

President's Rule for Pepsu ?

THE unseating of the Pepsu Chief Minister Sardar Gian Singh Rarewala by the Election Tribunal has produced yet another crisis in this, the only State with a non-Congress Ministry. President's rule for Pepsu is being talked of. At least, according to newspaper reports, the Pepsu Chief Minister discussed it last week with the Central Minister for Home Affairs and States. Whatever the final outcome of these talks, the fact that President's rule can be thought of as a solution brings out an aspect of our Constitution which rarely comes to light. It is an unpleasant reminder that inspite of its general federal character, the provisions in it for dealing with abnormal situations make it essentially unitary.

The emergency provisions contained in Chapter 17 of the Constitution deal with different kinds of situations. Article 356 provides for the case of a failure of constitutional machinery in the States. "This article enables the President, by Proclamation, to assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or Rajpraiukh". It is difficult to follow, however, how the President can make use of this article. For the President has to be satisfied on receipt of a report from the Governor or Rajpramukh or otherwise, "that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution." Now the Constitution permits a person, even if he is not a member of the legislature concerned, to be a Minister for a period of six months, within which he must obtain election if he is to remain in office. In fact the appointment of Shri Morarji Desai as Chief Minister of Bombay even though he had been defeated in the General Elections, set a precedent in this direction which can be followed in Pepsu without breach of propriety.

It is suggested by news reports that "startling political alignments" and the deteriorating law and order situation in Pepsu are the main factors which may drive the Central Government to take action. As far as the "startling political alignments" are concerned, the Constitution does not support such a justification for the use of the emergency powers. Article 352 of the

Constitution does provide, however, for a deteriorating law and order situation. It states that "If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, by . . . internal disturbance, he may, by Proclamation, make a declaration to that effect". Does the situation in Pepsu constitute a grave emergency"? If it does not—by no stretch of imagination can it be said that it does—there is no justification for establishing President's rule, whether under Article 332 or under Article 356. If the law and order situation is deteriorating, something should no doubt be done about it, but President's rule is certainly not the remedy. Article 256

The executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose".

This should meet the case, if deteriorating law and order situation in Pepsu is the real problem.

Development Scheme for Andamans

THE five-year development and delorestation scheme for Andamans is expected to cost a net amount of Rs 23 lakhs only, according to a note laid on the table of the Council of States last week. Against a total estimated cost of Rs 40; lakhs, the revenue anticipated from sale of timber is estimated at Rs 380 lakhs.

The work of clearing 20,000 acres of forests started in December last and this land will be distributed to 4,000 agriculturist families from India in the next five years. Each family will receive in addition to the live acres for paddy cultivation another five acres of hilly land for use as homestead land, for growing fruit and vegetables and for pasture. Each family will also be planted a loan of Rs 2,000 to meet expenditure on house-building, purchase of bullocks, agricultural implements, seeds and manure, maintenance till the first crop is harvested and the cost of passage to the Andamans. For some time land revenue will not be collected. When it is levied it will be Rs 3 per acre. As a result of the scheme vice production is ex-

pected to increase by 2 lakh maunds

The estimates of expenditure and receipts for the five-year period are as follows:

Expenditure	Rs lakhs
Forest Department	3,27.30
Non-recurring expenditure	65.75
Recurring expenditure	10.00
Advances (recoverable)	80.00
Total	483.05
<i>Receipt</i>	<i>a</i> Rs lakhs
Forest Department	3,80.00
Recovery of advances	80.00
Total	4,60.00

Recurrent expenditure alter the five-year period on the maintenance of roads, policing and provision of civic; amenities, etc, is estimated at Rs 4 lakhs.

Letter to the Editor

Bokaro Power Station

IN your editorial, "DVC Delivers the Goods" you have made much of the difficulties encountered by the DVC in importing 6,000 tons of steel. In the same paragraph you mention that it was necessary to import this steel from the US to enable the work to be completed on time and without going into undesirable structural changes.

Obviously the design of the Station was based on using structural steel per American standards and which are not rolled locally. Don't you think that this situation could have been avoided if our engineers had investigated this problem in the preliminary stage when the structural design could have been suitably modified to use such sections of steel as are rolled locally? In the circumstances one can only infer that this aspect was completely ignored by the engineers in charge of the project, either due to carelessness or ignorance.

Frankly, I cannot think of any special reasons the engineers have, in using sections rolled only in the US.

'Curious'

Bombay Feb. 27.

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