, of little consequence that the Bharatiya Janata Party and the opposition should project a picture of perfect concord in the Rajya Sabha by agreeing that the state should come under Article 355. In the first place, the projected harmony was the only option open to the BJP. Voting on a censure motion under Rule 170 would have brought about an embarrassing debacle for the party, since it is badly outnumbered in the Rajya Sabha. Its victory in the Lok Sabha in the voting under Rule 184 has not really given it moral authority; its behaviour with regard to Gujarat and its allies' and supporters' motives for voting in its favour have both been exposed as shoddy and shameless excuses for constitutional governance and parliamentary procedure. People may not be able to do anything immediately, but they cannot be fooled all the time. In the Rajya Sabha, therefore, the BJP could only hope to get through without embarrassment by agreeing heartily with the opposition.

Besides this obvious strategic advantage, there is another one. Article 355 is suitably vague, its invocation does not mean that Article 356 will follow, as various BJP leaders have been at great pains to remind Parliament. The Centre will intervene in a state, says Article 355, should the state be threatened by external or internal disruption. The BJP should agree enthusiastically, since the Centre has already intervened. It has shouldered Mr Narendra Modi's burden. At first sight it would seem that the BJP's agreement with the opposition would imply the Centre's condemnation of Mr Modi. But the BJP was never hamstrung by logic. Rather, it revels in creating a fog of mixed signals so that it is easier to sidestep, confuse or outright deny. The prime minister, therefore, has made such noises as are necessary in different places and at different moments, he has stated that removing Mr Modi would mean more violence, therefore it is best he stay. Besides, the Centre has deputed Mr K.P.S. Gill as security adviser to the Gujarat government and Mr Gill, in turn, has called for his "boys" who were so effective in Punjab. Things are being looked after.

It is rather optimistic to see in the show of accord in the Rajya Sabha anything more than another ploy by the BJP to carry on with its plans unhindered. It has quite nakedly thrown out credibility and accountability and is showing a dangerous indifference to principles of governance and ethics, of the growing insecurity among sections of the people, of strongly expressed opinion within and outside the country. It is no longer possible for anyone to fall for any ruse it might create. For the opposition to believe at this late hour, from what happened in the Rajya Sabha, that the BJP might be thinking over things, would be a criminal error. The only reason to play along with the BJP's games would be for self-interest, as the so-called "secular" partners of the National Democratic Alliance and the BJP's friends from outside the government have shown. The country is yet to see what the invoking of Article 355 is going to achieve in Gujarat.

E 9 MAI 2012

THE TELEGRAPH

Centre rushes more forces to Gujarat

9-15 Gill

Times News Network

NEW DELHI: An additional central paramilitary force has been sent to Gujarat on the state's request.

Denying media reports that commandoes are being sent to Gujarat, a senior home ministry official said, "You do not deploy commandos for purposes of riot control. They are used only in rare cases and for accomplishing a specific task like flushing out holed up terrorists."

He confirmed that an additional force had been sent to Gujarat but declined to provide any numbers. Asked if former Punjab police chief K.P.S. Gill had not sought the specially trained police force raised by him during his counter-terrorism days in Punjab, the official said, "I cannot say anything about it."

Mr Gill met home minister L.K. Advani on Tuesday soon after Punjab chief minister Amrinder Singh met Mr Advani. The home ministry official said, "State governments often assist each other with deployment of force or any other matter. For doing such things, they don't have to come to the home ministry and seek permission. It is possible that the Gujarat government may have sought force assistance from Punjab and the latter may have agreed," the official said.

Earlier, six people were killed, including three in police firing, and 22 injured in overnight violence and a bomb blast in Ahmedabad, taking the death toll to 24 since riots broke out on Sunday after a period of relative calm.

► See Edit: Misplaced Article, Page 12

THE TIMES OF INDIA

9 MAY 2002

WEDNESDAY, MAY 8, 2002

RUNNING WITH THE HARE

HP-10
8/15

THE UNANIMOUS ENDORSEMENT of the Opposition motion on Gujarat by the Rajya Sabha, a striking contrast to the Lok Sabha's sharply divided vote on the subject earlier, has an incongruous and somewhat bizarre element about it, and that has to do with the Government choosing to support what essentially was, according to parliamentary conventions, an attempt to arraign it on a specific issue of urgent public importance. It was the Atal Behari Vajpayee regime's anxiety to avoid the political embarrassment of an adverse vote — a certainty, given the configuration and relative strengths of parties in the Council of States — particularly after having registered a Pyrrhic victory of sorts in the Lower House, that apparently prompted it to back the Congress(I)-sponsored motion in "letter and spirit". In this too-clever-by-half change of tack, it was of course helped considerably by the wording of the motion which did not speak of any 'failure' on the part of the Government. All that it sought to do was to express a "deep sense of anguish" over the continuing violence in Gujarat and to require the Centre to intervene "effectively" under Article 355 to protect the citizens' lives and properties and to provide relief and rehabilitation for the riot victims — noble sentiments and salutary objectives that brook no dissent.

By conceding an interventionist role for itself under Article 355 in the Gujarat context, the Vajpayee Government has in effect admitted that the Narendra Modi regime has been seriously remiss in discharging its Constitutional responsibilities and that the happenings in the State go far beyond the 'law and order' canvas. And this is something it had obdurately refused to admit all along in spite of hard and unimpeachable evidence. Remember, it was the Government's harping on the 'law and order' subject that primarily led to Parliament proceedings remaining stalled (earlier in the current session) for six days before the Presiding Officers felt compelled to invoke their supreme authority and break the

deadlock. For all the firmness Mr. Vajpayee and the Union Home Minister, L. K. Advani, have brought to bear on their statements about the Centre's commitment to "fulfil its obligations" under Article 355, there seems to be a calculated move to portray such an intervention as nothing extraordinary. Consider, for instance, the attempt to pass off initiatives already taken — such as deployment of the armed forces, the appointment of the 'super cop', K.P.S. Gill as Security Adviser to the Chief Minister and the Rs.150-crore rehabilitation package announced by the Prime Minister — as intervention under the 'emergency provision' Article 355. Also, the amount of pain Mr. Advani took to delink Article 355 and the infamous Article 356 (imposition of President's Rule), to make the point that the Government was not moving against Mr. Modi but was only trying to help him. The fact however remains that the use of Article 355, which is in the nature of a general obligation rather than an operative provision, has come to be regarded as a condition precedent, so to say, for action under Article 356.

The defining principle in the Centre's stand on '355 vis-a-vis 356' in their application especially to the Gujarat context is obviously rooted in the BJP's Goa policy line that swore by Mr. Modi and his outrageously vicious anti-minority campaign. If the argument that Mr. Modi's removal is no solution to the problem is too facile to carry conviction, the one advanced by Mr. Vajpayee for the party dropping such an idea — that his ouster would have led to the "worsening" of the situation — is specious. That the communal violence is continuing in the State even more than two months after the Godhra carnage is an eloquent testimony to the competence of the Modi administration and the effectiveness of the so-called interventions by the Centre so far. The Vajpayee regime may have for now fended off the Opposition's 'censure' motions in Parliament by manipulation or cooption, but the case for the ouster of Mr. Modi remains as strong and valid as ever.

THE HINDU

6 MAY 2002

Centre grants Gill more forces for Gujarat

HT Correspondent
New Delhi, May 7

IN RESPONSE to requests made by the Gujarat Government's security advisor K P S Gill, the Vajpayee Government today decided to dispatch Central paramilitary forces and specialised commando units to the riot-torn State, senior Home Ministry sources said.

Gill, who took up his new assignment on May 3, after the State Government officially issued a notification appointing him as Chief Minister Narendra Modi's security advisor, met Home Minister L K Advani this afternoon and briefed him on the prevailing situation in Gujarat. The meeting, which was attended by senior North Block officials, lasted nearly 45 minutes.

It is not clear how many companies of paramilitary forces and commandos Gill has sought, but sources said he expressed serious concern at the continuing incidents of violence and the deep polarisation between the

majority and minority communities.

It is believed that Gill gave his own analysis of the situation, reportedly saying that it will "take a while before normalcy is restored". He provided details on why and how the Gujarat Police failed to control the riots, emphasising on the lack of commitment, poor training and inadequate weaponry.

Falling back on the security apparatus of a State, which he had served earlier, Gill sought Punjab Police commando units and a battalion of the India Reserve Police (IRP). He had approached the Punjab Government yesterday and requested Amarinder Singh to spare security forces. Quoting Punjab Home Secretary S K Sinha, a report from Chandigarh today said the State administration was willing to spare an IRP battalion.

Apparently, Gill's strategy is to use security personnel from another State who would not be "easily influenced" by local sen-

timents to which the Gujarat Police succumbs, leading to its failure in controlling the law and order situation.

A senior Home Ministry source here said "things were being worked out" in consultation with the Punjab Government on the "quick dispatch" of armed security personnel with expertise in handling operations in disturbed areas.

Advani is believed to have told Gill that he should take "all necessary steps to restore peace and harmony at the earliest". It has been left to Gill to "strategise" how he would use the security forces, which would be at his disposal "very soon".

The former Punjab Police chief will of course use the Gujarat Police machinery, but it would be his prerogative to transfer or shift officers in accordance with the "need". The Central paramilitary forces and the commando units will be deployed in highly sensitive areas, which continue to witness incidents of violence and arson.

9 MORE KILLED IN AHMEDABAD VIOLENCE

Riots a blot on BJP: Advani

Statesman News Service

AHMEDABAD/NEW DELHI, May 7. — The flare-up in Ahmedabad continued today claiming nine lives across the city even as Mr LK Advani said the Gujarat riots were a blot on the BJP's track record and its claim that not a single riot took place in states where it had been in power.

The Union home minister, however, ruled out imposition of President's Rule on the state.

In Ahmedabad, three persons died in police firing, another three were stabbed to death and two were burnt alive. One body was found in a well. The Army has been deployed in and curfew imposed on parts of the riot-hit city.

The day started with the death of a Muslim college teacher at Sarkhej. He was burnt while he was going to his college riding a motorcycle. In retaliation, a mob stabbed to death a pedestrian and set ablaze a truck on the national highway at Vejalpur.

Two persons were stabbed to death at Kalupur and one at Jamalpur. Three persons were killed in police firing at Kalupur.

A camel cart owner was kidnapped from Juhupura and taken to a farm where he was burnt and his body thrown into a well, sources said.

In most of the areas rocked by violence, warring

groups threw stones at each other. Police fired several rounds and lobbed tear-gas shells to disperse the crowds.

Mr Advani, while speaking at BJP parliamentary party meeting, justified the party's stand on Gujarat in both Houses. He said the government had sent an advisory to the state government under Article 355.

Earlier too, Mr Advani had spoken on similar lines but his iteration of the same at the parliamentary party meeting indicated that he didn't want the BJP to glorify the events in the state or join those who do so.

Making a distinction between Articles 355 and 356, he said it was not necessary that the latter would follow the former.

Advisories are sent to state governments in a routine manner, he reportedly said.

Mr Advani argued that the NDA's victory in the Lok Sabha

on the Gujarat issue by 94 votes even without the TDP demonstrated that the government was strong and stable. About the resolution in the Rajya Sabha, he said the government was consulted on the motion which did not censure it in any way.

US panel's concern

WASHINGTON, May 7. — The US Commission on International Religious Freedom, which advises Congress and the President, has expressed "great concern" over the riots in Gujarat in which the victims were "primarily Muslims".

The report said the commission "continues to urge the US government to press Indian authorities to exercise their power to halt the atrocities... and do more to root out the causes of religious intolerance, especially by resolving the impasse over the Babari Mosque..." — PTI

On page 6:

Diplomatic high ground lost: Opp
Walk-out in LS

THE STATESMAN

8 MAY 2002

RS PASSES GUJARAT MOTION UNANIMOUSLY

Govt fudges on Article 355

9-
Centre notes

Statesman News Service

NEW DELHI, May 6. — Supported by the government, the Rajya Sabha today unanimously adopted the Opposition-sponsored motion on Gujarat asking the Centre to intervene effectively in the state under Article 355 of the Constitution after a marathon debate extending to three days.

The Centre is morally bound to take action as suggested in the motion to uphold the sanctity of Parliament. The motion says: "That this House expresses its deep sense of anguish at the persistence of violence in Gujarat for over six weeks leading to loss of lives of large number of people, destruction of property worth crores of rupees and urges the Central government to intervene effectively under Article 355 of the Constitution to protect the lives and property of the citizens and to provide effective relief and rehabilitation to the victims of violence."

Mr Atal Behari Vajpayee and Mr LK Advani said, while intervening during the debate, that the Centre was already implementing the provisions under Article 355 and that the government accepted the motion in letter and spirit.

The statements of the Prime Minister and the home minister leave a gaping hole in what the Constitution has to say on this matter.

Article 355 defines the duty of the Union to protect states against external aggression and internal disturbances. It reads:

"It shall be the duty of the Union to protect every state against external aggression and internal disturbances and to ensure that the government of every state is carried on in accordance with the provisions of this Constitution".

Article 355 has to be read with Article 365 of the Constitution which says: "Where any state has

Privilege notice against George

NEW DELHI, May 6. — Mrs AK Premajam, CPI-M MP, today filed a privilege notice against Mr George Fernandes in the Lok Sabha. She accused the minister of "misusing the floor of the House as the government's spokesman to make irresponsible and shocking statements" on the crimes being committed against women in Gujarat. Some Opposition MPs joined Mrs Premajam. The Deputy Speaker, Mr PM Sayeed, said he would give a ruling soon. — SNS

failed to comply with or to give effect to any directions given in the exercise of executive power of the Union under any of the provisions of this Constitution, it shall be lawful for the President to hold that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of this Constitution".

Neither Mr Vajpayee nor Mr Advani said in the Rajya Sabha that the Centre had given a direction (in writing) to the Gu-

jarat government to control the violence and protect the life and property of the citizens.

What the Prime Minister said was that if the state government was acting as per the wishes of the Centre, then there was no need for a formal notice under Article 355.

What Mr Advani said was that the motion was not seeking invocation of Article 356 for imposition of President's Rule and only asking the government to intervene effectively under Article 355 to protect the life and property of the people.

According to the home minister's understanding of the Constitutional position of the Centre under Article 355, it does not straightaway lead to action under Article 356 and that the situation invoking Article 356 would arise only if the state government refuses to make use of paramilitary forces or the Army sent by the Centre to restore peace and order.

At the same time Mr Advani maintained that the Centre would discharge its duty to the best of its ability and responsibility as provided under Article 355.

The Opposition parties, including the Congress, rejected the government's claim and demanded that the Centre issue specific directions to the Gujarat government under Article 355 to restore peace and protect the life and property of the citizens as mentioned in the motion.

In the recent past, the Centre had issued direction to the Jayalalitha government when

Turn to page 6

7 MAY 2002

Sparks ahead as Gill arrives to advise Modi

Rathin Das
Gandhinagar, May 3

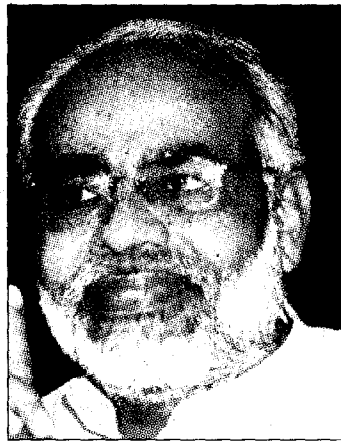
CONTROVERSY SURROUNDS the appointment of Punjab's former super cop K P S Gill as the Chief Minister's Security Adviser in Gujarat where two months of carnage have taken a toll of nearly 900 lives. Gill arrived here this evening following the Centre's decision to make him the Security Advisor to the Chief Minister.

Though the Centre's decision to send Gill to Gujarat is a clear indictment of the State's dismal record on the law and order front following the Godhra incident, political observers here believe that the arrangement would not work satisfactorily given the difference in perceptions of the CM and the super cop known for his tough postures against trouble-makers of any kind.

Considering Gill's style of functioning, sources pointed out that he is likely to call for an immediate crackdown on the VHP and Bajrang Dal elements, including the seizure of 'trishuls' and swords distributed over the last few months.

The least that Gill is likely to demand of the local police is to act on the FIRs in which VHP leaders and some MLAs have been named for rioting and mayhem. Such a move will certainly not be liked by Chief Minister Narendra Modi as it would annoy the pro-Hindu sentiments in the State.

Though top State Government sources, including ministers,



NARENDRA MODI

have feigned ignorance about Gill's appointment as the Security Adviser to the Chief Minister, it is reliably learnt that Modi was made to agree to the arrangement so that the BJP leaders at the Centre could evolve a face saving device in view of the Rajya Sabha debate on Gujarat.

Though no Chief Minister would ever agree to any Central intervention in State affairs, a Central minister believed to be close to Modi has reportedly brokered this arrangement for the sake of the BJP-led NDA's prestige in the Rajya Sabha. Given a choice between Gill and the other super cop J F Rebeiro, also known for tough measures, Modi is believed to have agreed on Gill so that the BJP high command could salvage some of its prestige at the Centre.

Centre agrees to intervene in Gujarat

By Our Special Correspondent

NEW DELHI, MAY 2. To avoid a defeat in the Rajya Sabha in which the NDA is in a minority, the BJP-led Government today changed strategy and chose to accept the Opposition-sponsored motion — urging the Centre to intervene effectively in Gujarat under Article 355 of the Constitution — under Rule 170, which entails voting.

Yet its plan to take the sting out of the discussion stood dashed as the Opposition launched a sharp attack and demanded an enquiry by a sitting Supreme Court judge into the Godhra incident. It alleged that the Sangh Parivar might have been behind the Godhra carnage and that the Gujarat Government had watched passively while members of the minority community were murdered and women raped. More importantly, the Opposition alleged that the Centre had not taken adequate steps to stop the continuing violence and was not doing enough for providing relief to the victims. The Prime Minister, Atal Behari Vajpayee's comment on 'rajdharm' also came in for criticism with the Opposition implying that Mr. Vajpayee was himself not following what he said.

Verbal clashes, a brief adjournment and strident demands for the removal of the Gujarat Chief Minister, Narendra Modi, marked the proceedings and the debate remained inconclusive today. The House adjourned exactly at midnight and the debate is expected to conclude tomorrow.

After the Congress leader, Arjun Singh, moved the motion, the Leader of the House and External Affairs Minister, Jaswant Singh, said that the Government shared the anguish and sentiments expressed in the resolution, both in letter and spirit. He invited all parties "to work together" and adopt the resolution unanimously. But if the Government expected bonhomie after this, it was mistaken.

Initiating the debate, Mr. Arjun Singh said the Government had failed to maintain communal harmony and warned that unless steps were taken to correct the situation in Gujarat, the unity and integrity of the country would be threatened.

The Congress member, Ahmed Patel, who represents Gujarat, spoke on the need to provide a healing touch to the riot victims and restoring the confidence of the people.

Arjun Chokhe Gole

The Law Minister, Arun Jaitley, defended the Gujarat Government, reeling off statistics to reject the charge that the State police was not registering FIRs or was biased in its approach. He added that the Centre would take a serious view of dereliction of duty. His attempt to counter Mr. Arjun Singh's reference to Nazi history was stumped by the Congress member, K. Natwar Singh, who told him "to get history right".

Gill is Modi's Security Adviser

By Our Special Correspondent

NEW DELHI, MAY 2. In the first action of its kind, which can be seen as a direct Central initiative to stem the continuing violence in Gujarat, the Government today appointed the former Director-General of Punjab Police, K. P. S. Gill, as the Security Adviser to the State Chief Minister, Narendra Modi.

Mr. Gill, who had successfully tackled communal incidents during his tenure as the Assam police chief and later effectively curbed terrorist violence in Punjab, is likely to assume his new position tomorrow, official sources said.

However, the Rashtriya Janata Dal leader, Laloo Prasad Yadav's maiden speech shook up the House even as the ruling parties tried their best to curtail his speech.

Not one to mince words, he said that he "suspected" the RSS' hand behind the Godhra incident and demanded that Mr. Modi be "arrested under POTA".

The Union Minister and SAD leader, Sukhdev Singh Dhindsa, regretted that while the Congress was agitated over Gujarat, it had not acted against those behind the 1984 anti-Sikh riots.

K. Rehman Khan (Congress) said that the Gujarat carnage had been condemned by all except the BJP and the Sangh Parivar. The CPI(M) and the CPI expressed identical views and alleged that the VHP's Ram temple campaign had led to the Godhra carnage.

The CPI(M) member, Nilotpal Basu, demanded that the Government spell out the steps it proposed to take to rectify the situation, while the Telugu Desam Party demanded the removal of Mr. Modi.

Gujarat the spur for Paswan to quit

other allies who have made similar demands, whether it is the TDP — which will make its decision after the Prime Minister's reply tomorrow — the JD(U), Trinamool Congress or National Conference.

This does not mean that the Government will be defeated in the Lok Sabha on Tuesday. Of course, even if it was, being censured does not mean the Government would have to resign but it does mean that it would have egg on its face as no Government has so far been censured under Rule 184.

It is possible that a party like the TDP, which was thinking of voting against the motion because it had been diluted and was not specifically focussed on Gujarat, might decide to abstain in the vote tomorrow. Though the TDP is sharply divided on the stance to take, it is chary of doing anything which could

mean advantage Congress and bring down the Vajpayee government.

In terms of hard politics, Paswan's exit would increase the importance of Sharad Yadav within the NDA though he too had been chafing at the way he was moved from Civil Aviation to Labour. Yadav may also not like to play second fiddle to Paswan and the JD(U) has issued a whip to its members to be present in the house on Tuesday.

It is too early to say whether Paswan's exit will trigger a realignment of political forces. But it certainly comes as a boost to the Opposition and Mulayam Singh Yadav has already invited him to join the People's Front. He has had cordial relations with the Congress and he and Sonia Gandhi have attended each other's *iftaar* parties. However, he is not likely to join the Congress, though it would give him a

large platform and the Congress the prominent Dalit leader it lacks today. He is likely to continue with his own outfit and bide his time.

However, a Laloo-Paswan-Congress alliance in Bihar would be quite formidable and, though Paswan and Laloo have been foes in recent years, this is likely to change for Laloo is aware of the challenge that a BJP-BSP-Samata combine would pose to the RJD leader in Bihar.

There could be another important fallout of Paswan's resignation. It could blunt the BJP's return to aggressive Hindutva, a course it had embarked on in the last month. The party may tide over the crisis tomorrow, but the contradictions within the NDA would sharpen if it goes back to its old agenda— unless it is ready to face the electorate and go it alone, or with fewer allies.

When will the Centre intervene?

By Anjali Mody

As the nation counts Gujarat's dead, the BJP counts its votes. It will, next week, support a censure motion on West Bengal (under Rule 184) to buy the Trinamool Congress's support in the Parliament debate on Gujarat. The BJP is cutting deals to defeat a resolution tabled by the Opposition that expresses grave concern at the failure of the administration to ensure the security of the minorities, and calls on the Centre to take all steps to protect them.

The Parliamentary Affairs Minister, Pramod Mahajan, said gleefully that the resolution was too vaguely worded. It spoke of the failure of "the administration" and made no reference to either the State or the Central Government. This would allow members of the NDA alliance, who were uncomfortable about the Government's position on Gujarat, and even the wavering TDP to vote with it. The Prime Minister too suggested that it was just a numbers game; he had called for a vote of confidence. If it is about numbers, the Government does have them. But whatever construction the Government puts on it, this is no mere numbers game. The Deputy Speaker's decision to allow the discussion under Rule 184 made it abundantly clear that the litany of technicalities raised by the Treasury

Bench could not hide the responsibility of the Centre in the continuing carnage. The Deputy Speaker made a pointed reference to the obligations of the Central Government under Article 355 of the Constitution.

Feeble voices in the Rajya Sabha had raised this issue more than a month ago. But the demands for the head of the Gujarat Chief Minister appeared to deflect attention from the Centre's responsibility. When Parliament meets to debate Gujarat on April 30, the questions that must be asked

NEWS ANALYSIS

are: has the "administration" in New Delhi failed to ensure the security of the minorities, especially in Gujarat? Did it employ all the powers vested in it by the Constitution to protect the State from internal disturbances and to ensure that its Government acted in accordance with the Constitution?

There may not be a blueprint for how a Government in New Delhi responds to unique situations that arise in different States. But the Constitution is its guide and even its narrowest interpretation suggests that the Centre has an obligation to ensure the rule of law and the protection of the rights of all citizens.

The NDA Government, in fact, has a record of invoking the Centre's powers of intervention un-

der Article 355, and the ultimate exercise of this power — President's Rule — under Article 356 in incomparably less serious situations.

The Home Minister, L.K. Advani, routinely sends off "fact-finding teams" and threatens State Governments with dismissal to placate irate NDA allies. Indeed, Mr. Advani has defended such action — in Bihar, West Bengal and Tamil Nadu — in the past, saying it was "the duty of the Centre, under Article 355, to protect States against internal disturbances". But the Home Minister and Gandhinagar MP does not feel that the Centre needs to intervene in Gujarat when there is irrefutable evidence of the organised mass killing of people of a single faith, allegations of a Chief Minister directing the police to do nothing to hurt people of another community, evidence of political interference in the law and order machinery, a damning record of administrative failure, first in preventing the violence and then in providing relief, well-documented evidence of police culpability and after six weeks, a still rising graph of arson and killing. So when will this Government intervene?

It intervened in Bihar, following the massacre of 12 Dalits. The Centre pronounced the Rashtriya Janata Dal Government unfit to govern. It dismis-

sed the Government headed by Rabri Devi. It imposed President's Rule but was forced to revoke the decision because it failed to get the backing of the Rajya Sabha where it is in a minority. It sent a team to West Bengal after Mamata Banerjee turned up with a bag of bones, claiming they belonged to dead Trinamool Congress members.

It intervened in Tamil Nadu, threatening President's Rule and demanding the resignation of the then Governor, Fatima Beevi, issuing directives to the State Government on the treatment of Union Ministers, the violation of civil rights and the freedom of the press.

In Maharashtra, the then Law Minister, Ram Jethmalani, was asked to review legal provisions which might allow the Centre to intervene to meet the demand of three Shiv Sena Union Ministers that it issue a directive (under Article 355) to the Maharashtra Government not to arrest the Sena chief, Bal Thackeray. Mr. Thackeray was charged with inciting communal hatred through his writings in the party mouthpiece 'Saamna'.

Yet, in Gujarat the Centre has chosen not to intervene. The BJP-NDA will survive April 30. And also Narendra Modi, in all likelihood. But every day they continue in office is a blow to India's claim to being a secular, democratic republic.

BJP: Rule applies for Bihar, Bengal too

Statesman News Service

NEW DELHI, April 24. — Irked by the Lok Sabha Deputy Speaker's decision to allow a discussion on Gujarat under Rule 184, the BJP has decided to lodge a protest without being directly offensive. The party said it would notify Mr PM Sayeed about its intention to discuss law and order problems in Bihar under the same rule.

The party further said it would support the Trinamul if the latter wanted Rule 184 for discussing the West Bengal situation.

Sources said the threat was merely for public consumption and a bid to demonstrate unhappiness with the Deputy Speaker's decision. The BJP brass had asked party MPs not to criticise the ruling in public as it could undermine the chair's credibility.

The BJP parliamentary party spokesperson, Mr VK Malhotra, said there cannot be two yardsticks — one for the BJP-ruled states and the other for non BJP-ruled ones. He hoped the Opposition would agree to discuss situations in different states under a rule that allows voting. After the ruling

about discussion on Gujarat, they should not oppose it, he said.

The acceptance of the Opposition de-

SC JUDGE PROBE:

(Continued from page 1)

Gujarat and asks the Centre to effectively intervene and provide rehabilitation to those affected..." The draft, while noting that six weeks of violence has caused immense damage, also calls for Central protection for the people of Gujarat under provisions of Article 355.

The admission of the motion by Mr Krishan Kant comes at the end of seven days of acrimony over Gujarat.

Privilege notice: The Opposition today deplored the Prime Minister's "remarks" yesterday on the Deputy Speaker's ruling admitting an Opposition motion under Rule 184. The Lok Sabha witnessed a furore after RJD leader Dr Raghuvansh P Singh said he had moved a notice for a privilege motion against Mr Vajpayee for casting "aspersions" on the Chair. — SNS

mand for Rule 184 for discussing the Gujarat situation had opened the floodgates and would serve as a precedent, Mr Malhotra said. The law and order situation in a state could now be discussed in Parliament, he held. The BJP has asked its various state units to prepare reports about the prevailing law and order situation in the states.

He alleged that the Congress and the Left parties had launched a misinformation campaign on Gujarat. On the Opposition parties' delegation to the state, he said this would not be able to make an objective assessment of the situation as they were visiting it with preconceived notions. On the other hand, the Congress refused to be provoked by the BJP's talk of moving a motion under Rule 184 on law-and-order situations in Bengal and Bihar.

"The BJP is perhaps unhappy about the situation in Bihar and West Bengal because there are no incidents of attacks on minorities in these two states," Mr S Jaipal Reddy said, adding the situation in Gujarat was a fit case for discussion under Rule 184 because it involves attacks on minorities and the state has been accused of involvement in the incidents through deliberate inaction.

Fundamentally Wrong

Acting speaker P M Sayeed has earned his place in the annals of Parliament for his landmark ruling that the Gujarat developments cannot be treated as a routine law and order problem within the jurisdiction of the state. Mr Sayeed correctly reminded the Union government of its responsibility to act under Article 355 of the Constitution which enjoins the Centre "to protect the state against internal disturbance and ensure that government of every state is carried on in accordance with the provisions of the Constitution". The prime minister's response to this uncontestable ruling was that it might set a bad precedent; indeed that it had opened the possibility of parliamentary interventions in the law and order situations in different states. This is a disturbing inference. Surely Atalji is not implying that there would be repetitions of the kind of pogrom witnessed in Gujarat. For, it is not a law and order problem but a state-sponsored pogrom that Parliament has been called upon to debate. It is imperative that this distinction is understood. What happened in Gujarat is not what is commonly defined as a communal riot, which could arguably be treated as a law and order problem. The specific targeting of a community is an assault on the Constitution. To the extent that the Gujarat administration's behaviour undermines a basic pillar of the Indian democracy — its secular character — the state's constitutional machinery must be deemed to have broken down requiring the invocation of Article 356. Unfortunately, the Centre has not even brought pressure to bear on the Modi government under Article 355.

In truth, what is happening in Gujarat today is secessionism by a fringe extremist group which appears to be dominating the state administration. Which is why the issue before Parliament is not so much about Gujarat as about whether the Union government has interpreted correctly the nature and significance of the risks posed by Gujarat to the fundamentals of the country. What Gujarat experienced was a systematic use of violence by mobs belonging to the majority community against a largely unresisting and helpless minority population. This has been attested to by the National Human Rights Commission, the Minorities Commission, numerous NGOs and former IAS and IPS officers. Aside from the fact that this is an impermissible outrage on human rights, there are other considerations, starting with the failure of the police in a border state at a time the country's armed forces are mobilised in a confrontation with our neighbour. The prime minister and his party must also treat as ominous the adverse comments from all major democratic nations just when India needs their goodwill both in dealing with national security problems and in the context of generating an attractive investment climate. The most worrying aspect, which our prime minister and his supporters have clearly not factored in, is the creation of a fertile ground for terrorism to breed. Those who have been driven into refugee camps after watching unspeakable horrors committed on their women and children would be easy recruits for terrorism as has happened in Palestine. It is the duty of all parties constituting the NDA alliance to steer the dominant party towards a correct understanding of the threat to national security posed by Gujarat.

Boiling Point: Parliament Will Discuss, Vote On Communal Violence In Gujarat On April 30

Sayed allows debate under Rule 184

Our Political Bureau
NEW DELHI 23 APRIL

THE OPPOSITION'S campaign for the ouster of the Modi government in Gujarat got a boost on Tuesday when Lok Sabha deputy speaker P.M. Sayeed accepted its demand and allowed a discussion on the communal conflagration, under Rule 184, which involves voting. Mr Sayeed rejected the government's argument that the Lok Sabha cannot have a discussion under Rule 184 as "law and order" is a state subject. He disagreed with the government's position that the matter has already been discussed and doesn't deserve to be debated once again under Rule 184.

While the deputy speaker's ruling, which broke the logjam over the format of Gujarat discussion, is a rebuff to the government which opposed the Opposition's demand, the embarrassment won't lead to any major crisis. A defeat of the government in the trial of strength, which the deputy speaker has scheduled for April 30, will certainly enable the Opposition to claim moral victory, but cannot oblige the government to quit.

The government's estimate is that it will sail through on April 30 and is sure to preen itself as vindicated, if its assumption — that the Opposition doesn't dispute them strongly — comes true. The ruling, however, discomfits those constituents of the NDA who are unhappy with the BJP for shielding Gujarat chief minister Narendra Modi, but don't want to precipitate the ouster of the Vajpayee government or a mid-term election.

The NDA government's unhappiness with Mr Sayeed was evident when Prime Minister A.B. Vajpayee called the ruling "unfortunate." Though Mr Vajpayee said the government accepted the ruling, he questioned it on the ground that "law and order" was a state subject under the Constitution.

He also hoped that the ruling doesn't set a precedent. Constitutional merits apart, the reaction can be expected to go down well with parties like the TDP and the DMK, which have traditionally been sensitive to any perceived central encroachment on states' turf.

The Vajpayee government opposed the demand for a discussion under Rule 184 because it wanted to save the non-BJP components of the NDA, particularly the TDP and the Trinamool, from falling into "either you are with us or Narendra Modi" trap set by the Opposition. It is, however, not worried now that the deputy speaker has rejected its stance.

Of the wavering allies, there are already indications that the Trinamool will not carry its opposition to Mr Modi's continuance, to siding with its principal rival, the CPM.

The TDP is unlikely to put its card on the table till the morning of April 30, but the government looks set to get the support of the 13 members of the BSP, which is on the verge of forming a coalition with the BJP in Uttar Pradesh. Support from PMK, which recently returned to the NDA fold, and splinter groups of the RJD and Samajwadi Party, can act as a buffer in case the TDP decides not to compound its loss of face and votes against the government.

Fresh violence claims 7 lives

Our Ahmedabad Bureau
AHMEDABAD 23 APRIL

EVEN AS there were no reports of untoward incidents from most parts of the riot-torn state of Gujarat, the commercial capital of the state — Ahmedabad — continued to burn even on the 55th day of violence, with seven more deaths being reported from the city.

The latest bout of violence that sparked off in the city since Sunday has now claimed around 37 lives in three days, taking the total death toll in the state post February 27 Godhra train massacre to over 900.

The miscreants on Tuesday gave a taste of violence to none other than the city police commissioner and exploded LPG cylinders right outside his office in Shahibaug, leaving several shops charred. A relief camp at Dariyakhan Ghummat too was attacked by rioters and a place of worship blasted using an LPG cylinder in the Shahpur area of the city. Reports suggest that miscreants also tried to attack the Ahmedabad Municipal Corporation office. Two persons were killed in the Vejalpur area in the afternoon and the National Highway No 8, connecting port of Kandla to Ahmedabad, was closed to traffic after a truck was torched. A young boy was burnt alive in the Juhapura area and a person stoned to death in the Guptanagar area near Anjali cinema. The Sabarmati river-bed on Tuesday was again on fire, as numerous chawls along the riverside were set ablaze.

France steers clear of report

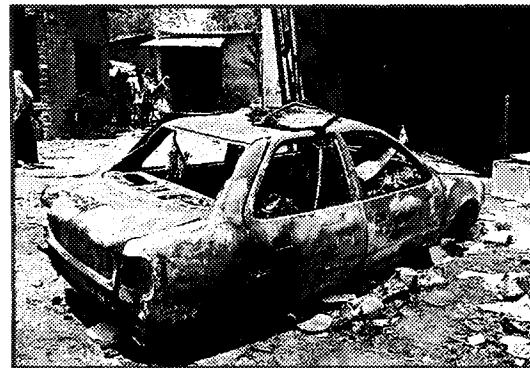
Our Political Bureau
NEW DELHI 23 APRIL

DISCONTENT OVER comparison of the Gujarat events to painful periods of European history among the members of the European Union, in a report released on Monday, may provide the Indian government some breathing space. According to sources, the French embassy here has dissociated itself from the report. European sources are also clear Germany would never append its name to any official document that referred to the Nazi period. "They would rather leave the EU," they said.

So although the EU has taken a common position on the Gujarat issue, and according to high level sources, were planning to issue a demarche to the Indian government sometime later this week, the diplomatic wording of the document is likely to be much more mellow. According to the format, the demarche, which is agreed upon by the EU ambassadors here, is then sent to Brussels for final approval before being delivered to the Indian government.

It will also be tempered by India's evident displeasure at foreign countries' "interference in its internal affairs". To this end, India has stepped up its diplomatic initiative with these countries to give them a fairer picture of what's happening in Gujarat.

But there is no getting away from the fact that the EU has found it necessary to vent their concerns and collective opinion by asking India to ensure speedy and transparent justice.



REMAINS OF ANOTHER DAY

24 APR 2002

THE STATESMAN

Vajpayee and colleagues
weigh options in House

Modi dares

Sonia to poll bout

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Centre
State
NDA
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24/4 ✓

FROM OUR SPECIAL
CORRESPONDENT

April 20: As Atal Bihari Vajpayee convened a meeting of senior ministers to discuss the Parliament deadlock, Narendra Modi — the man at the centre of the standoff — shovelled more fuel into the fire by challenging Sonia Gandhi to fight an election against him in Gujarat.

In a statement issued in Ahmedabad, Modi accused the Congress of pushing Gujarat into a communal frenzy as well as crippling Parliament.

He asked the Congress president to contest against him, adding: "*Sauda ghate me rahega*" (it will be a loss-making proposition).

His statement came hours after the BJP indicated in Delhi that the only "concession" it could make in Parliament was not raise Sonia's comment that Vajpayee had "lost his mental balance". She had later issued an apology.

At the meeting, Vajpayee and his Cabinet colleagues from the BJP rejected the Opposition's demand for a discussion on Gujarat under Rule 184, which requires voting.

BJP sources said the option of bringing in a confidence motion was also discussed as a way of "deflecting" attention from Gujarat and for papering over differences within the coalition. They said they were certain that

if it came to a confidence vote, the allies would support the government.

Despite the tough talk, the strain of walking a tightrope showed when Vajpayee addressed a seminar on national development. "Whatever happened in Gujarat was condemned by me in the strongest possible words," he said. "But today, those very words have been used against me. It is being said that since I had called the events a blot (on the nation), what is wrong in discussing Gujarat in the House?"

Vajpayee said he was not against a discussion but the "Centre is not ready to accept just any rule". Vajpayee, who today greeted Telugu Desam chief N. Chandrababu Naidu on his 52nd birthday, denied that there were problems within the NDA. "The ruling alliance is united," he said.

With Vajpayee a few feet away, Nafisa Banot, head of a voluntary organisation in Gujarat, broke down while narrating the trauma of riot victims.

Vajpayee then said: "I wish to assure Nafisaji that I have been through more trying times than these. The country is going through a difficult phase. This country, with a population of a hundred crore, is distinguished for its diversity. It takes its inspiration from the past but looks forward to the future."

NDA is united on Gujarat: PM

'Debate on rule of discussion ridiculous'

HT Correspondent
New Delhi, April 20

ATL BIHARI VAJPAYEE today said there were no differences within the NDA constituents on the Gujarat issue. He urged the Opposition to join hands with the NDA in resolving the Gujarat imbroglio without seeking political mileage from a difficult situation.

The Prime Minister ridiculed the Opposition's fulminations on Gujarat violence and endless debate on the mode of discussion in Parliament. While asserting that his Government was ready for a discussion in Parliament, he said: "Now the debate is on the mode and rule under which the discussion should take place. It has gone to a ridiculous extent." He castigated the Opposition for trying to paint NDA as a divided house.

Vajpayee referred to Gujarat violence and the political developments later while inaugurating a national conference on the role of voluntary agencies in national development held in the capital by the Planning Commission.

Departing from the prepared text, he said the NDA was committed to maintaining the secular fabric of the country. In a lighter vein, he said even reference to "raj dharm" or "dharmic raj" could lead to a controversy.

The Prime Minister said there was a national consen-



A B VAJPAYEE

sus that there should not be any differential treatment based on religion, mode of worship or caste. In this context, he said since Independence no one in the country sought to practise theocracy unlike in Pakistan.

He hailed the dedicated relief work undertaken by voluntary organisations in trouble-torn Gujarat and earlier in the earthquake-hit Orissa. The Prime Minister assured voluntary agencies that the Centre would engage them in a dialogue to create a structural and legal framework for the role of accredited NGOs in development process.

He shared the concerns of prominent voluntary activist Nafiza Barot that basic rights as citizens were under threat in Gujarat following the carnage in Godhra and its aftermath.

Speaking on the occasion, Deputy Chairman of Plan-

ning Commission K C Pant called upon the voluntary agencies across the country "to adopt appropriate standards of accountability and transparency to maintain their image and integrity". The daylong conference was convened by the Planning Commission to smoothen out the hurdles faced by NGOs from "insensitive" bureaucracy.

Fernandes trip: Defence Minister George Fernandes today said the Gujarat Government would take a decision on the withdrawal of Army after considering the situation in the riot-affected parts of the State. He, however, said the Centre would take the final decision on Army withdrawal.

Fernandes, who has been meeting riot victims at the relief camps over the last two days, said they were still not in favour of Army withdrawal though there was a marked improvement in the situation with tension reducing rapidly. He flayed the media for "failure to highlight the facts".

But even as Fernandes was extolling the dawn of peace in the State, the police opened fire to bring the situation under control after tear-gas shells failed to disperse a violent stone-pelting mob in the Kheda district in central Gujarat. At least four persons were injured in the incident.

More reports on Page 9

'No large-scale infiltration from Bangladesh'

9-
Choke Nale
110-11 By Our Special Correspondent 20/21

NEW DELHI, APRIL 19. The West Bengal Chief Minister, Buddhadeb Bhattacharjee, today met the Union Home Minister, L.K. Advani, and apprised him of the latest law and order situation in the State.

After his 20-minute meeting with Mr. Advani, the Chief Minister told presspersons that the Home Minister had wanted to know the latest along the Bangladesh border. "I told the Home Minister that there was no large-scale infiltration at this moment from across the border," he said.

Several issues pertaining to law and order, including the education in madrassas (Muslim seminaries), figured during the discussions as well as progress in the investigation into the American Center attack in January. Sources said that Mr. Advani suggested to the Chief Minister that POTA be used in dealing with anti-national elements which indulged in acts of terrorism but Mr. Bhattacharjee reiterated his party's views on it.

THE HINDU

7 8 1992 2012

To force allies to rally around, PM tells Opp: seek confidence vote

B S NAGARAJ
NEW DELHI, APRIL 19

96-1 NOV 20 98

WITH Parliament in freeze, Prime Minister A B Vajpayee today dared the Opposition to bring a no-confidence motion against his government on the Gujarat issue but the Opposition did not bite the bait.

At an all-party meeting convened by the Deputy Speaker today, the Opposition and the government held on to their positions on the rule under which a debate on Gujarat is to be held. While the Opposition insisted on a censure motion under Rule 184, the government was unrelenting saying a debate could only be held under Rule 193 which does not entail voting.

By dangling the bait of a no-trust move, Vajpayee was clearly aiming at enlarging the issue to include the overall performance of his government and deflect the debate away from Gujarat. And to force his frayed coalition to patch up under pressure.

While some of the BJP's allies, specifically the TDP, demand the ouster of Gujarat chief Narendra Modi none of

them is really interested in pulling down the Vajpayee government. If a no-trust were to be moved, it would force the allies to vote in the government's favour thus giving it a chance to assert its legitimacy. If such a motion were to be defeated, the rules do not permit a repeat until the expiry of six months.

Responding to the demand of the Leader of the Opposition Sonia Gandhi and other Opposition leaders that the debate should be held only under Rule 193, Vajpayee said that if they could insist on a motion which entailed voting they could exercise other options like moving cut motions as well. As if on cue, BJP representative V K Malhotra bluntly told them to employ the no-trust mechanism.

Concerned over the long disruption of work, Deputy Speaker P M Sayeed did some plainspeaking making it clear the Chair could take a decision on its own to end the stalemate. Hinting that he was not happy with the government not taking the initiative while putting the onus on him, he pointed out that,

CONTINUED ON PAGE 2



Centre buys time from

9
10/20/90
NHRC 5/6
P/A

NEW DELHI, April 18. — The Centre sought more time from the National Human Rights Commission to file its report on the communal violence in Gujarat in response to the Commission's preliminary comments and recommendations issued earlier.

The NHRC spokesperson today said the Union home ministry has sent a letter to the Commission, seeking time till 30 April to file a comprehensive report. The letter said the ministry is still in the process of gathering information regarding the violence from the I&B ministry, department of rehabilitation and other agencies.

While the Gujarat government — along with the Centre was asked to respond to the NHRC's remarks and recommendations within 15 days — had filed its report last week, the Centre has sent its response only after receiving a reminder from the NHRC.

The Commission had accused the Gujarat government of failing to take appropriate action leading to communal riots in the state and asked it to entrust investigation of "certain critical cases" of violence to the CBI, besides making other recommendations. — SNS

Allies keep up Modi ouster chorus

HT Correspondent
New Delhi, April 18

9 Centre-State
MFI 19/4

BJP ALLIES TODAY kept up the pressure over Narendra Modi. While Jammu and Kashmir Chief Minister Farooq Abdullah said a conclave of BJP allies was being planned to discuss the Gujarat issue, Mamata Banerjee demanded President's rule in the State.

Farooq, however, quickly added that the conclave was not part of any pressure tactic. "All non-BJP parties will take part in the conclave and convey their united stand to the Prime Minister," he said.

Seeking President's rule, Mamata said the need of the hour was unity among NDA allies in "supporting the Vajpayee Government" as the Left-backed third front was "out to topple" it. "My solution to the Gujarat imbroglio is to dissolve the As-

EXAM BOYCOTT

A LARGE number of Muslim students in Gujarat boycotted the Secondary and Higher Secondary Board examinations that started amid tight security on Thursday. According to reports, at least 70 per cent of the 14,000 minority candidates boycotted the exams as the Government rejected demands to shift the examination centres to safer places.

Detailed report on Page 6

sembly and impose President's rule, fast implementation of the rehabilitation package for the riot victims and restoration of peace before talking of elections." She said she had not discussed the President's rule demand with the Telugu Desam.

"This is my suggestion and it is up to the Vajpayee Government to accept or reject it."

Gujarat BJP MPs, including former Chief Minister Keshubhai Patel, Union Ministers Arun Jaitley and Kanshiram Rana, held a meeting and adopted a resolution to meet the President for apprising him of the attempts by the Congress and other Opposition parties to remove a "Chief Minister who enjoys the confidence of both Houses".

Parliament was adjourned over Gujarat for the fourth consecutive day today. To end the impasse, the Deputy Speaker has called for an all-party meeting tomorrow morning. Ruling out any dilution in its stand, the People's Front decided to persist with its demand for a discussion under a Censure Motion.

More reports on Pages 3 & 6

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THE HINDUSTAN TIMES

Cabinet carrot for Gujarat truce

Offer of sops sways Mamata and Desam



Nafisa Ali and Nandita Das at a rally demanding the removal of Narendra Modi. (AFP)

FROM KAY BENEDICT

New Delhi, April 17: The crisis that engulfed the Vajpayee government after the strident cry from secular allies for Narendra Modi's scalp appears to have eased. Two key allies — the Telugu Desam and the Trinamul Congress — have changed position in the last 24 hours.

NDA sources said the Centre had managed to wriggle out of a sticky situation by offering sops to the two parties. Mamata Banerjee has been assured that she will be inducted into the Union Cabinet after the budget session when the Prime Minister shuffles his council of ministers.

Chandrababu Naidu has been partly appeased with the Gujarat Cabinet deciding to defer a decision on dissolution of the Assembly and holding of elections. But the Desam chief stuck to his guns on Modi's ouster, asserting there would be "no compromise on the ideological fight".

NDA convener George Fernandes spoke to Mamata twice this week. The Trinamul chief had taken a high public posture against Modi's continuance as chief minister and said she would back whatever stand the Desam took.

Though she has been assured a Cabinet berth, Mamata was told that the railway portfolio, held by senior Samata Party leader Nitish Kumar, was not up for grabs. She has been eyeing the ministry since she quit it last March, demanding Fernandes' resignation after the Tehelka expose.



George Fernandes talks to AB Vajpayee at a dinner. (PTI)

After keeping the Centre on tenterhooks for some time, Mamata's statement yesterday that Trinamul would not vote against the government in case of a no-confidence motion would have come as music to the Prime Minister's ears.

Fernandes has also been in touch with Desam chief Naidu. Though parliamentary party leader Yerran Naidu had yesterday written to deputy Speaker P.M. Sayeed demanding a discussion on Gujarat, he left an escape hatch open by not specifying the rule under which the Desam wanted the discussion.

Asked if the Desam would vote against the government in case rule 184 was admitted, a senior leader mischievously quipped that it would follow Mamata.

"It means, we won't vote against the government," he said.

The government has already met the Desam demand that immediate polls should not be held in Gujarat. "From the beginning, we have been saying that this is not the right time for elections in Gujarat. Providing relief and rehabilitation should be the priority now," Naidu said after the Cabinet decision.

Mamata has been out in the cold since she returned to the NDA last year after a temporary separation. She has waited patiently to get re-inducted into the Cabinet, but senior BJP leaders irked with her "opportunistic" ways have opposed her re-entry.

Her trenchant criticism of the government's handling of the Ayodhya crisis also drew flak from BJP hardliners, endangering her bid to get back into Vajpayee's good books. The opposition within the BJP remains despite the latest assurance of a Cabinet post.

Sources said a few vacancies were likely to be created in the council of ministers once the BJP leadership finalised its "Kamaraj Plan".

In the wake of the electoral drubbing in several states, the plan is to bring back young and articulate ministers to the party. The names of Arun Jaitley, Pramod Mahajan and Venkaiah Naidu are being suggested for possible replacement.

Apart from drafting good ministers for party work, plans are also afoot to get rid of deadwood and punish those who violated party discipline like Shanta Kumar, who demanded Modi's ouster.

■ More reports on Page 6

18 April 2002

THE TELEGRAPH

BJP blinks first, TDP eyes more

*Decides against early polls in Gujarat,
but is firm on not removing Modi*

Times News Network

NEW DELHI: While the opposition offensive on the Gujarat issue continued on Wednesday, the BJP sought to end its ongoing stand-off with its key ally, the Telugu Desam Party (TDP), by meeting it midway—with the Gujarat cabinet deciding not to go in for an early poll in the state. The party is, however, firm that state chief minister Narendra Modi will not be replaced.

As of now, the TDP has not responded to this overture. While welcoming the decision not to have an early election in Gujarat, the party is sticking to its other demand for Mr Modi's removal on the plea that he failed to contain the communal violence in the state.

On Tuesday, the TDP had gone a step further when it joined the opposition chorus in seeking a discussion on the Gujarat issue in the Lok Sabha. The only difference is that while the opposition is demanding a discussion under Rule 184 which entails a vote, the TDP has left this detail to the deputy speaker's discretion.

On Wednesday, the TDP joined the opposition parties in parliament to press for Mr Modi's removal. Both houses were adjourned amidst noisy scenes as a vociferous opposition insisted that the Gujarat issue be discussed under rules requiring a vote. Later, TDP leaders stood on the steps of parliament house along with with opposition leaders and shouted slogans demanding

Mr Modi's ouster.

Apparently, unsure of how the TDP and other allies would vote on this issue, the BJP reportedly persuaded NDA convenor George Fernandes to call an impromptu meeting of NDA leaders, where the demand for a debate on Gujarat under Rule 184 was rejected. Significantly, the three allies who have been demanding Mr Modi's head—the Trinamul Congress, the JD (U) and the Lok Janshakti—were not present at this meeting.

But the BJP's decision not to go in for an early poll in Gujarat is also driven by other compulsions. Although it has secured the BSP's support at the Centre by sewing up a pact with it in Uttar Pradesh, it also needs the TDP in the coming presidential election. Not sure if the Election Commission will notify an early poll in Gujarat, the BJP cannot not afford to dissolve the assembly and thus lose these votes in the President's election, especially since there is a wafer-thin margin between the NDA and non-NDA parties.

Although he is standing firm on his decision so far, it is also true that TDP chief Chandrababu Naidu is looking for an honourable exit from the corner into which he has painted himself. He cannot be seen to be silent on the Gujarat situation in view of the widespread revulsion that the carnage in that state has generated among people in Andhra Pradesh.



Defence minister George Fernandes has a word with the PM at an official dinner in New Delhi on Tuesday.

11-12 Kalyug Rajdharma 119

Much has been said about Atal Behari Vajpayee's advice to Narendra Modi to follow his rajdharma in dealing with riot-ravaged Gujarat. An obvious interpretation was that the prime minister was speaking to the self-styled Hindu cultural nationalists in the language they understand. The irony is of course that Mr Vajpayee has himself gone back on his advice by openly endorsing the Modi government's complicity in the genocide following Godhra. In its essence, rajdharma, as practised by King Janaka, King Rama or as expounded by Bhishma or Vidura, constituted ethical principles of good governance as formulated by learned men who tendered their advice to the kings in a detached manner, without fear or favour. The kings, in turn, treated the advice as binding, instead of seeing themselves as sovereign entities, unfettered by dharma. When India became a republic, the founding fathers deliberately chose the dharma-chakra symbol and the Sarnath lions of emperor Asoka to emphasise the continuity of the civilisational traditions going back over two millennia. In the earlier days, rajdharma acted as a substitute for representative and democratic governance, with the rules of governance prescribed by learned men, who, at least at the level of ideas, had no stake in the mechanics of power and patronage. While rajdharma, or the moral principles of governance, must by its very definition have universal application, the means of administering it could change according to the times. In the yuga dharma of the democratic age, the Constitution adopted by the people of India must be seen as the equivalent of the dispassionate rajrishi or counsellor.

The Indian Constitution not only enjoins upon the ruler to extend equal protection to all citizens, it explicitly prohibits the administrator from either holding back protection or permitting the discriminatory use of force towards a section of its citizenry. A sense of revenge or vindictiveness of the ruling authority towards a section of the citizenry is adharma of the extreme kind. By this yardstick, the Modi government will, of course, be adjudged guilty. But so also will the Centre, which has conveniently invoked the principles of federalism to justify its failure to bring Mr Modi to book. Under Article 355 of the Constitution, the Union government is obliged to protect the states from external threats and internal disturbances. While law and order is certainly a state subject, a pogrom which results in the death of over 700 people cannot be treated as a mere law and order problem. It is a development that threatens the internal security of the state, and worse, directly contravenes the fundamental rights of citizens. Besides, it has had major economic implications for the state and country as a whole. The rajdharma of the Union government then lies in acting on the basis of Article 355 and not in pursuing cynical opportunistic votebank politics. Kings who practised rajdharma, stepped down to go on vanaprastha and then accepted sanyas, as against current-day administrators who will tolerate adharma of the type perpetrated in Gujarat for the sole purpose of staying in office. This country's misfortune is that the 'self-styled' Hindutva crusaders have not bothered even to study the ancient traditions of this country, let alone follow them in letter and spirit.

Poll on hold as price for Naidu

Scramble to save govt

FROM KAY BENEDICT

New Delhi, April 14: The Vajpayee-led government averted getting sucked into an immediate crisis tonight by conceding the demand of its ally Telugu Desam not to plunge into an election in Gujarat now. But it was silent on the Desam's insistence on removing Narendra Modi as chief minister.

N. Chandrababu Naidu's Desam kept a decision on whether or not to withdraw support in abeyance, saying it would be "uncompromising" on its demand for resignation of Modi and in its opposition to early elections in Gujarat, due next year in the normal course.

On his return from Goa after the BJP's national executive, Prime Minister Atal Bihari Vajpayee had an emergency meeting of the National Democratic Alliance convened. A resolution adopted at the meeting said: "NDA appeals to TDP, which as our valued friend has steadfastly supported us all these four years, to continue its support to the government."

Although the resolution was silent on the BJP's move for early polls in Gujarat, NDA convener George Fernandes said the meeting decided that elections would be delayed. The BJP resolution at Goa was read out at the meeting to clarify that it did not say elections would be held immediately.

As for Modi's removal, the argument was offered that it was a decision which could not be foisted from Delhi but had to be taken by the BJP legislature party in Gujarat.

"The NDA is of the view that in a federal polity, interference in the democratic functioning of states or of Delhi determining who is or is not to be the chief minister of any particular state will completely distort the constitutional balance of federalism."

The statement ignores the fact that Modi himself was sent by Delhi to take up the Gujarat leadership, replacing

Keshubhai Patel.

Earlier in the day in Goa, Vajpayee had ruled out dismissing Modi. "No talks are being held on Modi," he said, indicating that the issue was non-negotiable.

At the NDA meeting, the BJP, however, made the concession of agreeing to send an alliance team to Gujarat in a couple of days to review relief and rehabilitation in riot-hit areas.

Ahmedabad continued to be convulsed by violence with three persons dying and at least 12 getting injured in police firing. Senior BJP leaders of the state were closeted together until late tonight to discuss the mandate Modi had returned with from Goa: to dissolve the Assembly and hold elections.

The day began with the Prime Minister speaking to Naidu. Vajpayee is believed to have told the Andhra chief minister that he should visit Gujarat first and see the situation for himself before judging Modi.

Fernandes cut short his visit to Moscow, arriving at 4 am in Delhi and getting on the phone to Naidu at 11 am and again at 4 pm. He beseeched Naidu not to take any drastic step as the Congress would be the singular beneficiary if the government was destabilised, sources said.

Vajpayee asked Fernandes to talk to Naidu. Declining to divulge what he told Naidu, Fernandes said the Desam leader expressed "his inner feelings".

"The NDA has been and remains fully committed to its agenda. It reaffirms unequivocally its confidence in the leadership of the Prime Minister," the resolution said.

A senior Cabinet minister belonging to an alliance partner did not set great store by the NDA meeting and the statement issued later, suggesting that the crisis might not be over yet. If Naidu continues to make an issue of Modi's removal, it could erupt any moment again.

Although the meeting sought to send out the message that the alliance was united behind the Prime Minister, Mamata Baner-

MY REFERENCE WAS TO MILITANT ISLAM: ATAL



Vajpayee in Goa on Sunday morning. (AFP)

jee's Trinamul Congress and the Lok Janshakti Party of Ram Vilas Paswan stayed away, giving some anxious moments to coalition managers.

Fernandes said Paswan was out of Delhi and could not reach in time. According to him, Mamata could be contacted only in the afternoon, but said she was busy with Bengali New Year Day programmes. In Calcutta, Mamata said she could not go because she

received the information late.

Both had opposed holding a snap poll in Gujarat, which the BJP believes it can win on the assumption that the perceived communal polarisation there would see Modi back in power.

The hour-long meeting tried to work on the allies' Congress phobia. "The NDA is unanimous in its resolve to defeat the scheming of the Congress and its cohorts. We will not permit any destabilisation of the country at

this critical juncture, and that too when our defence forces are deployed on the borders of the country."

It criticised the statements of Congress president Sonia Gandhi at Guwahati about the Prime Minister losing his mental balance. "They are not only irresponsible and in bad taste, but they also represent the lowest ebb of political immorality."

Vajpayee said: "Her comments show her mentality."

Desam takes fight to House

FROM G.S. RADHAKRISHNA

Hyderabad, April 14: Softened up by appeasing noises from the National Democratic Alliance and haunted by the fear of the Congress, the Telugu Desam tonight balked at withdrawing support to the Vajpayee government but stuck to its demand for Gujarat chief minister Narendra Modi's removal.

After a meeting of the politburo, which gathered even as the NDA session continued in Delhi, the party said: "We will not give up and will fight out the issue on the floor of Parliament."

It would also oppose holding early elections in Gujarat.

The politburo did not pull the trigger on the Vajpayee government, which it supports from outside, as had been indicated by the leadership earlier in the afternoon.

Emerging from a five-hour meeting held at the residence of chief minister and party chief N. Chandrababu Naidu, parliamentary party leader K. Yerran Naidu said of withdrawing support: "So far, we have not taken any decision. This is a matter of national importance. We are discussing the pros and cons."

With 27 MPs in the Lok Sabha, the Desam's backing is crucial to Vajpayee's survival.

"Our stand is very clear. We are demanding removal of Modi to restore public confidence. We should protect the secular fabric and national interests," Yerran Naidu said.

The politburo examined the resolutions passed by the NDA

in Delhi, appealing to the Desam to continue its support to the government.

"We have taken note of the resolution passed by the NDA. The politburo will meet whenever needed and will take a stand on the issue of our support to the NDA. We will act on the basis of the public perception on the Gujarat developments."

"You will see from tomorrow how we are going to raise these issues in Parliament," Yerran Naidu said.

Reminded that the BJP had ruled out removing Modi, he said: "We are not demanding change of chief ministers everywhere. In the interests of the nation, we are asking for Modi's replacement."

The party was in touch with other "secular" allies of the BJP through the day and one reason for choosing to continue with the status quo could be the realisation that the threat of withdrawal of support by the Desam alone was not enough to shake up the Vajpayee government.

"The chief minister has contacted Mamata Banerjee and Ram Vilas Paswan," Yerran Naidu said.

During the politburo meeting, Naidu kept calling NDA allies and sought their opinion. Mamata assured him that she would follow in his footsteps.

"Modi's continuation in office has become an embarrassment for all of us in the NDA. Why should we shoulder the liability of the BJP?" Paswan, the leader of the Lok Janshakti Party, told Naidu.

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UNEASY ALLIES

AFTER THE JANATA Dal (U), the Trinamool Congress and the Lok Janshakti (of Ram Vilas Paswan), it is now the turn of Chandrababu Naidu's Telugu Desam to openly call for the "immediate" removal of Narendra Modi from the Chief Ministership in Gujarat. The demand marks a major and sudden shift from the stand the party has been taking all along on the politically vital issue of a change of leadership in the wake of the establishment-shielded (or inspired) wanton communal killings in the State post-Godhra. Till the other day, Mr. Naidu had calculatedly downplayed the demand for Mr. Modi's ouster by projecting 'restoration of peace and communal harmony' as an objective with overriding priority, and surely the Andhra Pradesh Chief Minister cannot be so naive as not to realise that Mr. Modi's exit was an essential condition for inspiring confidence in the terrorised minority community. In fact, all the reasons the TDP has presently advanced for its 'oust Modi' demand already existed for quite some time now and they acquired greater weight after the damning indictments of the State administration by high-powered statutory bodies such as the National Human Rights Commission and the National Minorities Commission. But the TDP had based on its own political calculations been apparently reluctant to acknowledge them till now. That it has chosen to speak up for a regime change on the eve of the BJP's crucial national executive meeting in Goa is, however, very significant, and its view cannot be brushed aside lightly by the chief coalition partner, given the TDP's status as virtually the most critical prop to the Vajpayee Government and Mr. Naidu's own cultivated reputation for 'dependability'.

For all the patently sincere responses of the Prime Minister to the communal holocaust witnessed by Gujarat — he called it a "national shame" — and the palpable dissatisfaction in his references to the way the Modi administration has handled the situation, it is clear that the Sangh Parivar has, actively aided and abetted by

the Modi regime, succeeded in pushing its own viciously divisive agenda by carrying out a well-orchestrated pogrom targeting the Muslims that rendered them "refugees in their own land". That the BJP leadership, at least a section of its hard core, feels elated at the so-called 'consolidation' of the Hindu vote and wants to capitalise on it by calling an early election to the Assembly is a measure of its cynical calculations. In the immediate context, this translates into stiff resistance to forcing Mr. Modi out of office — what with the BJP president, Jana Krishnamurthi, himself openly backing him to the hilt — and into veiled threats of a 'Hindu backlash', read a fresh bout of targeted violence by the VHP/Bajrang Dal elements. Small wonder then that Mr. Modi remains absolutely unfazed and unchastened and shows little inclination to mend his ways.

At a more fundamental level, Gujarat under Mr. Modi, 'hailed' by the Sangh Parivar as marking yet another 'successful' experiment in the laboratory of Hindutva ideology, is replete with ominous signs for the country's future as a pluralist and secular polity. Particularly worrisome are indications of the Hindutva message being internalised, even if subconsciously — and possibly due to the virulently aggressive campaign mounted by the Parivar outfits projecting the Muslims as an 'enemy'. Clearly, this falls into a pattern noticeable in the ways of the BJP, both as a party and as the head of Government at the Centre; some of the other notable elements are the saffronisation of the textbooks and the encouragement — and concessions — extended to the VHP's campaign to launch the Ram temple construction. The cruel irony of it all is that the 'secular' partners in the coalition have contributed not a little to it by their acquiescence if not connivance. If the Gujarat happenings have any lesson to convey, it is that the corrosion of India's secular and multi-ethnic fabric by the Hindutva forces has assumed alarming proportions and that it is time the NDA constituents became alive to the looming danger.

THE HINDU

'GODHRA CARNAGE STARTED THE FIRE'

Vajpayee hits out at 'jehadi' Islam

By Neena Vyas

PANAJI, APRIL 12. There are two kinds of Islam — one that believes in truth and kindness, and another which is rearing its head as militant Islam in the name of jehad... It is this Islam which wants to mould the entire world, the Prime Minister, Atal Behari Vajpayee, said here today.

Criticising what he called 'jehadi' Islam, Mr. Vajpayee said: "Wherever there are Muslims, they do not want to live with others (who practise different faiths). Instead of living peacefully, they want to preach and propagate their religion by creating fear and terror in the minds of others."

He made these remarks at a largely-attended public meeting even as 30 minutes earlier, the Bharatiya Janata Party president, Jana Krishnamurthi, informed the press that the Gujarat Chief Minister, Narendra Modi, had "offered to resign."

Mr. Modi had made the offer in the light of the "tirade of accusations" levelled against him immediately after Mr. Krishnamurthi's inaugural address at the national executive of the party.

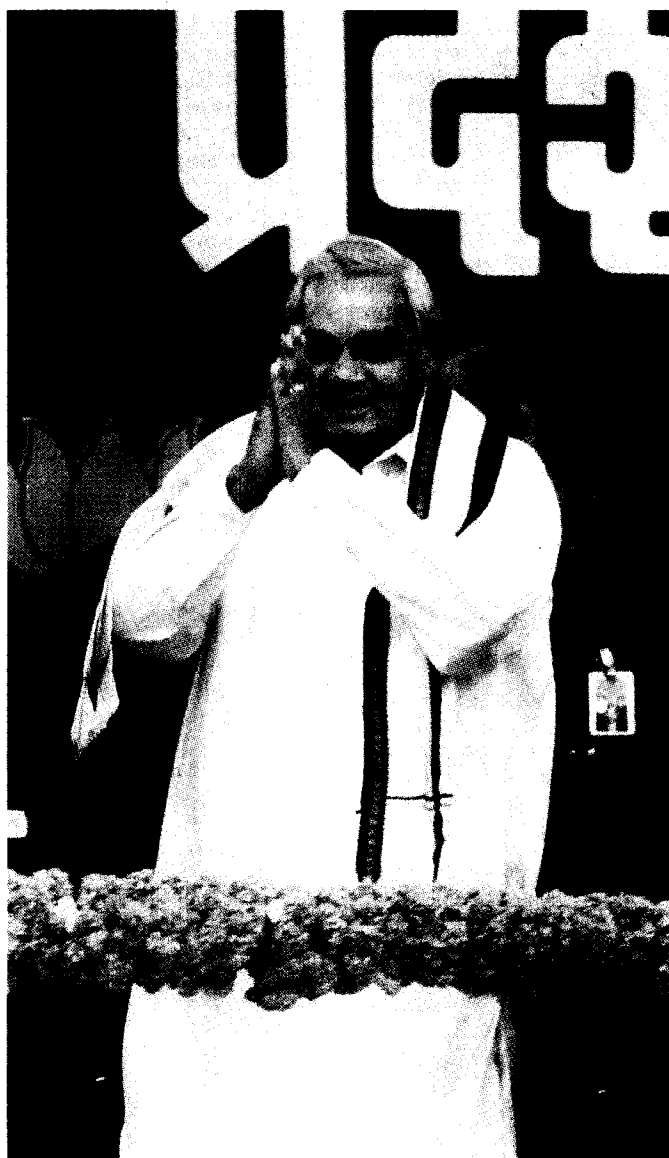
He alleged that the Congress was trying to destabilise an elected Government in Gujarat by demanding Mr. Modi's resignation. He warned that the BJP could also play similar games.

Elections in Gujarat were not far off and the Opposition could reach out to the people and come to power instead of trying to destabilise an elected Government.

He virtually warned the Congress that if it tried to play the destabilising game in Gujarat, "we can also play that game."

Mr. Krishnamurthi also issued a warning to the press: "I want to tell the press, there should be a change of Government only through elections, otherwise the country will be heading for trouble."

But it was Mr. Vajpayee's attack on 'jehadi' Islam that took everyone here by



The Prime Minister, Atal Behari Vajpayee, acknowledges the greetings from the crowd on his arrival at a public meeting at Panaji on Friday. — PTI

surprise.

Mr. Vajpayee asserted that India was a multi-religious society and "we do not believe in religious fundamentalism." No one should challenge India's commitment to secularism, he said, pointing out that it had been tolerant towards all faiths which had chosen to make it their home, long before Christianity and Islam had come to this land.

Speaking specifically on the Gujarat events, the Prime Minister virtually blamed the entire violence on the Godhra

carnage, saying categorically that "if there had been no Godhra, the tragedy in Gujarat would not have occurred."

"Who were those who burnt people alive? The Intelligence agencies are trying to find out. But let us not forget how the whole thing started. Who started the fire? How did it spread," he asked, even as he promised that his Government would try to establish the facts. Often, small and big incidents occurred, but "if one goes to the root, you will see that there is tolerance in

India."

Coming down heavily on conversions, he said that as long as people worshipped their own Gods in their own way, they had been respected in India.

It was now that countries of the world were getting together to fight the menace of terrorism.

He said that in many countries the view was gaining ground that Muslims should be taught science and other subjects in 'madrasas' along with the teachings of Islam, but "they should not be taught to have their way on the strength of the sword."

Narendra Modi to stay as Gujarat CM

PANAJI, APRIL 12. The Bharatiya Janata Party national executive tonight rejected the offer of resignation by the Gujarat Chief Minister, Narendra Modi.

A party spokesman said the executive considered the offer at its second session but decided not to accept it.

The rejection comes amid high drama over the fate of Mr. Modi, who has been under attack from the Opposition and the crucial allies of the BJP-led National Democratic Alliance at the Centre for his handling of the communal violence in the State that has claimed over 850 lives in over a month.

While rejecting Mr. Modi's offer to resign, a resolution adopted at the executive said "instead of accepting his resignation, the national executive advises him to seek dissolution of the Assembly, go to the people and seek their verdict... In a democracy, there is only one way to put the issue and the calumny to rest. The people are the one who can and must decide."

The resolution further said Mr. Modi had offered to step down in the best tradition of the party so as to assist it in discussing the happenings in Gujarat and enable it to take a decision without any inhibition. — PTI

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'Only the party can decide its CM's fate'

Modi will stay, BJP tells Naidu

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SUDESH K VERMA
STATESMAN NEWS SERVICE

PANAJI, April 13. — There was no let-up in the hardline stance adopted by the BJP yesterday, with a key ally taking the brunt of this belligerence today. Mr AB Vajpayee and Mr LK Advani telephoned TDP chief Mr Chandrababu Naidu tonight to tell him in no uncertain terms that his party's demand for Mr Modi's ouster will not be met, BJP sources said.

Both reportedly expressed their anger over Mr Naidu not consulting the BJP even informally before issuing the statement castigating a BJP-run state government. The implication, party leaders said, was clear: take it or leave it.

Earlier in the day, Mr Advani at a press conference expressed reservations on similar demands by allies and stressed that the BJP alone had the right to decide upon the fate of its chief minister.

"Every party has certain states under its governance, and its own chief ministers and Assemblies. I don't decide chief ministers. Allies (only) have a right to talk about the Centre as the NDA governs," he said.

Other party leaders also categorically said the TDP has no right to dictate terms, indicating the belligerence in the saffron camp.

Mr Advani, however, said the BJP will "not abandon the common manifesto of the NDA and go back to its own agenda". But he at the same time asked partyworkers not to be apologetic about their ideological moorings, refusing to clarify if this included the RSS brand of Hindutva.

"Here I don't refer to any specific issue as such, but to our entire guiding outlook on enlightened cultural nationalism ... positive secularism as against pseudo-secularism, and on *samajik nyay* and *samajik samrasata*." He also admitted that the party has "not been able to fully measure up to (our) high ideals that inspired us to found the Jana Sangh and later the BJP".

Mr Advani, while refusing to elaborate, also justified ("*bilkul thik kaha*") the Prime Minister's comments at yesterday's rally here. Hinting at the "Kamraj Plan", he said some members of the government could be returned to organisational duties during the reshuffle likely in May. But he ruled himself out of such an arrangement, saying both he and the party president, Mr Jana Krishnamurthy, were doing their jobs well.

■ SEE BJP: page 10

BJP: Hardline hiccups ✓

9-10-1991 (Continued from page 1) 52-10 1991

The home minister encouraged partyworkers saying electoral reverses should not dampen their spirit, and asked them to gear up for the next round of Assembly polls. He made special mention of Ayodhya in his speech at the conclave and said even the allies had agreed that the Temple issue should be resolved peacefully, either through a mutually-acceptable agreement or by the Court verdict. Both the government and the party would remain committed to this position, he clarified.

Mr Advani tried to resurrect the party's old slogan about the BJP being a "party with a difference" and spoke of the need to take pre-emptive measures to contain indiscipline in the rank-and-file as well as in the parliamentary party.

The minister went a step further to say: "Our mission should be to make our government one with a difference."

The BJP's failure to rise to up to the expectations of the people in delivering better governance than the ones provided by the Congress and other predecessors was the main reason for public disillusionment with it. This is also the basis of demoralisation among partyworkers, Mr Advani warned.

KEYNOTES OF ADVANI ADDRESS

- BJP will not abandon Agenda for Governance
- Vajpayee's speech at the rally was right
- Some party leaders from government to go to party ✓
- Jana to stay till term lasts
- NDA allies cannot demand BJP CM's removal
- No need to be apologetic about ideological moorings
- Tries to resurrect party with a difference image

SACK CM AND STAND BY SECULARISM, NAIDU TELLS BJP

Jaitley in Gujarat to press for Modi exit

Mohan Sahay, Sudesh K Verma
and Stanley Theodore

NEW DELHI/HYDERABAD, April 11. — On the eve of the BJP national executive meet in Goa, the Centre today sent the law minister, Mr Arun Jaitley, to Gandhinagar to persuade Mr Narendra Modi to voluntarily resign, party leaders said. With the TDP joining other NDA allies in the oust-Modi campaign and virtually issuing an ultimatum to the BJP leadership earlier in the day, Mr Modi may be forced to step down.

[Mr Jaitley had a one-to-one with Mr Modi in Gandhinagar tonight, reports PTI. Details of the meeting were not divulged.]

Arriving in Ahmedabad, Mr Jaitley had, however, denied the unscheduled visit had anything to do with a change of guard. The BJP president, Mr Jana Krishnamurthy, earlier issued a statement from Goa quashing reports of Mr Modi's resignation. The Prime Minister, who returned from his foreign tour tonight, was apprised of the views of some key BJP allies who have turned the heat on the Centre to replace the chief minister.

In Hyderabad, the TDP Politburo tonight asked the Centre to remove Mr Modi forthwith. Mr N Chandrababu Naidu, under pressure from partymen for his recent statements in support of the former *pracharak*, spoke to the Prime Minister while he was on board his return flight, sources said, and reportedly criticised the Centre's inability to control the riots. The toll in statewide rioting in Gujarat post-Godhra has exceeded 800.

The Trinamul, the JD-U and Mr Ram Vilas Pawan have also mounted pressure on the Centre to sack Mr Modi. Earlier this week the Samata Party had joined the oust-Modi bandwagon, only to backtrack later.

Senior BJP leaders said the chief minister is likely to be persuaded to announce his resi-

Rally irks Mamata

KOLKATA, April 11. — Mr Paresh Pal of the Trinamul today organised a demonstration here, under the banner of the Citizens' Forum, to demand the resignation of Mr Modi, where he announced that the PM's effigy would be burnt.

A perturbed Trinamul leadership has taken serious note of Mr Pal's demonstration, with Miss Mamata Banerjee saying it was "highly improper" on the part of him to do so. The party "doesn't subscribe to his act", she added. Asked if Mr Pal will be disciplined, Miss Banerjee said it was for the leader of the Opposition to take action. Mr Pankaj Banerjee, however, said he will consider such a move steps only after finding out what had happened. — SNS

gnation at the party's Goa conclave starting tomorrow. Mr Jaitley's brief also includes persuading party MLAs to accept the Centre's replacement: Union minister of state for textiles Mr Kanshiram Rana.

BJP leaders said the Prime Minister had taken a decision to remove Mr Modi soon after his return from Gujarat on 4 April. But nothing could be done as Mr LK Advani and Mr Jana Krishnamurthy stonewalled the move, on grounds that it would amount to admission of "guilt" over the riots on the part of the state government if the change of guard was effected.

The resumption of the Budget session on Monday is another factor which has precipitated the decision, for his continuance may lead to disruption of Parliament by the Opposition and NDA partners.

Earlier in the day, in a tersely-worded politburo resolution, the TDP asked the BJP to immediately replace Mr Modi to restore public

confidence and stand by secularism, which it said was the key to its support. The turnaround comes two days after Mr Naidu said Mr Modi's resignation was not the solution.

The resolution stated: "The TDP asks the BJP to immediately effect a change in the Gujarat leadership. Unless this is done, we will be guilty of eroding public confidence and failing to provide just and fair governance to citizens of this country. What is important at this juncture is to provide a healing touch and restore public confidence in the institutions of governance."

Hardliners face moderate flak at Goa

With the Gujarat drama heading for a climax, there is considerable hype and anticipation in political circles over the conclave in Goa, the first since a series of reverses beginning with the February electoral setback in some states.

A perceptible attempt is being made to isolate hardliners within the core so that there remain fewer champions of Mr Modi. The liberal camp — which is of the opinion that Mr Modi has damaged BJP interests nationwide — now wields considerable presence.

Liberals in the senior leadership say the clear political choice before the party is between retaining Gujarat and losing out in the rest of the country. Even if Mr Modi is retained merely to win back the state in next year's Assembly elections there, the BJP is set to face the wrath of the nation at large.

The soft-liners argue that the Delhi municipal poll results late last month were an indication of how the rest of the country does not view things the way Gujarat does.

Compulsions of allying with the BSP for a government in Uttar Pradesh may also force the BJP to send out the 'right' signals on the minority front. A BJP damage-control may be spurred with an eye on the sizeable

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JAITLEY IN GUJARAT

(Continued from page 1)

number of BSP Muslim MLAs and a possible consolidation of minorities under the Samajwadi-Congress banner. BJP moderates have sounded the alarm bells warning of even Mr Vajpayee possibly finding it difficult to retain Lucknow if action is delayed over Gujarat. While most central BJP leaders from UP do not favour a BJP-BSP alliance, an overwhelming number of the state's MLAs are reportedly worried about a stint in the opposition.

Most executive members are waiting to be given a credible explanation for the reverses in the Assembly polls, especially after all the projection of the party having no alternative.

The party is desperately searching for issues to lift sagging morale, with the caste plank of Mr Rajnath Singh — through reservations for MBCs and Dalits — and the Temple issue petering out. At Goa, a section of the leadership is also likely to suggest a party and government overhaul, with a renewed move to have Mr LK Advani back as president, thus enacting the Kamaraj Plan.

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THE STATESMAN

...back home, allies demand Modi's scalp

B.S. NAGARAJ
NEW DELHI, APRIL 8

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Centre Politics

THE worry in the allies' camp over Narendra Modi government's inability to restore normalcy in strife-torn Gujarat is giving way to panic in the face of a threat of the negative publicity for the BJP rubbing off on them as well. The nervousness is reflected in the allies' open demand for Modi's head with some of them saying that the continuing violence in the state is no longer the BJP's internal affair but something that the NDA should seriously address itself to.

After the Samata Party's demand for Modi's replacement, the TDP and the Janata Dal (United) also expressed their strong disapproval of the way in which the Gujarat situation was being handled. "We were hopeful that after the Prime Minister's visit to Ahmedabad things would improve. But even yesterday some incidents have taken place. This has to be viewed se-

riously," TDP leader in the Rajya Sabha C. Ramachandraiah said today.

Reacting to the Sabarmati Ashram incident, JD(U) demanded that Modi "apologise to the conscience of the nation which still fortunately worships the Mahatma." It said Gandhi Ashram should not have been the venue for the BJP youth to express their wrath. "Gujarat police seem to have forgotten that the Ashram is as sacred a place to millions of Indians as Ayodhya," it said.

TDP chief N. Chandrababu Naidu called up PM A.B. Vajpayee before the latter left for an overseas tour on Sunday, telling him that stern measures needed to be taken to put an end to the violence in the state. Left with no immediate option but to sail with BJP, TDP is feeling increasingly restive.

Naidu has still not made up his mind on nominating a TDP candidate for the post of Lok Sabha Speaker which has been offered to it again. As if to push TDP into taking a stand, BJP

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has floated names of several non-TDP candidates for the post, including that of NCP leader Purno Sangma. TDP has not demanded Modi's replacement and when asked, Naidu said that the issue of chief ministership is secondary. "The restoration of rule of law in Gujarat is the top-most priority," he said after the politburo meeting at which senior party leaders pointed out the damage the events in Gujarat were inflicting on the party's image among Muslims.

The DMK is also facing a similar predicament. It has two Assembly bypolls coming up and is desperately trying to shrug off the taint of its association with the BJP with an eye on Muslim votes which will be decisive in one of the seats. The party is split over the issue of continuing support to the NDA government with Union Minister Murasoli Maran counselling patience and DMK chief M. Karunanidhi's son, M.K. Stalin, desiring that the party walk out of the NDA.

NOT BY WORDS

In the beginning is the deed and the deed is with man and the deed is man.

This change in the famous opening lines of St John's gospel can only be permitted when one is discussing politics and leadership. The mettle of a prime minister is not measured by what he says and the sense of shame he expresses. The only index of a prime minister's abilities and effectiveness is the actions he takes to uphold the law of the land and the dignity of the office he holds. Mr Atal Bihari Vajpayee, during his whistle-stop tour of the killing fields of Gujarat, displayed an attitude which is matched only by the insouciance of the chief minister of Gujarat,

Mr Narendra Modi. Mr Vajpayee's advice to Mr Modi was that the latter should uphold *raj dharma* (ethics of governance or ruling). It is not surprising that Mr Vajpayee, as a loyal member of the *sangh परिवार*, should resurrect a notion from the Hindu scriptures. What is surprising is the complete absence of self-consciousness on the

part of the prime minister. By any reckoning, by refusing to remove Mr Modi from his post, Mr Vajpayee has failed to perform what he calls *raj dharma* and what others would prefer to call his constitutional duties and even decency. It is clear from all that has come to light that Mr Modi has failed to suppress violence in Gujarat and to take action against those who masterminded the crimes. There is a growing suspicion that his deliberate inaction led to an escalation of the killings. Mr Modi has not had the basic humanity to visit any of the camps that have been set up for those who have lost everything in the violence. Despite this track record, Mr Modi continues as

the chief minister of Gujarat with the blessings of the prime minister.

The accusing finger has rightly been pointed at Mr Modi. It is time it was turned towards those whose blessings and support enable Mr Modi to thrive. Mr Vajpayee will feature very high on that list simply because he is the prime minister and because he has failed to remove Mr Modi. In Ahmedabad, Mr Vajpayee declared that he was sure that Mr Modi is practising *raj dharma*. That there was no irony embedded in the statement is evident from the presence of Mr Modi in the chief minister's office. Mr Vajpayee has been long enough in politics to know that high-

sounding words or the recitation of poetry or the publication of "musings" are not enough to assuage a nation's conscience and anger. So far Mr Vajpayee has done only this. In terms of action, the prime minister visited Gujarat only one month after the violence first erupted.

During that visit, he could do no better than mouth pious sentiments and issue a certificate to the man who had done nothing to stop the butchery.

If *raj dharma* is the criterion, both the chief minister of Gujarat, and the prime minister of India have failed. Both have failed to carry out the duties that they are supposed to carry out towards those who have put them in their high offices. Their absence of action constitutes a dereliction of duty and a breach of trust. At a more deeper level, their indifference towards human suffering and their attempts to cover up their indifference with words, gestures and smiles are a betrayal of all that goes by the name of decency. At the end also is the deed.

Mr Vajpayee has mouthed pious sentiments and meaningless words. He has failed in his duty by refusing to sack Mr Narendra Modi

After the visit

THE PRIME minister said all the rights things during his Gujarat visit on Thursday — that fire cannot be doused by fire, that it is mortifying to see people becoming refugees in their own country. His distress about how he will face the outside world was also a telling commentary on the shameful events in the state. However, this isn't the first time that Atal Bihari Vajpayee has expressed such views. He said virtually the same thing in his first televised address to the nation soon after the riots began when he described the outbreak as a *kalank* — a matter of shame — for the nation. But the fact that the entire state continues to remain mired in unremitting tension and deep distrust among the different communities suggests that the time has come to move beyond words. What is needed now is for the Centre to demonstrate that its concern over the outbreak is genuine.

Mr Vajpayee's observation that rulers have to observe the basic tenet of governance or *rajdharm* — of not distinguishing between citizens on the grounds of religion — was pointed enough. It meant that the Narendra Modi government had failed the test. It isn't

a minor lapse. The Modi government's 'failure' has meant that hundreds of lives have been lost and that thousands of people are continuing to live with a sense of deep insecurity. What is more, their insecurity may be deepened by the kind of adverse comments which members of the Sangh parivar have made about the prime minister's remarks. Evidently, large sections of the saffron brigade remain unrepentant about the massacres. In these conditions where communal hate is still prevalent, only the sternest of steps like the dismissal of the chief minister can be expected to send the right message to the law-breakers. Otherwise, they will feel that there is nothing to restrain them, as they obviously did during the riots.

There is nothing to indicate, however, that Mr Modi will have to pay a price for his acts of omission and commission, which have attracted the National Human Rights Commission's ire. Indeed, Mr Vajpayee has said that Mr Modi's dismissal is not currently on the cards. Evidently, political compulsions — the *dharma* of *rajniti* — have saved the chief minister from the consequences of his violations of *rajdharm*.

Vajpayee carries a stick to Gujarat

Vinod Sharma
New Delhi, April 3

TWO CABINET ministers are reported to have told Prime Minister Atal Bihari Vajpayee at today's meeting to review the Gujarat situation that media reports about growing apprehensions among the minorities, the sorry state of affairs at the relief camps and near-negligible rehabilitation constituted only a partial picture of the shocking ground realities in the State.

The PM was being briefed amid reports of fresh violence in Gujarat where seven people were killed in overnight violence, six

burnt alive.

Intelligence agencies are learnt to have advised the Prime Minister that it would be unwise on his part to let Chief Minister Narendra Modi accompany him when he visits riot-victims tomorrow during his first tour of the State since the Godhra massacre and the following violence.

The disclosures made by the two ministers - Textile Minister Kashiram Rana and Health Minister CP Thakur - have deepened Vajpayee's disappointment in the local administration and prompted him to ask Thakur to organise medical aid in relief camps with help from the Red

Crps. By all indications, the PM will be "very tough" with the Gujarat Government for its failure to restore normalcy even a month after the riots.

At the review meeting, attended also by Home Minister LK Advani and Law Minister Arun Jaitley, Thakur and Rana reportedly gave Vajpayee "horrifying" accounts of official neglect and ineptitude in coming to the terrified minorities' rescue.

Thakur said in view of the prevailing air of suspicion, those lodged in makeshift camps could not be expected to consider returning home, leave alone reconstruct their lives.



Atal Bihari Vajpayee

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SKIRTING THE BASICS

BY REMAINING SILENT on inter-State water sharing, the Fifth National Water Resources Council has only let the politically contentious issue fester till a decision is arrived at by the National Water Board. Whatever be the merits behind such a decision, explained away as one aimed at consensual decision-making, the crucial national-level meeting has fallen short of expectations by not addressing head-on the important question of water allocation amongst the States. Several unresolved issues remain in this sensitive area; a point made very clear in the present backdrop of claims by some States upon their riparian neighbours for a greater share to meet drinking water and irrigation requirements. With State Governments taking to such positions too frequently, the provision under the National Water Policy, 2002, to establish River Basin Organisations (RBOs) marks but a slender beginning. However, it should come as a commencement of a process that should serve the larger end of greater coordination between States. Moreover, given the high potential for political positioning involved in sharing water resources, it will be important to insulate the technical procedures from seemingly partisan rhetoric. Simultaneously, it will only be in the larger interests of the nation if the mistakes of the past are not repeated during the long course that the RBOs seem set to take.

Given the possibilities that the per capita water availability in the country, estimated at about 1,869 cubic metres in the year 2000, is likely to drop to about 1,342 cubic metres by 2025, the Prime Minister, A. B. Vajpayee's observations on utilisation of potential irrigation sources as well as on water conservation mechanisms merit serious consideration. Given the importance of agriculture to the Indian economy in terms of contribution to national income and employment, the need to address the issues relating to

the irrigation sector requires no elaboration. The increase in India's irrigation potential from 22.6 million hectares in 1950-51 to 94.73 million hectares by the end of 1999-2000 has undoubtedly been an outcome of decades of planning. Now, with theoretical estimates placing the ultimate irrigation potential at 139.89 million hectares, the need to move ahead to meet this through major and minor irrigation projects should be tempered by the recognition that there are clear indications of under-utilisation of the resources already created.

Integrated water resources development is another point emphasised by the policy. The importance given to issues such as sustainable use of surface and groundwater, the need to levy water charges and the encouragement to the participatory approach to water resources management reflect the new challenges that the country will face in the years ahead. While the issues relating to sustainable use and participatory approach need an attitudinal change, the arguments for water charges are likely to generate considerable political heat. However, if the issue is managed well, factoring in public sensitivities, it could also provide the much-required stepping-stone towards scientifically addressing issues relating to conservation and water management. Despite the measures aimed at putting the utilisation of the country's water resources within a more institutionalised framework, the Fifth National Water Resources Council meeting will be remembered the most for avoiding the urgent requirement: guidelines for water allocation among the States. Given the constitutional complexities and the political consequences attached to this issue, it will only be in order to expect the nation's leaders to move quickly towards an early resolution and avoid the nasty fallout of possible water wars.

F 4 APR 2001

THE HINDU

It is a crying shame, says Vajpayee

Announces relief for riot-hit

Times News Network
AHMEDABAD: In an emotionally charged speech, Prime Minister Atal Behari Vajpayee on Thursday told riot victims in Gujarat that he was ashamed of the incidents in the state that had turned people into refugees in their own country. He assured the refugees that the government would take care of them and that their camps would not be wound up in a hurry.

Addressing nearly 4,000 riot victims at the Shah-e-Alam refugee camp on Thursday afternoon, the Prime Minister said he felt a great sense of shame when people from other countries asked him about the communal riots. He wondered aloud with what face he would go to the Islamic countries which he is scheduled to visit next month.

The PM, who spent half an hour at the Shah-e-Alam camp, which leader of the opposition Sonia Gandhi had not been permitted to visit, said he was shocked by Wednesday's incident in which five persons were burnt in an Ahmedabad village. In an emotionally-charged reference, Mr Vajpayee said he could not

understand how people could be burnt alive when traditionally the body is burnt only after life has ebbed away. Innocent women and children had been targeted and he wondered if the devil had indeed overcome the people of this country.

Mr Vajpayee told the all-party relief committee headed by governor S.S. Bhandari that the next of kin of the nearly 820 persons killed in the Gujarat riots would be paid a compensation of Rs 1.5 lakhs each, of which



I am aware of your problems and have come to resolve them. Don't think that you are alone. The whole country is with you

I feel a great sense of shame when people from other countries ask me about the communal riots. What face shall I show when I go abroad next month?

Rs 1 lakh would be borne by the PM's Relief Fund.

The Congress members of the committee had demanded a compensation of Rs 2 lakhs. The Modi government had earlier announced a compensation of Rs 1 lakh each, half of which was to be borne by the Centre.

Permanently disabled victims will be given Rs 50,000 while the partially disabled will be given Rs 20,000. Victims living below the poverty line in the affected areas will be given foodgrain free for two months.

Condemning the Godhra train carnage, Mr Vajpayee said the incidents that followed were equally reprehensible. He emphasised that madness should not be countered with madness. In an appeal to prevent the poison of hatred from spreading, Mr Vajpayee drew on the legend of 'neelkanth' Lord Shiva, who had contained the poison in his throat.

Amidst applause from the riot victims at the Shah-e-Alam camp, he said that the refugee camps would continue as long as necessary and that the government would do its best to rehabilitate the

victims. Widows, orphans and destitutes would receive special care from the government, he said. "I am aware of your problems and have come to resolve them. Don't think that you are alone, the whole country is with you," Mr Vajpayee said.

Stung by criticism that he had come to Ahmedabad more than a month after the violence in Gujarat, Mr Vajpayee said he had wanted to make the visit earlier, but had been told that the situation was not conducive.

One killed, 3 hurt in police firing

Times News Network
AHMEDABAD: One person was killed and three others were injured in police firing in Modasa town in the Sabarkantha district on Thursday even as Prime Minister Atal Behari Vajpayee was touring the riot-affected areas of Gujarat, police sources said.

Five other persons were injured in acid attacks and stabbing cases in the town, which sparked off violence.

However, officials in the state police control room and the home department in Gandhinagar remained tight-lipped about the incident, evidently to maintain a facade

of peace during the PM's visit.

Curfew was imposed in Modasa to control the situation after violence rocked the town at about 2 p.m. Two trucks were set ablaze on Malpur road.

Reports suggested that rival mobs came face to face after a gang of eight to ten persons went on a stabbing spree and injured three persons on LIC road.

They also threw acid bulbs on others and attempted to burn a person alive, forcing the security personnel to open fire. Eye-witnesses said that the dead man killed in the firing was an innocent hand-cart puller who was trying to run for safety.



Accompanied by Gujarat chief minister Narendra Modi, Prime Minister Atal Behari Vajpayee inspects the interior of coach S-6 of the Sabarmati Express at Godhra on Thursday.

Modi has blood on his hands, PM told

Times News Network
AHMEDABAD: Riot victims shouted slogans against chief minister Narendra Modi when Prime Minister Atal Behari Vajpayee visited the Shah Alam refugee camp here on Thursday. The agitated victims shouted 'Narendra Modi hai hai' when the Prime Minister completed his address even as embarrassed camp managers rushed to quieten them.

This was Mr Modi's first visit to the Shah Alam camp since violence broke out in Gujarat on February 28. Banners that read 'Save the Muslims' and 'Please bring peace' were unfurled before Mr Vajpayee, who was accompanied by Union ministers Arun Jaitley, Kashiram Rana, Uma Bharti, C.P. Thakur and Harin Pathak.

The ire of the refugees rose to fever-pitch when the PM and his entourage went inside a special VIP enclosure to meet ten pre-selected victims, including two orphans and four women.

As Mr Vajpayee ran his hand across a five-year-old orphan's head, a young man pointed at Mr Modi and screamed, "He is the killer." Heart-rending laments could be heard outside the enclosure.

Survivors of the Naroda-Patia and Naroda Gam massacres showered abuse on Mr Modi and the Gujarat police.

It's a brief, moving experience in S-6

Times News Network
GODHRA: Like many others who have visited bogie S-6 of the Sabarmati Express, Prime Minister Atal Behari Vajpayee also climbed down the steps of the burnt remains of the coach with pain and anguish on his face.

In a whirlwind tour lasting about 40 minutes, Mr Vajpayee rushed to the station from the helipad, had a look at the scene of the Godhra carnage and spoke only to rail and government officials. He merely nodded as groups of people handed him memoranda at the helipad.

Mr Vajpayee was accompanied by a host of ministers—Arun Jaitley, Uma Bharti, C.P. Thakur, Kashiram Rana, Harin Pathak and Vallabh Kathiria—as well as Gujarat chief minister Narendra Modi.

Mr Vajpayee, who climbed up to the coach using a special wooden stair, was inside for barely two minutes, with Mr Modi standing just next to him at the door. But the sight inside left him visibly moved as he stepped down and into the fierce sunshine outside. He then took station superintendent Jaysinh Katijha aside and spoke to him for five minutes even as politicians and top officials of the district administration, the police and Western Railway waited. Later, he inquired about the relief and rehabilitation work with Panchmahals collector Jayanti Ravi.



Demonstrators protest outside the Shah-e-Alam relief camp in Ahmedabad on Thursday.

Pota warning to states

J. Centre - State - Nbr 5-1-19 U
Sanjay Singh and CL Manoj in New Delhi

April 3. — The Centre will be firm in asking defiant states to implement Pota. Home ministry officials said the ministry would not be a silent onlooker if a case of substantive nature came up and was considered fit to be brought under the purview of Pota.

"The issue is now beyond politics and political divisions. It has the sanction of Parliament.... States are legally and Constitutionally bound to implement it. Should any chief minister challenge it, he would be challenging the spirit of the federal democratic structure," a ministry official said.

The Centre could take recourse to constitutional measures, the official said. When a real conflict arises it could issue a warning under Article 355, which states, "it shall be the duty of the Union to protect states against external aggressions and internal disturbances and to ensure that the government of every state is carried on in accordance with the provisions of this Constitution".

Chief ministers of Congress and Left-ruled states have termed the law "draconian" and declared they would not implement Pota in their states.

The official also challenged the Opposition-ruled states' chief ministers assertions that the ordinary law, CrPC and IPC were sufficient to deal with any situation. Being a member of the Lashkar-e-Taiyaba or other such groups and gaining out of the proceeds of terrorism are not crimes under ordinary law but are under Pota, he said. If a Lashkar man is arrested in Bhopal or Kolkata, a case could be made against him under Pota whereas a case under IPC would not have any substantive legal value.

The official cited the case of Mohammed Afroz who is in judicial custody in Mumbai. The Maharashtra government booked him under Pota but later retracted due to "political reasons". Now it wants the Centre to hand over the case to the CBI.

The Opposition, however, is not perturbed by the home ministry threat of invoking Article 355. Leaders today said the home ministry is indulging in diversionary tactics to cover up for the Gujarat situation. They said the Centre cannot tamper with the administrative mechanism in states and moves to violate the federal spirit would not be tolerated.

CPI leader Mr D Raja said: "If Mr Advani claims to be a master on Constitutional matters, is he not aware of the contents in the very same Constitution which makes it imperative for him to sack Mr Narendra Modi for state-sponsored terrorism in Gujarat? This proves the mindset of the NDA government. And who is Mr Advani to predict the nature of crimes and how states should deal with them? Both the Centre and states derive powers from the same Constitution. And there are clear safeguards to ensure the federal spirit of the Constitution. The Left Front governments are prepared to deal with the situations in West Bengal and Tripura and their refusal to implement Pota was a very conscious decision. If Mr Advani has the guts, let him try either Article 355 or Article 356 in these states. We will give him a fitting reply."

Terming the home ministry thinking as "impractical posturing", Congress leaders said the party had rejected the law because of its "inherent and deliberately incorporated draconian nature". The government should have tried for a consensus on Pota, they said.

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THE STATESMAN

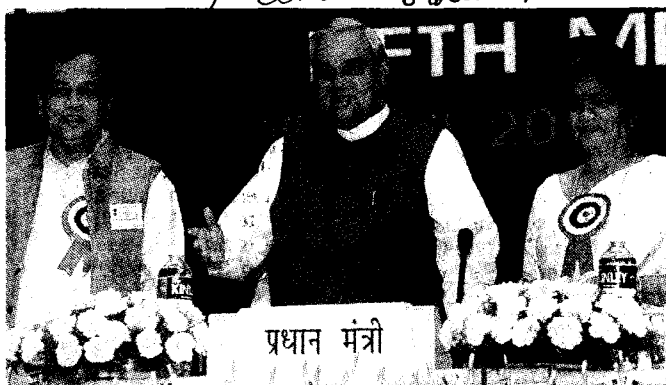
Water policy silent on inter-State sharing

By Gargi Parsai

NEW DELHI, APRIL 1. Amid initial reservations by Punjab, the Fifth National Water Resources Council chaired by the Prime Minister, Atal Behari Vajpayee, today adopted the National Water Policy, 2002, which is a revised and modified version of the earlier policy of 1987. The revised policy is silent on inter-State water sharing, which has been referred to the National Water Board for arriving at a consensus.

Suggestions made by several States during the four-hour long deliberations were incorporated in the revised policy which is a guideline for planned development and management of water resources at the national level. Mr. Vajpayee had to repeatedly assure States that the revised policy was not meant to infringe upon their rights — water being a State subject — and that the Centre shall only be a facilitator. "This is not the end but the beginning of a new era," he said in his concluding remarks.

States will now have to formulate their own State Water Policy backed by an operational Action Plan within two years. The State policy will have to take into account community participation and evolve its own detailed resettlement and rehabilitation policies for people displaced by dams.



The Prime Minister, A.B. Vajpayee, flanked by the Minister for Water Resources, Arjun Charan Sethi (left), and the Minister of State for Water Resources, Bijoya Chakravarty, at the fifth meeting of the National Water Resources Council in New Delhi on Monday. — Photo: V. Sudershan

The Union Ministry of Water Resources will prepare an Action Plan to support the States in the implementation of the policy.

With the passage of the Inter-State Water Disputes (Amendment) Act by Parliament, it will now be possible to settle the inter-State water disputes in a time-bound manner as the Tribunals have to give their final decision within a maximum of six years, Mr. Vajpayee said referring to the touchy subject of river water sharing.

Eight Chief Ministers attended the meeting, while the rest of the States were represented by the Ministers dealing with Irrigation/Water Resources.

None of the Chief Ministers from the South was present although all of them had conveyed their consent to the revised policy, after modifications.

The significant provision in the revised policy for basin States to set up River Basin Organisations (RBO) for planned development and management of a river basin had to be debated and deliberated upon till it was agreed that the RBOs thus constituted will not have any statutory powers and shall be advisory in nature.

Moreover, the modified policy leaves it to the States to decide the scope and powers of the RBOs.

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