

STATEMENT RE: PUNJAB

18.06 hrs.

THE PRIME MINISTER (SHRI RAJIV GANDHI) : Mr. Speaker, Sir, we had committed our Party to giving the utmost priority to solving the problems in the Punjab. I have great pleasure in informing the House that, after some months, we have taken a very concrete step forward today. About 20 minutes ago, Sant Harchand Singh Longowalji and I have signed a Memorandum of Settlement. This will bring to an end a very difficult period through which the country has passed. It will be the beginning of a new phase of working together to build the country, to build unity and integrity in our country.

Mr. Speaker, Sir, I lay on the Table of the House a copy of the Memorandum of Settlement arrived at between the Government and the Shiromani Akali Dal represented by its President Sant Harchand Singh Longowal.

[Placed in Library See, No LT 1154/85]

(Interruptions)

SHRI S. JAIPAL REDDY (Mahbubnagar) : Where is the Memorandum of Settlement ?

MR. SPEAKER : It is here.

SHRI RAJIV GANDHI : It was signed only 20 minutes ago. Only one copy is there...

SHRI S. JAIPAL REDDY : It has to be read out. We welcome this. We only appeal to the Prime Minister to read it out.

SHRI RAJIV GANDHI : Do you want me to read out the whole thing ?

SOME HON. MEMBERS : Yes.

SHRI RAJIV GANDHI : Alright: I will read it out.

SHRI S. JAIPAL REDDY : We appreciate the difficulty...

SHRI RAJIV GANDHI : There is no difficulty. The Rajya Sabha will have to wait a little bit. Otherwise, it is alright.

Memorandum of Settlement

1. *Compensation to innocent persons killed*

1.1 Along with ex-gratia payment to those innocent killed in agitation or any action after 1.8.82, compensation for property damaged will also be paid.

2. *Army recruitment*

2.1 All citizens of the country have the right to enroll in the Army and merit will remain the criterion for selection.

3. *Enquiry into November incidents*

3.1 The jurisdiction of Shri Justice Ranganath Mishra Commission enquiring into the November riot of Delhi would be extended 'to cover the disturbances at Bokaro and Kanpur also.

4. *Rehabilitation of those discharged from the Army*

4.1 For all those discharged, efforts will be made to rehabilitate and provide gainful employment.

5. *All India Gurudwara Act*

5.1 The Government of India agrees to consider the formulation of an All India Gurudwara Bill. Legislation will be brought forward for this purpose in consultation with Shiromani Akali Dal, others concerned and after fulfilling all relevant constitutional requirements.

6. *Disposal of Pending Cases*

6.1 The notifications applying the Armed Forces Special Powers Act to Punjab will be withdrawn.

Existing Special Courts will try only cases relating to the following type of offences;

(a) Waging war

(b) Hijacking.

6.2 All other cases will be transferred to ordinary courts and enabling Legislation if needed will be brought forward in this Session of Parliament.

7. *Territorial Claims*

7.1 The Capital Project Area of Chandigarh will go to Punjab. Some adjoining areas which were previously part of Hindi or the Punjabi regions were included in the Union Territory. With the capital region going to Punjab the areas which were added to the Union Territory from the Punjabi region of the erstwhile State of Punjab will be transferred to Punjab and those from Hindi region to Haryana. The entire Sukhna Lake will be kept as part of the Chandigarh and will thus go to Punjab.

7.2 It had always been maintained by Smt. Indira Gandhi that when Chandigarh is to go to Punjab some Hindi-speaking territories in Punjab will go to Haryana. A Commission will be constituted to determine the specific Hindi-speaking areas of Punjab which should go to Haryana, in lieu of Chandigarh. The principle of continuity and linguistic affinity with a village as a unit will be the basis of such determination. The Commission will be required to give its findings by 31st December 1985 and these will be binding on both sides. The work of the Commission will be limited to this aspect and will be distinct from the general boundary claims which the other Commission referred to in Para 7.4 will handle.

7.3 The actual transfer of Chandigarh to Punjab and areas in lieu thereof to Haryana will take place simultaneously on 26th January 1986.

7.4 There are other claims and counter-claims for readjustment of the existing Punjab-Haryana boundaries. The Government will appoint another commission to consider these matters and give its findings. Such findings will be binding on the concerned States. The terms of reference will be based on a village as a unit, linguistic affinity and contiguity.

8. *Centre-State Relations*

8.1 Shiromani Akali Dal states that the Anandpur Sahib Resolution is entirely within the framework of the Indian Constitution; that it attempts to define the concept of Centre-State relations in a manner which may bring out the true federal characteristics of our Unitary Constitution; and that the purpose of the Resolution is to provide greater autonomy to the State with a view to strengthening the unity and integrity of the country, since unity in diversity forms the corner-stone of our national entity.

8.2 In view of the above, the Anandpur Sahib Resolution in so far as it deals with Centre-State relations, stands referred to the Sarkaria Commission.

9. *Sharing of River Waters*

9.1 The farmers of Punjab, Haryana and Rajasthan will continue to get water not less than what they are using from the Ravi-Beas system as on 1.7.1985. Waters used for consumptive purposes will also remain unaffected. Quantum of usage claimed shall be verified by the Tribunal referred to in Para 9.2 below.

9.2 The claims of Punjab and Haryana regarding the shares in their remaining waters will be referred for adjudication to a Tribunal to be presided over by a Supreme Court Judge. The decision of this Tribunal will be rendered within six months and would be binding on both parties. All legal and constitutional steps required in this respect be taken expeditiously.

9.3 The construction of the SYL canal shall continue. The canal shall be completed by 15th August 1986.

10. *Representation of Minorities*

10.1 Existing instructions regarding protection of interests of minorities will be recirculated to the State Chief Ministers. (Prime Minister will write to all Chief Ministers).

11. *Promotion of Punjabi Language*

11.1 The Central Government may take some steps for the promotion of the Punjabi language.

[*Shri Rajiv Gandhi*]

This settlement brings to an end a period of confrontation and ushers in an era of amity, goodwill and cooperation, which will promote and strengthen the unity and integrity of India.

Sd/- Sd/- Sant Harchand Singh
Rajiv Gandhi Longowal President,
Prime Minister of Shiromani Akali Dal
India

PROF MADHU DANDAVATE (Rajapur). We want to express our total agreement with the Memorandum of Settlement that has been signed by the Prime Minister and Harchand Singh Longowal and we hope that this will open a new chapter of unity, integrity and amity and strengthen our Indian national unity with the Hindu-Sikh unity as the basis.

MR. SPEAKER : I agree and I think we, on behalf of the whole House, can give all Kudos to you and congratulations.

SHRI RAM PYARE PANIKA : The whole House congratulates the Prime Minister.

MR. SPEAKER : Now Mr. Mushran.

DISCUSSION ON REPORTED TRAINING TO INDIAN TERRORISTS IN A MERCENARY SCHOOL IN ALABAMA—

(*Contd.*)

[*English*]

18 17 hrs

[MR. DEPUTY SPEAKER *in the Chair*]

MR. DEPUTY SPEAKER : Now we resume the discussion.

Shri Mushran.

SHRI NARAYAN CHOUBEY : After such a big news nothing can be transacted.

(*Interruptions*)

PROF K. K. TEWARY : What is this ? That is a different issue and this is a different issue.

SOME HON MEMBERS : Tomorrow, tomorrow.

SHRI S. JAIPAL REDDY : The memorandum of understanding reached now is the biggest step that can be taken against terrorism as a phenomenon.

SHRI NARAYAN CHOUBEY : On any happy occasion we get a holiday, Sir. *Punjab ke baad kuch Jamega Nahi.*

[*Translation*]

PROF. K.K. TEWARY : Are you serious to this extent only? This issue is different and that issue is quite different.

[*English*]

SHRI RAM PYARE PANIKA : This will be concluded tomorrow.

MR. DEPUTY SPEAKER : Mr Mushran—you conclude now. He is the last speaker. Let him finish and the Minister will reply tomorrow.

SHRI NARAYAN CHOUBEY : All right. Always we are ready for a compromise. I think he is not in a mood to speak.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : He is the last speaker. Let him finish and we will keep the reply for tomorrow.

MR. DEPUTY SPEAKER : You can continue.

SHRI AJAY MUSHRAN : I will not speak keeping in view such an unwilling House.

SHRI ZAINUL BASHER : He has concluded.

SHRI AJAY MUSHRAN (Jabalpur) : People do not want to listen. ... If the Minister can speak tomorrow, I can also speak tomorrow. ... I should not be taken for granted. ...

(*Interruptions*)

SHRIMATI BIBHA GHOSH GOSWAMI : That is also good enough for us.