

[Sh. K. Muraleedharan]

cause of fulfilling the medical needs of poor employees and their families but it is not now properly managed. So, the Government should take immediate steps to improve the lot of workers covered under E.S.I. Scheme.

14.45 hrs.

STATUTORY RESOLUTION REGARDING
APPROVAL OF PRESIDENT'S PROCLAMA-
TION TO THE STATE OF JAMMU AND
KASHMIR; STATUTORY RESOLUTION
REGARDING DISAPPROVAL OF THE
ARMED FORCES (JAMMU AND KASHMIR)
SPECIAL POWERS ORDINANCE, 1990
AND ARMED FORCES (JAMMU AND
KASHMIR) SPECIAL POWERS BILL—
CONTD.

[English]

MR. DEPUTY SPEAKER: Now we shall take up discussion on items Nos. 9, 10 and 11 together. Shri Chitta Basu was on his legs. He may please continue.

SHRI CHITTA BASU (Barasat): Mr. Deputy Speaker Sir, I know that I don't have much time left for me. I would therefore mention some of the points which I was to mention yesterday. Yesterday in the afternoon I mentioned about the deteriorating security environment of our country and today all the newspapers have reported—and I think the Prime Minister is also going to make a statement at 4 O'clock today—that there has been a heavy artillery attack on the Indian Forces yesterday and the day before yesterday at Kupwara sector on the line of actual control by Pakistan.

It is also known that Pakistan Army opened fire on Indian Forces at Kanthanwali, Safawali Gali, Nangwali and Tuttakhan Gali. It is also known that these are the entry points which are used by the Pakistani trained military terrorist for their entry in Kashmir. Therefore I feel that these are the security

environment points that we should remember while taking our position with regard to Kashmir.

I am also told that a number of Pakistani trained terrorist are waiting near the line of actual control. Their number is about two thousand. I hope the Government will take note of it and take appropriate action to prevent them from entering the country and continue their depredation in Jammu and Kashmir.

Now I want to point out one thing. Some demands have been raised even yesterday for the abrogation of Article 370 of the Constitution of the country. I have got no time at my disposal to explain what was the historical background of the incorporation of Article 370 in our Constitution. I may refer to the debates of the Constituent Assembly. I would only urge upon the advocates of the abrogation of Article 370 to go into the speech which was made by Shri Gopalswami Iyengar on October 17, 1949 in the Constituent Assembly. I have to reproduce it. He took pains to explain under what circumstances Kashmir was given such a special treatment in the matter of certain aspects. I also want to remind them to think about Article 371. Article 370 is not the only exception for Kashmir. I don't have much time to show what is there in Article 371 under which many States are enjoying special status. Under Article 371, Assam Nagaland, Andhra Pradesh, Maharashtra and most of the States are enjoying some kind of a special treatment. Now if some of our friends want to abrogate Article 370, I think demands will be there for the abrogation of Article 371 also.

India cannot sustain herself if somebody indulges in the slogan of 'Hindi, Hindu and Hindustan'. India is more bigger than 'Hindi, Hindu and Hindustan'. Therefore in the interest of the country that kind of sensationalism should not be created on the demand of abrogation of Article 370. I only mean to say that they do not unfortunately understand the effect the the abrogation of Article 370. It would invite disaster for the country and bring grist to the mills of the anti-

national forces who claim plebiscite and independence for Kashmir. The repeated reiteration of the abrogation do not strengthen the integrity of the country but fuel the divisive and secessionist forces in our country. I therefore want that they should also think about it and refrain from continuing that demand.

I would also like the Home Minister to note about the political reality in Jammu and Kashmir. Political parties have their important role to play in the political process of a State or the country as a whole.

Sir, there were no other parties and still in Jammu and Kashmir except the Congress (I) and the National Conference. But unfortunately, they could not hold the fort, they could not hold the ground against the current of secessionist, fundamentalism and almost all the cadres of mass following of both the Congress (I) and the National Conference have left the parties and in many cases have joined the fundamentalist forces.

SHRI SONTOSH MOHANDEV (Tripura West): That is not correct.

SHRI CHITTA BASU: It is for Shri Sontosh Mohan Dev to bring his party in order in Jammu and Kashmir.

SHRI SONTOSH MOHAN DEV: That we accept.

SHRI CHITTA BASU: And it is for the hon. members from Kashmir to see that their mass following should rise against the fundamentalist forces and work for the unity and integrity of the country. Therefore, I ask the hon. Minister of Home to reactivate the political forces, if not the political process, at the present moment. The Congress (I) should activate itself and the national conference should also activate itself. They should take firm position against the terrorist depredation. I want that the Government take a firm strategy on Kashmir. Their is not a firm strategy. Their strategy was also to compromise with the fundamentalist and secessionist forces.

SOME HON. MEMBERS: No.

SHRI CHITTA BASU: I have no time. I would say that this Government should have a very firm Kashmir policy in the interest of the nation's security, unity and integrity. That firm strategy should be a product mix of the strong administrative measures to curb terrorists and also to take an early initiative for resuming the political process simultaneously and that would be the only alternative at the present moment that we visualise today.

The next thing is the human rights aspect. I do not think that the Kashmir problem is merely a military problem. Kashmir problem is a political problem and all political problems deal with human rights aspect and democratic rights aspect as well.

The Bill which is before the House for its consideration, unfortunately provides extraordinary special powers for the army. In normal situations, we would have objected to that kind of special powers. But given the present situation, I think, it is essential and necessary in the larger interest of the country. But, I want to warn the Government that the army and other para-military forces should be restrained while exercising that special power, that is being placed on their hands.

Lastly, there is one move for the trifurcation of Jammu and Kashmir:—Ladakh should be made a Union Territory; Jammu should be made a separate province and a limited sovereignty to the Valley. This is also a very preposterous proposition. I oppose it. I think the Government should make their position clear. People should not be confused further for the unity of Jammu and Kashmir. The unity of Jammu and Kashmir should be preserved for the unity of India as a whole.

SHRI INDER JIT (Darjeeling): Mr. Deputy-Speaker, Sir, I support the demand for special powers for our Armed Forces. But even if I do that, I would venture to submit that these powers cannot be an end in themselves. What is needed immediately and urgently is a discernible Kashmir policy. Eight

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months have rolled by and I do not see any discernible Kashmir policy at all. Merely hanging on the Kashmir by brute forces is not just enough. We have to have a policy. I think, very often, times out of number, we have spoken in terms of what we describe as a carrot and stick policy. A carrot and stick policy can be useful only within the ambit of a proper policy. There has to be a basic policy first. And within this policy, you could certainly operate a carrot and stick policy. But even the carrot and stick policy, which we are following, is very juvenile, if I may say so. We cannot have a carrot offered in the morning, a stick used in the afternoon, a carrot offered in the evening and a stick again used at night. A carrot and stick policy means that we use a carrot for a while and if the carrot does not work, then use a stick adequately. For instance, I give you a specific example. I am not suggesting that we follow it exactly. Lord Hardinge was sent in the early 20's, if I may go back to history, he used the policy of the stick. When he failed, when the policy of the stick failed, then the policy of the carrot was brought forward and Lord Irwin was sent here. In other words, let us be clear that even if we want this carrot and stick policy, there has to be a basic policy and we proceed from there.

Much has been talked about human rights. I do think, human rights are greatly involved. But these rights must be viewed in their proper perspective. Yes, there is a great deal of trouble which the people of Kashmir Valley are having to face today. But what about those who are being shot dead in cold blood. We are talking only about a community. We are not talking about the other community at all. And I do think, we should think in terms of a whole national view of the situation. My friend, Prof. Soz, has been talking times out of number of what has happened in one area in Srinagar and so on. But he has never cared to talk about two instances which I should mention to you. For example, the young newly-wed son of a gentleman, called Raj Sahney—this man was married only for a month—was shot

dead in cold blood in the presence of his family. And this is a family which has been supporting the National Conference with funds and other things over the last 20 years. In another case, we had Virender Suri, a man who was shot dead in cold blood in the presence of his wife and his daughter. I am not saying these are the only instances. But something has to be done in terms of taking a total view. In my opinion, the greatest scandal in the Kashmir happenings is that in this year of grace, we have within our country refugees from within our own land. This is unheard of that within your own country, we can have refugees and refugees not in terms of a few hundreds or a few thousands but in terms of one lakh. What are we doing about that? I think, this fact that so many people have become refugees within their own land is a greater scandal and the greater condemnation of the present Government in its policy.

I would venture to urge the Government that they should have created security zones within the Kashmir Valley. Under no circumstances, should these people have been allowed to come here. They should have been given every possible protection. They should have been provided all means for staying on in Srinagar. By allowing them to come away, what have we done? You have allowed to create an impression that the Kashmir Valley belonged only to a section of our people, only belongs to one community. I think, this is most unfortunate, Mr. Deputy Speaker.

I would also like to go on to one other aspect about disinformation that has gone. I think, another scandal in regard to Kashmir happenings is the kind of disinformation which continues to be spread from both sides of the House. And I was very sorry to hear the other day some friends on the Congress (I) Benches as also our friend, Mr. Saifuddin Choudhury, repeating something which is not true. It has appeared in the Western Press that the coffin of Maulvi Farooq was attacked; it was hit by bullets. It is not true at all. Maulvi Farooq, after he was hit—his body—was carried to the hospital and the

body was brought back. While it was being brought from the hospital to his house, then some of the militants had attacked the CRP and the CRP, in turn, had attacked them. But the body was not in a coffin. It was on a stretcher, number one. Number two, it was taken to the house. The funeral procession took place the following day and that went without any problem. There was no problem because there was adequate arrangement of the army. And yet what do we find? I am grateful to my friend, Mr. Harish Rawat, for pointing this out. It was a great failure on the part of the Government not to have come out with the real facts. The coffin was never hit and yet the Western media reported all this. In fact, I happened to be in Bagdad when I read this in the newspapers there that the coffin had been fired upon, the body had fallen out of the coffin.

15.00 hrs.

I was ashamed of myself as an Indian. I do not know which way to look. When I came back and made enquiries, I discovered that this was not true at all. The coffin was never hit and the body never fell out of the coffin. The body was carried in a stretcher. I wrote about this in one of my weekly columns and somebody from Kashmir admitted that what I said was true. But then I said as to why they were making such a fuss about it. I think we have to do something about the kind of disinformation that is being spread. Somebody from the Congress (I) said that I am surprised that even my good friend, Mr. Saifuddin Choudhury had mentioned it. I think we have to get our facts right and make sure that we do not aid Western Press and Western media in spreading the kind of disinformation which only brings rotten name to our country and our people.

Mr. Deputy Speaker, I would talk about one important aspect. This is about the kind of Government which we have provided in Kashmir. We have given an impression that we have opted out for some kind of a police launch. I have nothing personally against Mr. Saxena, the new Governor. Mr. Ved

Marwah and other advisors. They are fine officers. Mr. Saxena is also a fine officer. But what is the kind of a signals we are sending across that we have converted Kashmir into some kind of a police State! As urged by my friend, Mr. Chidambaram yesterday, there is certainly a need for some kind of a political input. This has not been done so far. Attempts have been made to bring in Dr. Farooq Abdullah. I do know how far these efforts are really advisable. Perhaps, we can make use of Dr. Farooq Abdullah. But even as we think of making use of Dr. Abdullah, we should remember that during the rule of the previous Government or immediately after that, Dr. Farooq Abdullah was sitting in Jammu and did not have the courage to go to Srinagar even once. He was told times out of number to move across to Srinagar but he sat quietly, safely and hiding away somewhere in Jammu. I am sorry to say so but I have to say this. I am very angry. (*Interruptions*)

SHRI PIYARE LAL HANDOO: Is this not part of disinformation which you are spreading? (*Interruptions*)

SHRI INDER JIT: Mr. Handoo, I know that you were a member of Dr. Farooq Abdullah's Cabinet. (*Interruptions*)

SHRI PIYARE LAL HANDOO: You are not to take the name of Dr. Farooq Abdullah. You can say 'Chief Minister'. Have you got the right to spread disinformation as much as you like? (*Interruptions*)

SHRI INDER JIT: Mr. Deputy Speaker Sir, I know that Mr. Handoo has deep loyalties towards the former Chief Minister, Dr. Farooq Abdullah. He was a member of his Cabinet. I am willing to challenge Dr. Farooq. It is all there in the newspapers. (*Interruptions*)

SHRI PIYARE LAL HANDOO: I am saying that you are spreading disinformation and not correct information.

SHRI INDER JIT: He was being urged repeatedly by this Government. Let the

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Minister say that what I am saying is right or wrong. (*Interruptions*)

PROF. N.G. RANGA (Guntur): Why should you bother about him? (*Interruptions*)

SHRI INDER JIT: My senior friend, Mr. Ranga, by all means, we can get the help of Dr. Farooq Abdullah if we want. But I am not sure that that is the most advisable thing to do. I think we have to get help from Shri Mir Qasim, the former Chief Minister who is sitting in Delhi. Why don't you involve him in this matter? We should get help from a person like Dr. Karan Singh who enjoys confidence and respect of even the people in the Valley. I do not think that you are making adequate efforts. Before I proceed further, I would like to say that Dr. Farooq Abdullah is a personal friend of mine. But I am not sure that he will provide an answer to the problems that we face in Kashmir. I have been just told that he has taken off once again to London yesterday or this morning.

I am grateful for the time you have given me and I would like to make one more point. The point is that if we are really interested in the solution of Kashmir problem, we have to get the help of people who are quite impartial and without having any vested interests and try to find the solution to Kashmir problem. I think it is a good thing on the part of the present Government or the Prime Minister to have appointed Mr. Mufti Mohammad Sayeed as the Home Minister of India. It set across some very healthy constructive signals. But, Mr. Deputy Speaker, as I eulogise his appointment, I am not sure and it is not fair to expect Mr. Mufti Mohammad Sayeed alone to find a solution to the Kashmir problem. We can be objective but there is always an element of subjection. He comes from Kashmir. There are various kinds of subjective involvements and I do think that we or the Prime Minister should be unfair to Mr. Mufti. There should be an attempt to try to get a Minister who can take care of Kashmir Affair and then try and enable him to find a solution. We had an identical kind of

problem in the previous Government. Mr. Buta Singh is a good friend of mine. We had occasion to work together in trying to bring about peace in Darjeeling. But there too, I submit that point repeatedly, you cannot get a solution of the Punjab problem so long as you have a Home Minister who comes from Punjab and who is involved in Punjab; not only in Punjab but in its politics. As I said, it is not fair to accept Mr. Mufti Mohammad Sayeed, who comes from Srinagar, from Kashmir not to be involved in the petty politics. Therefore, I would urge upon the Prime Minister as the leader of the present Government, to go into this matter and seek a solution.

Mr. Deputy Speaker, I have already taken a great deal of your time. I would conclude once again by saying that I support the demand for greater powers for the Armed Forces but these by themselves are not enough. What we need very urgently, very badly is a credible policy on Kashmir.

[*Translation*]

SHRIDHARAM PALSHARMA (Udhampur): Mr. Deputy Speaker, Sir, yesterday at 10'o clock in the morning, Pakistan resorted to heavy firing at Machhil in Kupwara district just before proceedings of this House started. As per the assessment made by the Defence Ministry, Pakistan wanted to the militants to infiltrate into the valley. One of the reasons was that they saw that militants were being killed in large numbers and snowfall was going to start in that area after five weeks. Owing to this, all the roads could be blocked and on account of this they resorted to heavy artillery firing. In this firing their ten personnel were killed and five sustained injuries. It is good that the Prime Minister is going to make a statement in this regard at 4 p.m. Everyone is aware of the grave situation that prevail in Kashmir. If we take into account the happenings in July and August there, it will reveal how the misadventure of terrorists has been increasing there during this period. The manager of Cement factory, Shri D.N. Chowdhary was murdered during this period and the Forest Officer was killed yesterday only

while he was leaving the bungalow. It has been observed that terrorist activities have increased the months of July and August. People continue to be killed despite arrest of the J.K.L.F. activists. I had said in the past also that the Afghan Mujahideens, who had come in that area are responsible for these happenings. Besides, a top Pakistan intelligence officer is directing all these activities. Mufti Saheb also knows that Yasin Malik, Hamid Sheikh and Javez Nalka are behind the sabotage in the valley. You have no policy on Kashmir. When Shri Jagmohan was made the Governor of Kashmir, M. Farooq resigned in protest. Thereafter the Governor dissolved the Assembly of that State. When we raised this issue, the Prime Minister and the Home Minister said that they were not aware of it. Later, on my request he admitted that Jagmohan had written to the Home Minister that he wanted to dissolve the Assembly. Immediately after assuming charge he had sent this report to the Home Minister. The reason behind dissolving the Assembly was to deprive Congress from getting the seats of Rajya Sabha which were going to fall vacant in March. Besides this, he was not willing to fill the four seats of M.L.C's which were supposed to be filled. This is a sad state of affairs. They are running after the same Farooq whom they were desperately trying to remove at one time. So much so that George Fernandes went to the extent to call him from abroad for a dialogue. I would suggest that you should talk to every person in this regard.

Yesterday Chidambaramji said that you are having a dialogue with Kazi Nasar and others in this regard. The two sons of Lone Saheb who were among the twelve terrorists whom you had apprehended are also going to become the Chief Minister of Kashmir shortly. So many Chief Ministers are coming up in Kashmir. I fail to understand the kind of policy you have adopted with regard to Kashmir. On one hand you are calling the apprehended J.K.L.F. people to Delhi as you said yesterday that Yasin Malik is also one of them. The State of coordination is such that when during the encounter with the security forces Yasin Malik jumped down and since

the security personnel did not recognize him they took him to the hospital, where the doctors helped him to escape. At that time it was stated that he had expired and had been buried in Jama Masjid. You have brought around fifty terrorists to Jodhpur and eleven to Jammu but Koko Hasan who is the area commander of Jammu is still there.

How much foreign currency is coming to Kashmir, we knew earlier also, Maulvi Farooq was also getting it and so was Jamayat-Imla but I would like to quote two examples for the attention of the Home Minister. He knows it. When Koko Hasan was arrested he admitted during the course of interrogation that he had gone there to receive the third instalment and before that he had already taken Rs. 12 lakhs. He also revealed that we went to kill the prominent leaders belonging to the political parties in Jammu. He disclosed their names also. Out of them people belonging to one political party which is friendly to you got immediate security but he had said that they wanted to kill 5 to 7 important people of all political parties in Jammu. As for Shabnam of Swarnkot, he confessed during interrogation that he had received Rs. 20 lakhs from Pakistan for sending apprentice for terrorist training. This I am referring about Poonch district. Such a large amount of money is coming there that the question of providing employment slips in the background. When Jagmohanji said that he would provide jobs to 7000 people in B.S.F. and asked them to submit applications by first of June, while the terrorists offered to pay Rs. 5000/- per month whereas the Governor's offer was restricted to Rs. 1500/- per month. So this is the situation, it appears that a large sum of money are coming from the Arab countries through Pakistan. That is being given to youths here. I had even said that in areas like Swarnkot money to the extent of Rs. 10 thousand was offered in cash to the people offering themselves for training. They were apprehended and they made confession, in the beginning five people and later on three people thus in all eight people were apprehended who surrendered in Swarnkot. The people living in Poonch area said that they did not get employment. Why there is

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unemployment? The position in Jammu is different from that in the valley (*Interruptions*) I have just started. Time has been allotted to my party and I belong to Kashmir, the hon. Home Minister is present here and I will talk to him. As regards the seriousness.

MR. DEPUTY SPEAKER: You have raised a very good point that employment should be provided.

SHRI DHARAM PAL SHARMA: I shall make only two points before you. I want to say that the matter becomes all the more everything is being done deliberately. We have a grudge against him though we respect him, he is our friend and we have worked together. The Janata Dal was invited in Jammu as well as Srinagar and eight people came here also and the Prime Minister and the political affairs committee discussed the Kashmir issue for three hours but they did not bother to invite us, the elected members, for a formal discussion. We could have also made some contribution, we also know what is happening and how things ought to be tackled but they did not take the trouble, our Home Minister did not ask us to give any suggestion and this is what is happening. The administration in Jammu unfolds the story as the shoot out takes place on the 19th July. Whereas the Governor convenes a meeting of the representatives of Bhartiya Janata Party, Shiv Sena and others on 20th of August but I was not informed about although I am a member of Parliament from that area. When I came to know about it I lodged a protest against them stating that the administration does not care for us although we are the elected members of parliament. There is no assembly but we are in the Parliament and we represent the people. If such a thing happens we will certainly suspect your intentions. Your Governor himself said the other day that National Conference and Congress are irrelevant in Kashmir. You know it very well that there are only two parties in Jammu and Kashmir. Parties like Janata Dal are not there in the valley. You are trying to form it in

Jammu that also we know. Despite this situation no one neither pays any heed to us nor is prepared to seek our cooperation. We fail to understand as to what is your policy in this regard. George Saheb used to say something in this regard but he too is not there and you have put off the enquiry committee. Now you are running the show yourself and now what do you want, how you are going to solve it, we are unable to understand all this. The situation is deteriorating to such an extent that the attacks are being made within Kashmir on the security forces' convoys and on people doing patrol duty. Initially it was restricted to the urban areas but now it has spread to the villages too..... people are being killed. In reply to my question, the Governor himself admitted that excesses were being committed. The other day also an incident took place in down town. People belonging to your Janata Dal came and said that people were being harassed and victimised. Atrocities are being committed and innocent people have been apprehended. You tell different thing here and do just the reverse there in the valley, we are not able to understand this. This is a national problem and not a party problem. It is not a programme of either the Janta Dal or National Front. Kashmir problem is a matter of concern for the entire nation and as such everyone is worried about it. On the 15th of August the Prime Minister admitted that Government has committed certain mistakes. In the course of his address he said this. We would like to know the mistakes committed by the Government in respect of Kashmir and the steps proposed to be taken by him to rectify them. We would like to know from Mufti Saheb the mistakes that have been committed. Was it a mistake to send Jagmohan, and was it an error to dissolve to Assembly or is it also a mistake to open a dialogue with the terrorists or other groups in the regard? As regards Punjab, it is said that efforts will be made to win the hearts of the people and in this context it has been said that a seven day '*Pad Yatra*' will be undertaken. I would like to know why it will not be done in Kashmir. What is the problem in Kashmir? Let us go for a '*Pad Yatra*' there and we will join you. Let the Prime Minister also go on '*Pad Yatra*'

there and take the people into confidence. It will not be possible to carry out this task without taking the people into confidence. The problem does not end here. People have been made the victims of excesses. You can see for yourself the tyrannies that are taking place. The Manager of cement factory, Shri D.N. Chaturvedi and other VIP's have been killed. Three of our M.L.As namely Mustafa Mir, Sheikh Mansoor and Sheikh Jamar were killed. Many political workers like Ranjur Saheb of Communist party and Gulam Navi Khullar of Congress party have been killed. Many officers have been killed. Among the officers killed, five were from I.B. such as Shri Kaul and Shri Handoo, Assistant Information Director and many other officers. Your Government is very weak not only in Kashmir but here too... (*Interruptions*) ... There are 137 officers, I.A.S. Officers, high ranking officers; excercise are being committed. You wanted to take action in a very strange manner. You wanted to replace two officers on deputation. 31 officers are promotees, 27 have never moved out whereas as per rule they can not stay in one place for more than five years. They threatened to go on strike if any action was taken against them. When you shifted two officers, they threatened to go on strike. The administration warned that those who choose to go on strike would attract disciplinary action. Please listen there are one lakhs 25 thousand employees in the staff of Additional Chief Secretary. It was decided not to pay 3 days salary and a big publicity was given to this decision but subsequently you paid. This is the State of affairs there. So much security is there that one can enter that place. Yet on 30th July there was a bomb explosion and ten persons sustained injuries. This is the State of administration there. Your foreign Secretary had two meetings in Islamabad and it was said that relations are being normalised with Pakistan but on the contrary an attack was mounted on us. How weak you are. Here the Prime Minister sounded an alert. We be cake alert that a war may take place with Pakistan but on the other hand the foreign Secretary is saying that we never thought of a war. What is this happening. You have no policy. Before me

two speakers have mentioned about a policy but I want to say that you have no policy. Kashmir is getting out of your hands. Women go on parade, flags used to be hoisted earlier also but the situation was under control. But the situation prevailing there today was not witnessed during the last forty years. Barring two or three towns Mufti Saheb is aware of the overall situation in the State. Elections used to be held there all along and all other work continued as usual. (*Interruptions*)

MR. DEPUTY SPEAKER: You have already spoken for 15 minutes.

SHRIDHARAM PAL SHARMA: My party had asked me to speak for 20 minutes.

MR. DEPUTY SPEAKER: The hon. Members who spoke before you have been given much time.

SHRI DHARAM PAL SHARMA: I would like to know as to whether Mufti Saheb wants to solve the problem all by himself. We very often meet informally and exchange pleasantries between each other. He has never shared his views with me in this regard or desired to know my either, I would like to say this much that he invites Members of his party for three hours and we do not know what discussion takes place among them. This issue was discussed in the P.A.C. for three hours and also with the hon. Prime Minister and we were told that they were trying to solve the problem. The administration also pays least regard to our views. What I feel is that the Government wants to politically eliminate the National Conference as also the Congress, and it is colluding with these forces. If the Government really wants to stamp out terrorism, it has to think over as to how to solve the Kashmir Problem.

So far as the question of imposition of President's Rule in the State is concerned, there is no other way out than this. It has to be prolonged. It has to be extended keeping in view the situation prevailing there. Secondly, as far the question of special powers is concerned, I would like to request you to issue suitable directions to the security forces

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to exercise maximum restraint in their cooperations. When B.S.F. officer was hit by the terrorist, the B.S.F. personnel retaliated in the villages. It is a matter of shame for us. This brings disrepute to the Government. It has been the strategy of the terrorists to plant grenades and go away. As a retaliatory measure when excesses are committed by the authority on the general public, the become hostile against us. With these words I conclude.

SHRI MADAN LAL KHURANA (South Delhi): Mr. Deputy Speaker, Sir, I am very grateful to you for providing me time to speak. In fact, my name was not included as one of the speakers. But after listening to the speeches made by Shri Soz and our other hon. friends from the Congress party I felt an urge that if I do not add these 3-4 points during the course of discussion, it will be a great injustice to the country and go against people's interest. One thing that I would like to tell Mr. Soz is that I have heard his views on Kashmir problem only a number of occasions. It is a fact that his speeches get coverage on the A.I.R. the Television and the newspapers. But he is, perhaps not aware as to how his statements are being misused by Pakistan and how Pakistan and other forces are making anti-India propaganda on that basis.

Mr. Deputy Speaker, Sir I am not saying anything in support of Mr. Jagmohan. But when I heard the speech of the hon. Member and that of the former prime Minister of Pakistan, Shrimati Bhutto I found no differences between their speeches. Both the speeches were identical. What I want to say is that the external forces are being encouraged through the hon. member's speech. Did anybody ever say anything against the terrorists? Did anybody ever say a word of sympathy for the refugees coming from Punjab and Kashmir and condemn the terrorists? Nobody said a word again it whether it is from Congress or any other party. (*Interruptions*)

SHRI SHOPAT SINGH MAKKASAR (Bikaner): Please do not say that nobody spoke. (*Interruptions*)

SHRI MADAN LAL KHURANA: Mr. Deputy Speaker, Sir, I would like to quote some examples that some prominent citizens of the valley who have held high positions in the Government either intentionally or unintentionally are making such utterances and playing to the tunes of foreign forces.

For example, I would like to submit that the ex-Chief Justice of Jammu and Kashmir High court, Justice Mufti Baharuddin Farooqi filed a writ petition in the Jammu and Kashmir High court. I have got a photostat copy of the petition and would like to read out paragraphs 4 and 5 of page 8 of the said petition. Mr. Deputy Speaker, Sir, it is very essential and I would like to read out para 4.

[*English*]

"That nearly 42 years back India annexed Jammu and Kashmir State by manipulation, fraud and force against the declared wishes of the people of the State:" Second portion reads:

"That at the time of Indian action Indian Muslims were 77.11 per cent of the total population of the State which was essentially a homeland of Muslims:"

[*Translation*]

Mr. Deputy Speaker, when persons occupying such high positions give such affidavits, the foreign forces use them against India. Action must be taken against such people no matter whether they are Members of Parliament or any other high dignitaries. (*Interruptions*)

Whatever high post they might be holding they must be prosecuted on the charge of sedition because they are saying such things even after 43 years of independence.

Mr. Deputy Speaker, Sir, a reference

was also made to the report of the amnesty International, which says that excesses are being committed. In this connection, I would like to show the list containing the names of those 19 young persons who were kidnapped and thereafter killed by the terrorists. The terrorists hanged them with the warning to the people that they would also meet the same fate if they did not take the side of the terrorists. I demand that action should be taken in this connection.

Just now there was a reference to Article 370 and reference has also been made to Shri Iyengar. I would like to say that if one goes through Shri Iyengar's entire speech, the reasons advanced by him for incorporating Article 370 in the constitution will become clear. Later on it was also said that Article 370 is a temporary measure. A motion to this effect had been moved by Shri Atal Behari Vajpayee which had been seconded by Shri Jharkhande Rai. At that time Pandit Nehru had expressed the view that article 370 would gradually become irrelevant with the passage of time. It was given effect on ad-hoc basis. But today when somebody makes a suggestion for the abrogation of article 370, he is dubbed as communal. Such a change has come in the country.

Mr. Deputy Speaker Sir, I would like to raise yet another point which is regarding people displaced from Kashmir. This point has time and again been raised by me. People of this country have become refugees in their own homeland. Today, Shri Advaniji and I had gone to meet them. These people are camping at the Boat Club for last 14 days. Today, the issue of atrocities on women was raised in the House, but on the other hand there is no one to listen to the tales of woes of women Kashmiri refugees camping at the Boat Club. In this connection I would like to read out some of the lines from the proceedings of the House recorded on 26 March, 1990. I had raised a question about the amount of relief being provided to displaced persons from the valley. I had said that the relief of Rs. 500 given to the refugees is an ad-hoc one and not given on monthly basis. It could be verified

from the records. Mufti Saheb had given a reply to me in 3 lines in this regard stating that it was on monthly basis and not ad-hoc one. In his speech Mufti Saheb had said that the refugees would get relief at the rate of Rs. 500 per month excluding ration which will be supplied in addition to the financial assistance. Mr. Deputy Speaker, Sir, this announcement was made in March while it is August now. I can challenge that except the financial assistance of Rs. 500 which had been sanctioned at the time of announcement, the refugees have not been given any extra money. Are they beggars? Cannot we give them this much assistance? They are only 70-80 families. Cannot we pay them Rs. 500 per month? Will one time payment of Rs. 500 meet their requirements?

Mr. Deputy Speaker, Sir, I had said that day also and am repeating the same today. These refugees include H.M.T. personnel and others. Now time is short. We demand a separate discussion for this. But I must tell what our past experience had been about Government action in this regard. It is altogether a different issue as to what would be Government's policy with regard to Kashmir. It is due to Government's policy that these people have been rendered homeless. Some people would ask me not to talk on communal lines. I never talk of communal lines. But when I think of these refugees and make a comparison with people belonging to other communities. Had these refugees belonged to any other community, they would not have allowed the Parliament to transact normal business. Only because they are Hindus, there is nobody to listen to them. (*Interruptions*) I am constrained to say it although I did not want to say it. (*Interruptions*)

SHRI JAG PAL SINGH (Hardwar): Did any party oppose the cause of Kashmiri Hindus? Everybody wants to help them. As such you cannot bring these charges. (*Interruptions*)

SHRI MADAN LAL KHURANA: I am talking about my friends. A particular community was involved in 1984 riots. As such announcements in this regard were made

[Sh. Madan Lal Khurana]

from the Red Fort. Had it been a case of riots in Bihar, the hon. Prime Minister would have made an announcement that they would be given this much or that much financial assistance. This House also agrees that the refugees have come here with nothing to fall back upon. They are virtually in tears. Nothing concrete is being done in their case. It is, time and again being said that the financial assistance will be given on monthly basis. In spite of all this and my raising the issue in full throated voice they are being mocked in this manner. (*Interruptions*)

Mr. Speaker, Sir, had it been a human problem, the elected representatives from Kashmir in the House would have raised their issue. Just now he made a speech. Did he utter a single word? Your colleagues have also spoken.

Finally, I would like to make a small submission. I have been to four or five districts of the state I have visited Poonch and Rajouri. I have also written a letter to the hon. Prime Minister. By viewing the T.V. telecast made by Pakistan on their T.V. the people in the border areas apprehend as if Pakistan would march to their place the very next day. As such I would like to request the Government to set up a high power T.V. Transmitter at the border areas by making a special programme and make pro-India propan-ganda so that Pakistani propaganda could be counter effected. I have to say only this much.

[*English*]

SHRI PIYARE LAL HANDOO
(Anantnag): Sir, even before I come to indicate some of the amendments which I wanted in the Bill, I would request the House, in the words of esteemed Jaswant Singh, to exercise some restraint when you talk of Kashmir for one or two reasons only.

15.33 hrs.

[SHRI VAKKOM PURUSHOTHAMAN *in
the Chair*]

The first reason that I would say why it

should be so is, I again quote esteemed Jaswant Singh, that the matter stands completely communalised. It is our tragedy.

I am speaking today in this House on 21st of August 1990. Why I say so is because this is the first anniversary of the first political activist who was shot dead last year on 21st August.

When I was hearing about versions from right and left, hearing the insinuations from right and left, believe me, I had no picture before my eyes except the dead body of six feet long and strudily built Mohd. Yusuf Halwai, the Block President of National Conference of the Downtown Srinagar. At 10 o'clock, Pakistan gave the news on 21st August, 1989. We in the Assembly heard that Mohd. Yusuf Halwai had been shot dead. He was the first political activist to die. It was followed by Tikan Lal Taklu on 13th of September and P.N. Bhatt on 27th of December. Who does not know this part of the Kashmir story? Whom do you want to enlighten by repeated reference to these matters every time when the Kashmir comes for discussion? But is that the problem in Kashmir today? If you do not recognise how Kashmir is different on 21st of August, 1990 from 21st of August, 1989, believe me you are living in a world of delusion. This august House, if I had the mechanism, could recall some of the historic decisions when Kashmir became a subject matter of discussion in this House right from 26th of January, 1950. So many decisions, solemn decisions have been taken in this House about Kashmir. I beseech each one of you to rise above your affiliations and let us be fair to the people of Kashmir by asking one question how many of the solemn decisions taken in this House on Kashmir have been stuck to, meticulously followed and carried to the logical conclusion. You are today giving three-pronged gifts to Kashmir. I call them gifts advisedly. The first gift you are giving to Kashmir today is the Presidential rule under article 356. The second gift you are giving to Kashmir today is the extension of the special powers of the Army. Again I am emphasising

the words 'in Kashmir'. The third gift is the report on which these are based which allegedly, according to the statement of the hon. Home Minister, is the report written by His Excellency the Governor of Kashmir on 3rd of July to Rashtrapati. Esteemed Jaswant Singhji gave a very resonant reference to three dates but incidentally he forgot more important dates of 3rd of July and 5th of July. I will request the hon. Home Minister to go through the letter written to Rashtrapati by His Excellency the Governor on 3rd of July, 1990. Does he ask for such a power as is given in the Ordinance of 5th July 1990? No, he does not. He has graphically given the description of Kashmir as on 3rd of July, 1990. On 5th of July you are placing the Rashtrapati under an obligation to pass in this month of July an ordinance in respect of Jammu & Kashmir. And what is that ordinance? I remember, my Marxist friends will recollect their comments on Rowlatt Act and about the TADA passed during the Congress rule in 1985. What are we doing today? In the first section of this Bill you are saying that you are doing it only to provide a mechanism of aid and assistance to civilian authority. So far so good. Every civilised country can envisage such a situation. One has to depend upon Army in aid and assistance to the civil authority. But what do you do in section 4? In section 4 you authorise a non-commissioned officer, a havildar, a commissioned officer and what not to pursue a man to the point of killing him and not in aid and assistance of civil authority. By implication, it is by way of retaliation in a situation of assault on the Army which can also be envisaged. We are living in a world where in we have come across words like ambush, waylaying, accosting. The Army must have provision against such things. Believe me, Mr. Home Minister, you were not fair when you said that Army needed these powers for retaliation during Governor's rule. The Army Act provides for such a contingency. You are including Air Force also in this. What assistance can Air Force render to you in aid and assistance of civil authority in the maintenance of law and order under section 4? So I would humbly request you kindly consider these three provisions of the

Bill that you are passing. This is contained in the Preamble of the Act. If army at all needed teeth everybody knows that they have teeth under the Army Act. The Army's perception of fighting terrorism should not be the perception of political leaders to fight terrorism and if the army is needed and called to assist, they can certainly be called. Nobody will say it should not be done. But, army on its own cannot retaliate, which it is alleged is what it is being done particularly when in Section 4 of the Act you allow the army to act when "it has reason to believe" it should act. Our esteemed judge members can tell you what this "reason to believe" means. They can act on suspicion and it is there that you have to guard and see that excesses are not committed.

You can imagine the plight of a bride and bridegroom getting separated and then one getting subjected to rape on the first bridal night. Who can keep poise, who can remain silent when such a thing happens? When the DIG reported that this had happened and asked for an inquiry, you instead transferred him to Bhopal and then re-transferred him to be the Vigilance Commissioner in Kashmir. Now, I do not want to refer to this Mohalla or that Mohalla. Shri Mufti Mohammad Sayeed Saheb can see that in the Report of 3rd July, Governor did not ask for this Ordinance to be passed, but asked for President's Rule. But instead even before the President's Rule, you sent a gift to Kashmir and, that is, this Ordinance authorising the army to act in this manner. Between 5th and 20th July, you have had to appoint two Courts of Inquiries, and these are appointed only when there is a *prima facie* case of an excess. Shri Mufti Mohammad Sayeed Saheb may be reminded of the villages in his neighbourhood *i.e.* Srigufra, where we have lived together in the past. Today, eighteen residential houses and 18 shops are no more there. The whole village has been razed to ground sometime back.

There is a beautiful line in one of the documents that has been produced by the Home Ministry which speaks that army is in control at line of actual control." If army needs this power there, they can have it not

[Sh. Piyare Lal Handoo]

only there, but even 25 miles around it. But does it mean that you have given that power in Pahalgam, in Kokarnag, or in places in the interior-most parts of the Kashmir Valley? There are allegations that the whole villages are getting burnt down. Can you inquire into these affairs? Go into these affairs and expedite the results of inquiry if you still want to save something in Kashmir. In January, 1990, you instituted a case against the security officials of the United Nations Organisation for having shot dead four persons in Badami Bagh. But there are reports that the case has not gone to the court. Am I not within my right to say that the case shall never see the light of the day in a court of law? You have instituted two executive inquiries against the excesses in Baramulla district. Am I not within my right to say that kindly let me know the result of those inquiries? You know about the complaint of a Kashmiri girl being sawed-off from head to toe. That is the kind of brutalisation that is taking place in Kashmir Valley. Similarly, a school teacher was also sawed-off a woman, one would not like to say, getting raped and then her breasts being cut and thrown into the river...*(Interruptions)*

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): By whom?

SHRI PIYARE LAL HANDOO: By the terrorists. These are very well-known facts known to the Home Ministry, I repeat it. But does this brutalisation justify this attack, this massacre by the army in retaliation? Shall it help the growth of Indian ethos if I justify one brutality by the other? No. My humble submission is that this criminalisation, this brutalisation in the Kashmir Valley has got to be set right. Don't be under any illusion that this can be set right by any administration alone.

There are friends who rightly or wrongly, think that National Conference is not relevant and that let it be kept in a museum. Let every political party deem it its duty to jump into the Kashmir Valley. Why should my

journalist friend depend on National Conference? For him, Dr. Farroq Abdullah is a lazy man, a tired man, not willing to go to Kashmir in January, 1990. Why try him? Try your Mir Qasim, try a man of your own liking, or try yourself. We will follow you. Why does not every Indian political party open a branch in Kashmir Valley? Today I saw the unfortunate spectacle of national consensus about the national language being built up the way it was talked about in the month of March about Kashmir. A decision was arrived at by six major political parties of India on 10th of March, in a meeting presided over by the Prime Minister. What has happened to that? Where are we? Whom are we, trying to teach homilies? Whom are we trying to advise? We, on behalf of National Conference, will certainly do whatever is needed to be done. We will be with you, whomsoever you choose. Why don't you take the initiative and come out with a solution, instead of giving homilies or generalising insinuations and accusations?

MR. CHAIRMAN: Now please conclude.

SHRI PIYARE LAL HANDOO: In this context, shall I make a reference to my amendments or wait for the proper occasion to come?

MR. CHAIRMAN: No, now now.

SHRI PIYARE LAL HANDOO: All right, Sir. Thank you.

[*Translation*]

SHRI HAMENDRA SINGH BANERA (Bhilwara): Mr. Chairman, Sir, just now the member who preceded me, has said in a very sarcastic manner that the National Front Government have given three gifts to Jammu & Kashmir. I would like to tell him that when any part of our body becomes sick, efforts are made to cure it by administering medicine and the more better the medicine, the quicker is the effect. The situation that is prevailing in Kashmir today has compelled the Government to bring this Armed Forces (Jammu & Kashmir) Special Powers Bill,

1990 in this House and I rise to support this Bill. Now the question is why the Government have had to bring this Bill in regard to the State of Jammu & Kashmir and that also through an ordinance. Mr. Chairman, Sir, I would like to remind the House that when the people of India entrusted power to the National Front Government, immediately after that, the former Prime Minister and his non-performing Government that the present used to say that whenever he talked on telephone to the Heads of the States of neighbouring countries they used to shiver on his phone-calls. It is because of this egoistic statement of the former Prime Minister and his non-performing Government that the present Government was compelled to take this hard steps in regard to Jammu and Kashmir. I would like to remind them that when our country got independence, the state of Kashmir was also merged with India. At the time of independence, there was a Hindu King in Kashmir and he was hesitating to merge Kashmir with India. I would like to remind you that at that time the muslims of Kashmir took the initiative, one of the muslim leaders, Mr. Sheikh came forward to plead for merger of Kashmir with India. Kashmir always had a secular structure and we must keep this thing in mind. We can never forget that there had never been any Hindu and Muslim riots in Kashmir although it was ruled by a Hindu King. It is the characteristic of secular structure of Kashmir which can never be forgotten. It is because of this that the Government have provided special powers to the state of Kashmir under Article 370 of our Constitution. It is the foresightedness of Pt. Jawahar Lal Nehru and Dr. Rajendra Prasad. Special powers were given to this state keeping in view the atmosphere of secularism in the state and the manner in which they took initiative in the matter of merger of Kashmir with India. Today, it is not an appropriate time to abrogate Article 370 of the Constitution. We need Article 370 even today. We want that the state of jammu and Kashmir should have that special rights in future also which it has been enjoying so far. The demand to abrogate Article 370 has been raised again and again by one of our supporting parties the Bharatiya Janata Party.

I agree that it may be their policy and I also welcome it but I would like to remind the House that once, when an important discussion was going on in the House, hon'ble Shri Advani had argued in favour of Article 370 and our Prime Minister had assured the entire country and the people of Kashmir in the House without any hesitation that the National Front Government was committed to retaining Article 370 in future also. Mr. Chairman, Sir, after the National Front Government came into power... (*Interruptions*)

SHRI RAJVEER SINGH (Aonla): Mr. Chairman, Sir, Shri Advani did not recommend Article 370. When Shri Rajiv Gandhi interrupted Shri Advani, the latter had stated that at present the required two-thirds majority to make an amendment, was not available. Therefore, Shri Rajiv Gandhi should bring the amendment. Shri Advani and his party are of the view that these problems are due to Article 370.

SHRI HAMENDRA SINGH BANERA: While respecting the feelings of the hon'ble member, I would like to say that the policy of the National Front Government is not to delete Article 370. We are totally against this. The Opposition has been saying again and again that terrorist activities have increased in Kashmir after the N.F. Government came to power. I would like to submit that during the tenure of the Farooq Abdullah Government in Kashmir in which the Congress party was a partner, the people of Kashmir had lost all confidence in that Government. The present situation is resultant of the wrong policies of the coalition Government of Congress and National Conference. The terrorist activities were carried on there at that time also. That Government did not take any concrete steps to prevent these activities and such a picture was presented that everything was all right in Kashmir. I would like to ask you whether bombs had not been exploded there by the terrorists before the National Front Government came into power at the Centre, whether the terrorists have stepped up their activities only these days? I would like to make it clear

[Sh. Hamendra Singh Banera]

that after the National Front Government came into power, they have taken steps to curb the terrorist activities, and built pressure on terrorists. They have increased their activities in retaliation.

Mr. Chairman, Sir, Pakistan had been misguiding innocent people and providing training to them. After training, it had been sending them back to India at that time, there was State Assembly in Kashmir. No attention was paid to such activities during those days. But now, after imposition of President's rule in the state, attention was paid and when strong action was taken it met with slitt resistance and counter resurgence. That is how the situation in Kashmir appears to be very critical today and in order to deal with the above situation, the Armed Forces (Jammu & Kashmir) Special Powers Bill, 1990 has been brought forward in the House.

Mr. Chairman, Sir, today, when we talk of terrorist activities in Jamu & Kashmir, we should be above party politics. We must have faith in the people of Kashmir. Have we made efforts after independence to protect the cultural heritage of Kashmirs to maintain their secular structure which is a characteristic of Kashmirires? Did we win their confidence? We have been saying here time and again that Article 370 would be removed very soon. This has created a feeling of distrust among them and the present terrorist activities are the direct outcome thereof.

Sir, the Kashmiris have their own cultural heritage. The Government have not made efforts to protect it. As a result, the feeling of distrust against India has been increasing among them. They have their own concept in this regard. Every state has have own language and culture which should be protected. Bngal has its own language and culture; Mewar has its own culture. Similarly Gujarat has its own language and culture. Tamil Nadu and other states have their own cultural heritage. The people of those states are proud of it. Then why we raise our fingers on Kashmir only?

16.00 hrs.

They demand that they should have the right to prevent anybody who interferes in

their cultural heriage. Sir, during the Congress rule, when Congress Party was in power at the Centre, no concrete effort was made to solve the problems of Kashmir. Today, I would like to say that it is a result of the manner in which the Home Minister has won the confidence of Kashmiris and created a sense of confidence among them, that for the first time one thousand youths have applied for joining B.S.F. Was it ever thought to recruit Kashmiris in the B.S.F. or the C.R.P.F. during the Congress rule? It is for the first time that one thousand Kashmiri youth have made application to join the B.S.F. The need of the hour is that Government should pay more attention towards the youths of Kashmir who have been misguided, whose economic condition is deteriorating. A rapid industrialisation is taking place in Kashmir. The Government should make all out efforts to create a sense of confidence among the Kashmiris, so that they may consider themselves as an integral part of India.

16.02 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Thanks for giving me an opportunity to speak.

16.02 1/2 hrs.

STATEMENT BY PRIME MINISTER

Firing by Pakistani forces at Indian posts in Machhal sub-sector of kupwara sector the line of control in Jammu and Kashmir

THE PRIME MINISTER (SHRI VIWSH-WANATH PRATAP SINGH): Sir, the Kupwara Sector, on the Line of Control in Jammu & Kashmir, is one of the areas in which there have been continued attempts at infiltrations by Pakistan trained terrorists in recent months.

The Machhal sub-Sector, within the Kupwara Sector, is situated opposite village Kel in Pakistan Occupied Kashmir. Recently, our troops noted an intrusion in this area. On 12th August, 1990 our troops took appropri-

ate action and eliminated this intrusion. The Pakistani Army attempted to interfere with these operations, using heavy weapons, including mortars and artillery. However, our troops succeeded in entirely clearing this area of the intrusion.

This incident was reported by the Pakistani media as an attack launched by our troops on their posts in that area. This was refuted by us.

After a lull, the Pakistani forces commenced artillery fire at a r of our posts in the Machhal sub-Sector, from 20th August. Our troops in the area retaliated with appropriate fire. The exchange of fire is continuing, confined to this sub-Sector.

As per the existing arrangements, Directors General, Military Operations of the two countries are in touch with each other. There is no cause for any undue concern since we trust that these localised incidents will be contained and the situation diffused. Our forces are fully prepared to effectively deal with an eventuality.

It is our sincere hope that there will be no recurrence of such incidents and that the Government of Pakistan will realise the need to fully abide by the Simla Agreement. This would be in keeping with the dialogue which we have initiated with the Government of Pakistan.

16.06 hrs.

STATUTORY RESOLUTION REGARDING APPROVAL OF PRESIDENT'S PROCLAMATION IN RELATION TO THE STATE OF JAMMU AND KASHMIR;

**STATUTORY RESOLUTION REGARDING DISAPPROVAL OF THE ARMED FORCES (JAMMU AND KASHMIR) SPECIAL POWERS ORDINANCE, 1990 AND ARMED FORCES (JAMMU AND KASHMIR) SPECIAL POWERS BILL —
 CONTD.**

[English]

MR. DEPUTY-SPEAKER: Now, Dr. Thambi Durai.

DR. THAMBI DURAI (Kurur): Mr. Deputy Speaker, Sir, now we are discussing about Jammu and Kashmir and the Government has moved the resolution for the approval of the proclamation issued under Article 356 of the Constitution in relation to the State of Jammu and Kashmir. (*Interruptions*)

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Sir, I have given notice of Calling Attention Motion and Hon. Speaker had told me this morning that I could ask question after the statement was made.

MR. DEPUTY-SPEAKER: You cannot ask question on the statement. If you want a discussion, I will look into it.

SHRI MADAN LAL KHURANA: I have already given a notice. It is a very important matter. When I raised this matter in the morning I was told that my notice for Calling Attention was already there. However, I could seek clarification after the statement made by the Prime Minister.

MR. DEPUTY-SPEAKER: I had given time to you to speak on an earlier occasion and questions were also asked after the statement but the rules and the practice of this House do not permit asking of question after the statement made by the Prime Minister. Such practice is there in Rajya Sabha. If the hon. Member so desire a discussion can be held on it later on. We would look into it as to how that can be done.

[English]

DR. THAMBI DURAI: For the past 40 years we have been facing this problem in Jammu and Kashmir. Just now our Prime Minister also told how Pakistan is creating lot of problems for us. We have to consider the problem of Jammu and Kashmir in two aspects. One is because of the neighbouring country is creating problem for us and also how our Government is tackling the Jammu and Kashmir issue is another important

[Dr. Thambi Durai]

aspect. Just now one of our hon. Members mentioned that the problem is that we cannot take only Jammu and Kashmir, how it is facing the problem. There are certain problems in other States also. He said, we are having different cultures, different languages. Because of this kind of differences existing, there may be problems also. How the Government is facing and tackling this problem is another important factor. I have also visited Jammu and Kashmir many times. There is a kind of confusion among the people. Nowadays what we had seen before 1989 is different in 1990. When I visited Jammu and Kashmir during my student days, I stayed at the University campus, I know how the students met us. They also expressed their agony. Sometimes even though we are interested to maintain integrity, due to certain Government policies, the integration is affected. We cannot deny that.

Regarding the language policy, we discussed in the Zero Hour also. (*Interruptions*) I am coming to the point as to why I am telling this. How you are respecting different areas of the country, that is more important. Why you are facing the domestic problems? You are not tackling the problems existing in Jammu and Kashmir. That is my position. Whether you are solving the unemployment problem there, whether you are respecting the language of that area, the culture of that area, that is more important. In the name of integration if you want to impose a certain culture, a certain language on the people, it will create confusion in that area. That is what our hon. Member said. In Tamil Nadu, in Bengal, in Assam and in Punjab problems are existing because you are not respecting the feelings of the people of those areas. That is more important. (*Interruptions*) That is why when the hon. Minister said, 'Regional languages', I wanted to know from the Government whether there is any kind of 'regional' language in our country. I am telling that all 18 languages are our national languages, you are to respect them in the same manner. Let it be Kashmiri language or Tamil language or Bengali language, all the na-

tional languages. If you are calling them 'regional languages', you are creating regions. That is how disintegration is developing in the country. About democracy you are telling 'secular' state. If you say 'secularism', you have to respect all religions. That is important. Then, if you want to presume democracy, even the minorities are to be protected. Are you doing like that? Even in our system we, the Tamil people, are proud of calling ourselves Indians. But you are not creating such an atmosphere. When you are not giving importance to our languages, definitely such a suspicion arises. That is happening in Jammu and Kashmir also. You are not giving importance to that language, to that culture and also you are not solving the unemployment problem there. That is why, when you are not able to solve their economic problems, the youth are becoming restless, they are indulging in some of these activities and some anti-social elements are misusing that atmosphere and creating disintegration. That is how terrorism has come. Why? is terrorism coming up more and more? Because you are not worried about the youth there, you are not solving their problem. If you fail to solve this problem, another problem will be created. Not only Jammu & Kashmir but, it will spread to other parts of the country also. You have to take care of that. The problem of Jammu & Kashmir has arisen because of your great blunder. What policy are you having to tackle the problem there? You have dissolved the democratically elected Government. Is this the way to tackle the problem? You cannot create good atmosphere without having a civilised Government there. If you depend on military, you cannot solve the problem. You should try to rectify the blunder you have committed and try to bring civilian and popular Government in Jammu & Kashmir. That is the only solution. You are giving more power to the army. You are going to use Article 356 for promulgation of President's rule. Giving power alone would not solve the problem. How are you going to direct from here? How are you going to solve that problem? I have to request the hon. Minister to consider it.

The only solution to the Jammu & Ka-

shmir problem is not promulgation of the President's rule under Article 356. The only solution is to try to bring the civilian and democratic Government as early as possible and try to take all the people along with you and create confidence. India is our country. We have to unitedly live in this country. For that, please create a good atmosphere.

Once again, I request our hon. Minister to look into the language issue because he is dealing with the language problem also. Most of the hon. Members raised points on this. But our hon. Information Minister is not able to give proper answer. He only read out the manifesto of the National Front. He said he is going to consider the assurance of our Panditji that English language also continues, so that it will create more confidence among the non-Hindi speaking people. I hope the hon. Minister keeps the whole country in his view while replying. Do not think of Jammu & Kashmir alone because everything is connected.

I humbly request our hon. Minister to try to spell out the language policy also when he replies.

[Translation]

SHRI JANAK RAJ GUPTA (Jammu): Mr. Deputy-Speaker, Sir, the present situation in Kashmir is very serious. While speaking on Kashmir many hon. Members said many things about the coalition Government of National Conference and Congress headed by Mr. Farooq Abdullah. In this regard I would like to say through you that so long as coalition Government of National Conference and Congress was there, the situation in Kashmir was never as bad as it is today. Today there is need to give special powers to the Army to control the terrorists and other people in Kashmir but so long as Farooq Abdullah's Government was there, there was not even a single occasion when Army was called out in any area to control the situation.

Shri Khuranaji has said about Kashmiri

migrants. We all know very well about them. So long as the coalition Government of Congress and national Conference was there the situation never grew so bad to force even a single person to migrate from there or think of migrating from there. Now the circumstances are such that they are migrating and it is a serious matter. You know that in the last session also, I myself and some other Members of our party had raised the question of migrants and stressed the need for providing them adequate accommodation and other facilities which have not been provided to them. It is a humanitarian problem. Three-four days back, through a special mention in the House I had demanded suitable accommodation and other facilities for them. During the last session the Home Minister had assured us that adequate facilities would be provided to them but no facility has been provided to them. Today, they are taking out a procession in Delhi, Jammu and other places where they have taken up residence. Their condition is pitiable everywhere. The Government should do something for them.

I would like to say one reasonable thing that today all colleges, medical colleges, Engineering colleges, Agricultural colleges and Universities are closed in Kashmir but during Congress rule nothing of the sort happened there... (Interruptions) You want to blame others for your lapses. Accept your lapses. You do not have any clear policy as to what you are doing and what you intend to do. You do not have a programme before you. You are trying to shift your burden on others... (Interruptions) Some solution to this problem should be found out. (Interruptions) If you listen, I would like to say something... (Interruptions) Your wrong policies are responsible for the present situation. It is all because of your political vindictiveness. While addressing the nation from the ramparts of Red Fort on 15th August, the Prime Minister himself admitted that some mistakes had been committed in Kashmir. I think he should tell those mistakes to the people because people have every right to know it and he should also tell the people as to what measures they propose to take to rectify those mistakes. But you do not have

[Sh. Janak Raj Gupta]

any clear policy and you should admit the fact. No problem can be solved by shouting.
(Interruptions)

MR. DEPUTY-SPEAKER: Mr. Gupta, please address the chair.

SHRI JANAK RAJ GUPTA: Sir, I want to say only this that the terrorism which is spreading there and the present situation in Kashmir is only due to the wrong policies and political vindictiveness of the Janata Dal. For this I would like to cite an example. The Government was functioning there smoothly. You talked to Dr. Farooq Abdullah and appointed Shri Jagmohan as Governor of the State. Shri Jagmohan is a good friend of mine. I have known him from the point of time when he was Governor of the State. But I am saying it here because you deliberately appointed Shri Jagmohan as Governor of the State as Dr. Farooq Abdullah was opposed to his appointment. It was thought that Dr. Abdullah would not be able to pull on with Shri Jagmohan and Dr. Abdullah would perforce resign from the Chief Ministership, they did not want the situation in Kashmir to become normal. You have unconstitutionally dissolved the Assembly without any ground for it. This action of yours made the people to believe that you have dismissed an elected Government and their elected representatives. You forced them to resign. You compelled Dr. Farooq Abdullah to resign and now you are not able to control the situation there. As many as 400 resolutions have been submitted by Doctors, Advocates and others against India and its Government to the UNO. When National Conference Government was there, nothing untoward happened but now people are being killed there.

You can see your own security arrangements. About ten days back a bomb exploded in the Secretariat itself where high security arrangements have been made by the Government. Therefore, I would like to say that those migrants, who have come here, should be looked after well. All ar-

rangements for their boarding and lodging etc. should be made here till situation normalises there and they are able to go back to their native land. Winter is approachings, so proper arrangements should be made for them.

Mr. Deputy Speaker, I would not take much time of this House. The Bill which you have brought to give special powers to the armed forces, is essential to curb the terrorists activities and for the smooth functioning of the civil administration. As my colleague said so far as the civil administration is concerned, you must have also seen that 137 senior gazetted officers including I.A.S. officers have also written against the Government. It is not a good thing. But I want to say one thing that, atrocities are being committed on many innocent people. I want to draw the attention of Mufti Saheb towards them. They are innocent, atrocities should not be committed on them. Neither it gives good name to the army nor to the Government. I feel that the Act related to army which you are going to pass, is not a permanent solution. Therefore you have to initiate political process and should find out a political solution to create confidence among the people. A proper policy as to how Government propose to solve the Kashmir problem should be made known to the people and the country. Today the terrorists are creating trouble, tomorrow Pakistan may attack day after tomorrow some other problem may crop up, people are facing great difficulties like these. It is correct that you had talks with Farooq Abdullah, you called him from London, I do not know if he has gone back, he should be involved. Congress leader Shri Rajiv Gandhi should be involved as no other leader is as popular in Kashmir at this time as Shri Rajiv Gandhi of the Congress..(Interruptions) You must go there and should not make assessments while sitting here...(Interruptions) You talk about the problem sitting in your homes and drawing rooms, problems cannot be solved in this manner. You must know about the respect which is still in the hearts of the people of Kashmir for the families of Indiraji and Pt. Jawahar Lal Nehru. Mufti Saheb knows about

it. You cannot imagine it...*(Interruptions)* You are not able to understand it. I want to say that you may confirm it from the hon. Home Minister. You cannot understand it. You cannot imagine it. I want to say that...*(Interruptions)*

[*English*]

MR. DEPUTY-SPEAKER: If you do not address the Chair, you are getting into the quagmire of wordy response that no one will understand.

(Interruptions)

SHRIVASANT SATHE (Wardha): What did he say? He only took the name of Shri Rajiv Gandhi.

[*Translation*]

Is it a crime to take the name of Shri Rajiv Gandhi? *(Interruptions)*

[*English*]

MR. DEPUTY-SPEAKER: Please address the Chair.

SHRI JANAK RAJ GUPTA: I am addressing the Chair. *(Interruptions)*

SHRI VASANT SATHE: They have called Shri Subhas Chandra Bose, enemy of India...*(Interruptions)*

[*Translation*]

MR. DEPUTY-SPEAKER: Satheji, please.

(Interruptions)

SHRI JANAK RAJ GUPTA: I want to say through you...*(Interruptions)*

Mr. Deputy Speaker, Sir, I want to tell all the Hon. Members through you that this Kashmir issue is not related to any party or any individual, it is a national issue, it is a matter concerning the whole nation. The

whole nation is looking towards the Government for as to what policy is going to be adopted by it. Today there is a clear policy of the Government. I would like the Government to place a clear policy before the people.

I want to say one thing more to the Hon. Members. Home Minister Mufti Sahab knows it that no body is so much respected in Kashmir valley as the Nehru family, Indiraji and Shri Rajiv Gandhi. Kashmir... *(Interruptions)*

You do not know as to where we stand. I want to say that they do not know anything, they only want to play political game...*(Interruptions)*

[*English*]

MR. DEPUTY SPEAKER: The time is very limited and if you interrupt like this it will be difficult to get things done in time. Please don't interrupt. Let him say what he wants to say, you are also at liberty to say what you want to say. And now, Shri Gupta, please finish your speech.

[*Translation*]

SHRI JANAK RAJ GUPTA: I want to say that our party does not want to make this issue a political issue. We do not want to get political gain out of it, but some people want to get political capital. We want that this gain should be kept upto their party level and a consensus should be formed to solve this issue treating it as a national issue... *(Interruptions)*

First you should address the chair, then only talk to me, I am not talking to you...*(Interruptions)*

I want to say that if the Government is really serious regarding this matter and want to solve this issue then they have to approach the people by evolving a consensus with the involvement of Congress, National Conference, Janata Dal and parties other than Janata Dal and others who are neutral. To pass the Armed Forces Bill is a temporary

[Sh. Janak Raj Gupta]

solution, it cannot be a permanent solution. Therefore, I again repeat that the political process should be started and maximum help can be taken from our leader Shri Rajiv Gandhi...*(Interruptions)*

I want to say that these people are not serious regarding this problem. With these words, I conclude and thank you because you have given me the opportunity to speak and I hope that Government will present some effective policy in connection with Kashmir problem because all the people want to see as to how this problem is solved in Kashmir...*(Interruptions)*

SHRI RAM KRISHAN YADAV (Azamgarh): Mr. Deputy Speaker, Sir, Kashmir problem is a national problem, it should not be seen as a political issue. People belonging to all communities inside the House or outside accept that Kashmir is an integral part of India, it was an integral part and would remain an integral part of India. There should be no hesitation about it.

Mr. Deputy Speaker, Sir, it is my opinion that some people consider themselves as the solve defenders of nationalism. When some people raise the question of their unemployment, lack of educational facilities and their right to live with honour and dignity sometimes they are termed as terrorists and secessionists. On the contrary when some people raise slogans in the name of religion, I feel that integrity of the country is more in danger due to them. These people raise the following slogans:

- "1. Hindu, Hindi, Hindustan, Kahan se Aya Musalman, Le, lo, inki jan, ya phir bhej do inko Pakistan."
- "2. Musalman ke do sthan, kabristan ya Pakistan."
- "3. Beti hai sardar ki—desh ke gaddar ki."

(Interruptions)

I am not mentioning anybody's name here. A guilty conscience cannot shed off its alarmed stance. Only such powers want to divide the country and endanger secularism. Kashmir is our integral part on the basis of geography, history and culture but I want to say that Uttar Pradesh is only state in our country where temples have been constructed in police stations and specially when the point of doing away with the Article 379 will arise, it will definitely come in the minds of the people of Kashmir that there is some foul play with the guarantee which had been given by the constitution. Here in the House a Member said in Parliament that Article 370 should be abrogated. This thing creates such feelings in the minds of the people of Kashmir. As Hindus and as elder brothers, it is our responsibility that we should protect this country. I feel that we have not fulfilled our duty as an elder brother that is why doubts are being raised in the minds of the people of Kashmir. I am not appreciating the people of Kashmir and the terrorists and secessionists but in 1947 Muslims who were in majority worked independently to merge with India. Today what is that thing due to which they want to secede from the country, we should think over it. Whether they are Congress people or belong to Janata Party, they should think over it as to why they want so.

I want to submit that according to our constitution our country is a democratic country, it believes in non-violence, therefore, laws should be made keeping it in view. Mahatma Buddha was born in this country who took the country forward on the path of non-violence. Confidence of any society cannot be gained through law and police force. I feel that as mentioned in rules, more attention has been given to the military and armed forces. It will create dangerous situation for the country if some one is given right to shoot without assigning any reason. There must be some restriction somewhere. It is not proper to snatch the rights of Judiciary. All rights of judiciary are being snatched which is not good for any country.

I would like to say that provisions for restricting the law should be made in the new

law so that our police may use its mind while attacking someone. If it does not use its mind, I feel that the situation of war will develop and our innocent Kashmiri brothers will be put to harm.

It is proper that the law has been enacted but reasonable restrictions should be there. The powers of judiciary have been snatched which is not good. I am very clear about it that if any Chief Minister cannot maintain peace in his state and the Prime Minister is not able to maintain law and order in his country then nobody can improve the situation. Therefore, political process should start there and while initiating it, our feelings and views should also be considered so that confidence could be created in the hearts of the people of Kashmir. Only then Kashmir can be considered an integral part of the country. It is so geographically but the people of the State must have the sense of unity. With these words, I conclude and thank you for giving me time to speak.

[English]

MR. DEPUTY SPEAKER: Now, Home Minister.

SHRI SHIKIHO SEMA (Nagaland): Sir, my name is there. (Interruptions)

MR. DEPUTY SPEAKER: Not like that.

(Interruptions)

MR. DEPUTY SPEAKER: We have taken a lot of time.

(Interruptions)

MR. DEPUTY-SPEAKER: Mr. Sema, only one minute.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Deputy Speaker, Sir, please give me also an opportunity to speak.

[English]

MR. DEPUTY SPEAKER: I will allow you to speak at the time of moving.

SHRI SHIKIHO SEMA: Mr. Deputy Speaker, Sir, it will be a great injustice on the part of this august House if you do not allow me to say a few words on this issue. You know, why.

Sir, the Armed Forces Special Powers Act is operating in my area, that is, Nagaland. And what harm this Act is doing to our people, I know it very well. I also want to tell you about this. The Armed Forces (Jammu and Kashmir) Special Powers Bill, 1990, is an extension of the undemocratic law which has been operating in the North-East, particularly in Manipur and Nagaland. Now, you are extending it to Jammu and Kashmir. This Act is meant to assist the civil administration by the armed forces. But what actually happens is that when an area is declared as 'disturbed area', the forces which are deployed on the ground become over-exercising and over-acting. There are instances of rape of women, invading the privacy of the people and harassing the innocent people in the name of this Act. It is going on in our State. These armed forces are stopping the vehicles and searching the innocent people. Even if the area is not declared as a disturbed one, the Act is implemented in a self-styled manner and innocent people are harassed. I would suggest that you should win the confidence of the people by love and by work. The Government should try to understand the problems of those people. Merely by imposing such a law, you will alienate the people.

This Act has been in operation since 1957 in Manipur and Nagaland. Today, the underground Naga insurgents have threatened the Indian people living in Nagaland and Manipur to be physically eliminated. After operating this Act for about 30 years, our people have come out to eliminate every Indian citizen living in Nagaland! It has to be seen whether this Act is doing anything good or not. You will have to win the confidence of

[Sh. Shikiho Sema]

the people not by this Act but in some other ways.

If you want to give importance to Hindi, you do so by giving more money. You should educate the people. But why are you banning English and imposing Hindi on the people? You will alienate the people and divide them.

This law is anti-innocent people and anti-peace-living people. Unless you win the confidence of the people living in Jammu and Kashmir, this Act will push the people of that State farther away from you. 'From you' means from the Government of India and from the people of India. So, this Act is not a remedy for the problem Jammu and Kashmir problem. This is not a solution to that problem. We have to talk to them and win their confidence. This Act is only a part of helping us in winning the confidence of the people of Jammu and Kashmir. I do not encourage such a type of Act to be deployed in Jammu and Kashmir.

MR. DEPUTY SPEAKER: I think two Members have given their amendments and they want to make their statements and then allow the Minister to respond on them. Probably, they want that the Minister should request them to withdraw their amendments. Now, I would call Mr. Girdhari Lal Bhargava to be brief. Next speaker will be Mr. Rajendra Agnihotri.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Deputy Speaker, Sir, I will not take much time. I would like to give some suggestions. There are no two opinions that the powers now given to the army were very necessary. But they should use these powers in a controlled manner. I would like to submit that terrorism is increasing due to the appeasement policy of the Congress and with the help of local police and encouragement from Pakistan they are creating this

atmosphere there and Hindus are being killed. The civil administration has virtually come to a standstill. Jammu, Kashmir Valley and Ladakh are three different places. The cultural, social and economic imbalance due to the appeasement policy of the Congress Government in Jammu and Kashmir has resulted in the growth of terrorism. I would like to submit that all these three areas should form a strong base for the intermixing of cultures of India. There should be a uniform cultural base in these three areas. What will be its result? Cultural exchanges among these three areas will help to restore peace in that region. The second thing is that a residential colony of ex-servicemen should be set up in border areas and in the valley to control the terrorism which is being spread in Kashmir by foreign forces. Setting up of that colony can help in controlling terrorism. The Hindus who are in minority will gain self-confidence. The displaced families can go back to their homes after getting some assistance. I would like to suggest that the Central Government should provide a monthly help of Rs. 500 each displaced family. Their children should be admitted in schools or their bank accounts may be transferred. Vocal assurances only should not be given and they should be rehabilitated. I would like to submit that the State Government has said in a letter dated 3rd March, 1990 that local police is helping the terrorists.

MR. DEPUTY SPEAKER: You should not read out the letter.

SHRI GIRDHARI LAL BHARGAVA: I am submitting my point and after that I will conclude. When the army men nab a terrorist, they have to inform the police. In fact, army should not hand over the terrorists to the local police. The elections are not held in disturbed areas. In Kashmir, it is much better to hold elections, so that democracy could be restored and elections can be held later on in disturbed areas. Today, the hon. President has been conferred powers by the Parliament. I would like to request the hon. President that if we want to encourage cultural, social economic exchanges we have to abrogate Article 370 which is separating

Kashmir from our country. Even the President of India cannot purchase land in Kashmir but a native of Jammu and Kashmir can purchase land anywhere in India. Dr. Shyama Prasad Mukherjee, who was a great patriot, also made a demand in this House that this Article should be abrogated. He scarified his life for it. Kashmir is the crown of India and I would like to make a demand that Article 370 should be abrogated.

I hope that the Government will consider my suggestions and take steps to scrap Article 370 so that the people of J & K state who are living in other parts of the country may be able to go back to their homes. We do not want military rule there. But I would like that the army should be provided full powers to fight against terrorism and they should use it properly to curb terrorism.

SHRI RAJENDRA AGNIHOTRI (Jhansi): Mr. Deputy Speaker, Sir, today the question of Kashmir is a national issue. So I would like to draw the attention of the hon. Minister towards it. Today, the nationalist forces, in whatever form they exist there, should be protected. Peace should be restored there to send back lakhs of Hindus who have migrated to various places of the country, although they have not migrated voluntarily. The secessionist forces have humiliated them and forced them to leave Kashmir. Therefore, I would like to make this demand again that the issue of their rehabilitation should be considered and it is the responsibility of the Government. The armed forces should be given far more powers. But the armed forces should not misuse these powers and they should not encroach upon the fundamental rights of the citizens. The House will have to discuss this issue some day. It does not matter if we are not discussing it today itself. It is necessary to strengthen nationalist forces in Kashmir for restoring democracy. The Article 370 should be abrogated to boost the morale of patriotic people of India. You will have to consider it in future. (Interruptions)

[Translation]

MR. DEPUTY SPEAKER: You will get opportunity some other item, please sit down.

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): Mr. Deputy Speaker, Sir, today a discussion on the issue of Kashmir took place in the House and several Members gave various suggestions. A number of things were discussed in regard to the policy of the Central Government and the State Government. The best thing is that everybody recalled the days of 1947 in Kashmir. It is true that as per the prevailing atmosphere of the country 'two nation theory' of Muslim league was largely discussed among the Muslims and the people of Kashmir rejected their concept and acceded to India. In the real sense Mohammad Ali Jinnah's two nation theory received a major set back and it is also true that all the secular forces acted as a shield in the sense that they propagated secularism in the state where Muslims were in majority and met the challenge posed by Pakistani forces. Actually, when we talk of mistakes it is said that unfortunately the things were mishandled. The leading light of our independence movement in Kashmir was Sheikh Mohammad Abdullah who lead the struggle and mooted secular socialist concept. In 1953 during the tenure of Pt. Jawahar Lal Nehru. There was considerable misunderstanding between the Central Government and Sheikh Abdullah which caused a major set back to this concept. In the circumstances prevailing all over the valley all those who talked of secularism, supported concept of strengthening the relationship between India and Kashmir and they refused to accept Shri Jinnah's two nation concept. Shiekh Abdullah was put behind the bars. Kashmir remained extremely turbulent from 1953 to 1975. Political uncertainty prevailed throughout the state during this period. My friends talk of giving special position to the state. In those days everybody was not involved in it in the real sense Democratic process is very much in practice there whenever Assembly elections or Panchayat elections are held. The leaders like

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Sheikh Abdullah and Mirza Afzal Beg of the largest and old National Conference Party were in the prison. It is very much essential to refer to it. A turning point took place in the history of Kashmir in 1975, and Sheikh Abdullah returned to the mainstream and retained the position successfully for a pretty long time. It enabled the National Conference Government to remain in power for a considerable period. Elections were held in 1977, and Sheikh Abdullah won the elections. It was said that the sweeping majority given to them by the people proved that the decision taken in 1947 was right. Shri Chidambaram pointed towards us. My submission is that from 1977 to 1987 Congress remained in the opposition and in the election held in 1983 they got two seats. But in Kashmir Valley they swept more than thirty per cent votes whereas Jamaat-e-Islami and other parties lagged far behind and could secure only third position. In 1986 an accord was signed. Earlier too in 1975 an accord was signed with Sheikh Abdullah when Congress legislature Party enjoyed majority in Assembly. Sheikh Abdullah was elected Chief Minister with our support. His Government retained power for two years. In 1977 he won the vote of confidence. But nobody knows what accord was signed in 1987. There are differences between the National Conference and the Congress. Both the parties had nationalist approach. But this did happen. Neither any worker knew it nor any explanation was given to people for this. When Farooq Abdullah who was known to be totally against the Congress and had been its critic for long, suddenly started speaking in favour of the same party, people suspected that he might have compromised for the sake of power. The Congressmen who had been struggling thought that they were being used as tools. In the elections held in 1987 in the valley, Congress was no more a nationalist party in the opposition. All the fundamentalist forces like Jamaat-e-Islami and the anti-National forces contested the elections and that too in all the constituencies. At some places irregularities were committed and complaints were received to

this effect. I do not deny that if fair elections had been held, that alliance would have got the majority. This is a fact. But everybody knows what atmosphere prevailed in Kashmir after that. I do not want to get myself involved in the dispute as to who responsible for it. Even in 1986-87 the prevailing atmosphere was not very cordial. I would only like to point out that in 1983 National Conference got 50 per cent votes whereas the Congress got merely 30 per cent and in the Parliamentary elections not more than two per cent people supported the Congress. What is the meaning of all this, how this happened? How people were alienated from the Congress so much? The situation in Assam is an example before us. A.G.P. is in power there, the Chief Minister also belongs to the same party. But the problem there is of other kind of vacillation. If no action is taken and people are allowed to do whatever they like then there is no question of any reaction.

In the action plan prepared by General Zia's Government Pakistan did not accept that Kashmir would remain a part of India. Action plan refers to the imposition of emergency in Kashmir. I would like to present before you the statistical figures of how the situation in the valley aggravated. It is not an insignificant matter. Pakistan is fighting a proxy war in Kashmir. I can provide you confirmed information as to what preparations have already been made and how much preparations are still being made. We will have to view the situation in proper context. When President's rule was imposed there an all party delegation went there and the leader of the opposition Shri Rajiv Gandhi was one of the members of this delegation. He knows that people standing on roofs in mosques and in processions were raising slogans for independence. Nobody came to know about it. The report submitted to Central Government by the Governor reveals that the administration in the valley collapsed totally, the previous Government also must have received the report. No action used to be taken against anybody. And when action was taken it was evident that reaction would take place. People talk of political process, but there is no question of minority there. It is

not the question of the Kashmiri Pandits who are the residents of the valley. Most of the nationalists residing there have either shifted to Jammu or a large number of them have come to Delhi and very few are willing to return. Even in 1953 also, when Sheikh Mohammad Abdullah was arrested people, were alienated. But at that time the threat of gun was not there, I would like to make it clear that in the history of Kashmir, this culture of threat of gun is quite a new thing for that region. So far as my information goes, the people belonging to National Conference, whether they are in villages or in towns, have not lost their integrity and they are free to go with any party, whether it National Conference or Congress.

17.00 hrs.

They think that it is a conspiracy to destroy Kashmir. During the regime of Shri Rajiv Gandhi I was the Minister of Tourism. It there is any beautiful place in the world, it is Kashmir. I have visited Switzerland also, but if there is any beautiful place in this world, it is Kashmir.

[English]

As a destination for tourists.

[Translation]

A conspiracy is being hatched to destroy it. Now the situation is not normal there.

Sir, some people make a mention of the conduct of some local officers and ask as to why they don't come forward to deal with the situation? I have seen that during my tenure, the Deputy Commissioners in that state were not willing to sign the warrant for the arrest of some persons. They used to say that it was not their duty. I know as to what has been the role of the local police and the administration. I would like to congratulate Shri Jagmohan for his efforts, because when he went there, the situation in Jammu and Kashmir was very bad and one required a lot of courage to deal with that kind of situation. He formed a nucleus to fight against the mili-

tants and made them weak. But unfortunately, Maulvi Farukh, who didn't believe in extremism and used to support Muslims as well as the Hindus and who had also said that they were conspiring to kill him, had been killed. It can be verified from his relatives that efforts are being made to arrest and identify his killers. It is being said that the C.R.P. behaved in a responsible manner as the keep away from the mourning procession. Earlier, his son had objected to the presence of police in the mourning procession. But he was persuaded.

Sir, according to our information, there are about 4 to 5 thousand persons, who have been imparted training in about 80 training camps in Pakistan. There infiltration points have been sealed, so they are now staying in some villages near the Pakistan border. They have also protected as they have been waiting there for the last 10 to 12 days. They have asked for cover. It has become clear from the arms and ammunitions recovered by our Army that

[English]

It may be a fact.

[Translation]

Nearly 603 infiltrator have been arrested and 197 others have been killed in the encounters, in which even some of our defence personnel have lost their lives. Following is the detail of the arms and ammunition recovered from them—74171 No. of LMG, GP, MG 17 and AK 47, 108 Pistols and revolvers, 13 rocket launchers, 80 guns, 672 grenades, 262 AP, 31 Anti-tank missiles and 30 thousand ammunition. Some ammunition have been recovered by the Incharge of International Security Force. It appears that Pakistan was planning to create a situation of insurgency in Kashmir and it could go out of the control of our forces. It was said that our Army was attacked. The army Jawan does not know as to where and when firing will be opened or they will be ambushed. He is trained only to deal with the situation after the other side has fired. Such a situation was

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created in that area. Later on, there was some information about the militants in some areas but they were asked to wait for the opportune moment. We recovered 27 nos. of AK rifles from an arm's dump. They had planned to create such a situation in Kashmir which could not be controlled by our Government. We can say that their plan was to attack. That might be their intention. I also feel agitated. I have devoted my whole life for that state. I had come in politics in 1959. I have always been loyal to my country and never spoke in favour of Pakistan. But I never want that atrocities are committed on the people of Kashmir. However, my friend Shri Inderjit has said that so many people have been killed. Shiekh Mansoor, Gulam Ali, Gulam Mustafa Mir and a confectioner (Halwai) has been killed. Similarly, a large number of women have been killed. Shri Handoo was also saying how a lady doctor and a headmistress were strangulated to death. I wish these persons who talk of human rights, would have ever condemned the killings of their own party members? Whosoever is doing wrong, whether they are the terrorists or personnel of our forces, they should be condemned. This campaign of disinformation is to demoralise our forces. I know the conditions in which our security forces are working in Kashmir. Fire was opened on them while they were sitting on their picket in extreme cold. Everyday 10 to 12 persons are being killed in ambush. Five of our B.S.F. Jawans were ambushed in Sopore and were killed, as they could not make counter-attack. In Srinagar, our forces were attacked by rockets but they exercise a lot of restraint on their part. There may be some instances when they might have committed some mistakes. This campaign has been launched just to demoralise our forces. B.B.C. also exaggerates small or fake incidents. Once, two-three women were brought before the correspondents of B.B.C, who had alleged that they had been raped. But while interviewing those women, the interviewer became sure that it was false case and so he decided not to take that interview. So this campaign or disinforma-

tion is being launched against our security forces. I have such reports. It is the duty of the persons, working in intelligence, to give correction information. I will tell you how many persons have been killed by the terrorists and how many of them have died in the cross firing of the security forces.

This year the militants have so far killed 389 people including 53 Government employees, 76 security personnel and 260 others. Apart from this, a total of 329 people were killed in cross firings. Though some sources put the number of killed, in thousands, I would like to say that it is untrue and baseless.

Mr. Khurana correctly said that during the Governorship of Shri Jagmohan, it was decided to give a compensation of one lakh rupees to the kith and kin of those killed and also to provide employment to their dependents. There are complaints about a disinformation campaign in this regard also. It is true that some police personnel are involved in it. It was alleged that many people were killed, but at the moment, I don't want to go into the details.

Apart from this, in the past few months, 501 AK 47 rifles have been seized. Earlier Seizure in such large quantities of AK-47 rifles were made only in Punjab one or two years ago.

[English]

You can just understand the magnitude.

[Translation]

The present situation in the valley indicates that the people of Kashmir are fed up with it. Such an atmosphere has developed in the East European Countries also. The policy of liberalisation initiated by Soviet leader Mikhail Gorbachev inspired the people of those countries to launch mass movements and take out processions in support of freedom and liberalisation and after few days, they became free. This has happened in many countries including Romania.

Our Prime Minister has been reiterating that we will provide security to the people of Kashmir, to the best of our abilities. To provide safety and security to the people of Kashmir and to safeguard their interests, the Central Government will do whatever is possible within its limits. All the resources at our disposal has been kept aside for this purpose. We are trying our level best to check infiltration from across the border. Our Prime Minister is constantly monitoring the situation there. We have made it crystal clear to the whole world and the people of Kashmir that

[English]

Kashmir will remain an integral part of India.

[Translation]

and any compromise in this regard is ruled out. It has also been made clear to the militants that they won't achieve anything, at the point of bayonet. We are citizens of a democratic country. It want to ask those who are critical of the Disturbed Areas Act, whether they have ever lived in Nagaland and Mizoram. We have a dynamic force in our system.

[English]

We are democratic country. We want to solve the problems through dialogue.

[Translation]

We would never hold talks with those terrorists who believe in achieving their goals, at the point of bayonet. There cannot be any questions regarding it and we categorically rule it out.

There are a large number of artisans in Kashmir and carpet-weaving and Paper Mache work are their specialities. Their craftsmanship is world-renowned, but unfortunately, there are not buyers for their exquisite products today. We have made arrangements to bring dry fruits from Kashmir which

too is equally popular. There are other problems too. Tourist traffic to the State is nil and those who depended on tourism for a living have been lying idle since the past two years. Earlier, whenever someone was killed in Police firing or extremist violence, people refused to take the compensation offered by the Government saying that they don't need it. They had that much confidence in themselves and their brethren, but today the situation has changed. Sympathy and fellow feeling are no more there. If people observe 'Hartals' responding to calls given by the militants, it is not because they support the latter, rather they do so out of fear. You may go to any village or town in Kashmir and you will find that the younger generation, both boys and girls are not only educated but they all have a modern outlook too. The people are really fed up with the present situation. Actually, a 'craze for freedom' swept across the valley, but now they have realized their folly and that craze has died down considerably and the state administration has achieved a lot in this regard. Earlier, the whole intelligence network was in a disarray but now I would like to tell you that the recent nabbing of the top J.K.L.F. brass in Srinagar and that of other militants belonging to secessionist organisations like Hizb-e-Mujahideen were on the basis of Specific information received from intelligence agencies. Earlier, the security forces used to act on the basis of information received from general sources. Moreover, the present Governor has taken a very positive step. He has constituted a Screening Committee to oversee the release of innocent people caught by the security forces during their combing operations. His policy is very clear in this regard. I won't hesitate to say here that the co-ordination among the various forces in Kashmir is much better and more effective than in Punjab and to a great extent militancy and terrorism are under check in the State. This is indeed gratifying. Shri Jaswant Singh correctly observed that the

[English]

Army should be above board. The role of Army in Kashmir has been commendable.

[Sh. Mufti Mohammad Sayeed]

[English]

[Translation]

In the past forty years, I have toured the border districts at Rajouri and Poonch many times, and I have always found that the Army and the local people shared a congenial relationship. I am yet to come across a single instance, where the Army has been blamed for excesses or high handedness. I want to place it on the records. Can anyone bring to my notice, a single complaint of such nature? On the contrary, the Army has been catering to the educational and medical needs and necessities of the people, but one... (Interruptions) and if anyone challenges me regarding it, the role of the Army, I can categorically state here that the Army has played a commendable role in Jammu and Kashmir since 1947. Their conduct and relations with the people of the State can at best be described only as excellent. The charges levelled by Shri Piyare Lal Handoo that about 900 people were caught and killed may be true. It is very unfortunate. It is also true that whenever such incidents took place anywhere in the State, we never tried to cover it up. If some Border Security Force Jawans had committed some excesses, you see

[English]

To err is human.

[Translation]

You just can't condemn the entire force for it. I will give you complete details regarding such castes. We have taken necessary action, whenever such cases were brought to our notice. The number of registered criminal cases, in which inquiries etc, have also been ordered stands at 32. 22 such cases to which you were referring, were reported from Srinagar. The others are as follows. Three in Pulwama, two in Baramulla, four in Anantnag and one in Badgam.

The number of cases involving inquiries which are at the various stages of completion as per information received by Army is just 18, number of security personnel killed - 76, BSF 20, CPRF-24, rest JK Police and other forces.

[Translation]

With regard to Shri Chidambaram's reference to the report of the Human Rights Organisation, I would like to say that we too are concerned about it, but what is unfortunate is that no one felt it necessary to ascertain the views of those whose near and dear ones were killed by the militants. Now it has become the modus operandi of the militants to launch attacks on the security forces by using women as a protective wall. However, let me assure you that despite all such provocative actions on the part of militants, we are determined to punish those security personnel who are found guilty of committing excesses. We are not going to shirk from our responsibility by making an excuse that all these allegations of excesses are part of the disinformation campaign launched by the militants to demoralize our forces deployed there. The officers who are being posted there too are optimistic about it. We are sure that one day Kashmir will reclaim its position as the crown of India.

[English]

Kashmir is a crown of India and it will remain a crown of India.

[Translation]

I have no doubts in my mind when I say that both Kashmir and the people of Kashmir shall remain with India. I would also like to draw your attention towards the fact that we have been able to make good case with the necessary evidence against the militants and these cases have also been duly registered. The assassins of Maulvi Farooq have been identified, we hope to nab them soon. (Interruptions)

[English]

SHRI PIYARE LAL HANDOO: Can you tell us whether the two cases earlier registered in January, 1990 against terrorists or against alleged excesses by the Army have been referred to the Court or not? If so, where?

[Translation]

SHRI MUFTI MOHAMMAD SAYEED: The people in the rest of the country have always admired and felicitated Kashmir is for the common culture and the strong bonds of love and goodwill that existed between the various communities of the state. When human values lost their ground in the rest of the country, Secularism in Kashmir stood out as a shining example beckoning all countrymen to rally around those noble values. Despite the existence of such a strong tradition of brotherhood, it is most unfortunate that our Kashmiri Pandit brethren were forced to flee the valley, because of the insecure conditions prevailing over there. The other people in the State are very much distressed over this development and both the State and Central Governments are concerned about it. We have the following information about the total number of people who have migrated from the valley. Cash-assistance has been given to 26480 people (Interruptions)

[English]

Number of families received free ration—46,589; families provided with accommodation by J&K Government in thirty-one camps—5,128. The facilities provided are financial assistance, subject to be maximum of Rs. 1,000 per month per family; ration items like sugar, edible oil, tea, etc. Orders have been issued for opening of Fair Price Shops in all these areas. In Delhi, the total number of migrant families registered is 11,392 and the number of families accommodated in camps is 349. Three camps with accommodation for 150 families have been set up recently but only 49 families have taken shelter in these camps. Dry ration is

being supplied to those living in camps. The total number of families who have received financial assistance is about 5,560 others have not come forward... (Interruptions).

[Translation]

SHRI L.K. ADVANI (New Delhi): What is the amount?

SHRI MUFTI MOHAMMAD SAYEED: Amount is less, it is Rs. 500 only.

SHRI L.K. ADVANI: Is this amount of Rs. 500/- for one time only?

SHRI MUFTI MOHAMMAD SAYEED: Yes. (Interruptions)

Secondly, all the students who were studying in various medical, engineering or other institutions have been provided the facility of getting admission in various institutions here. The students of Jammu Medical College are also included in it.

Similarly, there are cases of pensions of Central Government employees. Some students of Jhelum Medical College, which is a private medical college have been left but they would also be accommodated after today's consultations with Indian Medical Council and the hon. Health Minister... (Interruptions)...

PROF. RASA SINGH RAWAT (Ajmer): Mr. Deputy Speaker, Sir, the persons who have migrated here from Srinagar had deposited money in the post offices there. Now they are not being given a single penny even after presenting their respective pass books. They are not getting adequate Government assistance in this regard. Therefore, directions should be issued to the post offices to provide them this reimbursement facility here... (Interruptions)...

SHRI MUFTI MOHAMMAD SAYEED: 431 students of Srinagar Medical College have been given admission in various other colleges. Similarly 125 graduates and 27 post graduates have also been accommo-

[Sh. Mufti Mohammad Sayeed]

dated in various other colleges. Besides, some provisions have been made for the students of agriculture and polytechnic colleges etc.

Similar orders have been given about the transfer of all the employees of Kashmir, irrespective of institutions, including the banks, insurance corporations or Central Government departments. (*Interruptions*)

SHRIMATI SUBHASHINI ALI (Kanpur): I have come to know that Jamia Milia University has issued a circular according to which the affected students would be given admission by relating the rules. I would like to say only this that the Aligarh University should also issue similar circular in regard to admission of the Kashmiri students.

SHRI MUFTI MOHAMMAD SAYEED: Yes, in Jamia Milia it has been done and the Aligarh University would also be contacted.

SHRI L.K. ADVANI: Just now you have referred to the employees; what about H.M.T. employees? It is being said that they would be demoted.

SHRI MUFTI MOHAMMAD SAYEED: That has also been finalised. I had called the Chairman and other officials from Bangalore. In Srinagar about 600 employees were working and 400 of them have come here. The issue regarding their pay has been resolved and in whichever institutions they would be sent, they would be given the same grade which they had been getting here. At this, the officials are saying that the local workers would not accept it. They can work here temporarily with full pay protection and same status but the union's people insist that they should not be given the same grade.

SHRI L.K. ADVANI: Mr. Deputy Speaker, the people have been staying here for a long time, and they have not been given salary since the month of April. They have been told that they could go and serve any where after being demoted. This is the situ-

ation. I would like the Government to intervene and take necessary steps to end their hunger strike. (*Interruptions*)

MR. DEPUTY SPEAKER: Shri Dinesh Singh.

AN HONOURABLE MEMBER: I had gone to Jammu. (*Interruptions*)

MR. DEPUTY SPEAKER: Mr. Honourable Member, please take your seat. I have called Shri Dinesh Singh to speak.

SHRI DINESH SINGH (Pratapgarh): Mr. Deputy Speaker, just now the hon. Minister of Home Affairs was enumerating the measures taken by Government to resettle the people who have migrated from Kashmir valley and are living as refugees in Delhi or Jammu. Yesterday I had told the Home Minister that by making these arrangements Government was in a sense fulfilling the wishes of terrorists. This is what they want. Why don't you set up these camps in Kashmir itself? By taking them out from there you are acting as per their pernicious designs. If you go on giving these ousted people Rs. 500 or Rs. 1000, you would turn the valley into Pakistan. What are you doing in this regard? (*Interruptions*)

[*English*]

SHRI DHARM PAL SHARMA (Udhampur): Mr. Deputy-Speaker, Sir, he has not replied to our points.

MR. DEPUTY-SPEAKER: Mr. Sharma, please take your seat. Now, Mr. Jaswant Singh, you will only speak on the points concerning your Resolution, because there is no time.

SHRI JASWANT SINGH (Jodhpur): I will only speak on those points. But what he says will be counted as interruptions.

SHRI DHARM PAL SHARMA: Sir, he has not replied to the points raised by me. In Jammu & Kashmir people's lives are in danger. They should be protected.

(Interruptions)

MR. DEPUTY SPEAKER: Mr. Sharma, please take your seat. I have not permitted you to speak.

SHRI DHARM PAL SHARMA: Sir, he has not said anything about the points raised.....

MR. DEPUTY SPEAKER: Mr. Sharma, this is not going on record.

(Interruptions)*

MR. DEPUTY-SPEAKER: Mr. Sharma, please take your seat.

SHRI DHARAM PAL SHARMA: Sir, the people of Kashmir...

MR. DEPUTY-SPEAKER: This will not go on record.

(Interruptions)*

MR. DEPUTY SPEAKER: Mr. Lokanath Coudhury, please take your seat.

(Interruptions)

MR. DEPUTY-SPEAKER: No, please. I am standing, you are speaking I am not allowing. It is not going on record.

(Interruptions)*

SHRI DHARAM PAL SHARMA: We are here to represent the people.

SHRI JASWANT SINGH: Mr. Deputy-Speaker, Sir, I will indeed start as soon as the interruptions end. It is customary... (Interruptions)

SHRI DINESH SINGH: Mr. Deputy-Speaker, Sir, it is a genuine clarification. It should be allowed.

SHRI JASWANT SINGH: I shall be brief,

despite...

(Interruptions)

SHRI DINESH SINGH: These are the clarifications which the hon. Members who participated are asking. I don't know what is your hurry, where do you want to go. Why don't you allow them to ask the clarifications? It is a normal practice. (Interruptions). What is the harm in allowing them to ask clarifications?

MR. DEPUTY SPEAKER: Mr. Dinesh Singhji, you will appreciate very much that when you were not in the House, I have allowed Members to speak for 20 minutes each. If he had any point, he could have made that point. Later on, if every Member wants to get up and speak, I cannot allow that.

(Interruptions)

SHRI DINESH SINGH: Suppose if I were not here yesterday, I have a right to ask a clarification. That is what it should be.

MR. DEPUTY SPEAKER: I cannot compel the Minister to reply.

SHRI DHARAM PAL SHARMA: I had raised a point that our lives are in danger. People should be protected. (Interruptions)

SHRI VASANT SATHE: Should the Home Minister not assure that he will protect them? Could you not assure that much?

[Translation]

You are giving protection to one particular political leader. What about other leaders. (Interruptions)

[English]

MR. DEPUTY SPEAKER: Mr. Minister, are you not going to say that you will protect them?

SHRI MUFTI MOHAMMAD SAYEED:
Yes. (*Interruptions*) That is our responsibility. (*Interruptions*)

SHRI JASWANT SINGH: Mr. Deputy-Speaker, Sir, it is customary at this stage of the debate to thank all the Members who have participated in the discussion and accordingly to fulfil that custom, I thank all the Members (*Interruptions*) including him.

Sir, I am given to understand that...

MR. DEPUTY SPEAKER: I think you have also supported the Resolution.

SHRI JASWANT SINGH: Yes, I support it. Despite the fact that they tell us that the focus of contending arguments appears to be divergent, I hold, Sir, that our basic concern about Kashmir is shared by the entire House. It is common to all of us, there might be differences on emphasis or approach—there is no difference of emphasis or approach, accent perhaps might be different, and I am very grateful to all the hon. Members who have participated in the discussion. Sir, I am told and it is commonly shared that democracy is said to be governance through discussion. Now, if democracy is to be governance through discussion, then some of us have to stop talking and as has been demonstrated over the last few days by some sections of the House, some of us merit vasectomy of the vocal chords. (*Interruptions*) So, all the points have been raised. (*Interruptions*) I will take up just one or two aspects. (*Interruptions*)

Sir, I wish to conclude, I do not want to repeat the points about the Indian citizens having to live out of their homes. The hon. Member from Kashmir asked, as to what is the message that I have for the people of Kashmir. It is a very simple message that Kashmir is a part of India.

MR. DEPUTY SPEAKER: That is not your resolution. Your resolution is for disapproval.

SHRI JASWANT SINGH: I will not go

into that. I will conclude now. As the gravity of the situation in Jammu and Kashmir, which I have explained, and which the entire House shared, far outweighs the objections that raised about the technicalities of the Ordinance proper, I seek permission to withdraw my resolution.

MR. DEPUTY SPEAKER: Is it the pleasure of the house that the Resolution moved by Shri Jaswant Singh be withdrawn?

SEVERAL HON. MEMBERS: Yes.

The Resolution was, by leave, withdrawn

MR. DEPUTY-SPEAKER: Now, I shall put the Resolution moved by Shri Mufti Mohammad Sayeed to the vote of the House.

The question is:

"That this House approves the proclamation issued by the President on the 18th July, 1990 under Article 356 of the Constitution in relation to the State of Jammu and Kashmir."

The motion was adopted

MR. DEPUTY SPEAKER: The House shall now take up the motion for consideration of the Bill. There are three amendments to the motion for consideration by Shri Girdhari Lal Bhargava, Shri Piyare Lal Handoo and Shri Rajendra Agnihotri. Are they pressing their amendments?

SHRIGIRDHARI LAL BHARGAVA: Sir, I seek leave of the House to withdraw my amendment.

MR. DEPUTY-SPEAKER: Is it the pleasure of the House that the amendment moved by Shri Girdhari Lal Bhargava be withdrawn?

SEVERAL HON. MEMBERS: Yes

Amendment No. 1 was, by leave, withdrawn

SHRI PIYARE LAL HANDOO: Sir, I

seek leave of the House to withdraw my amendment.

MR. DEPUTY SPEAKER: Is it the pleasure of the House that the amendment moved by Shri Piyare Lal Handoo be withdrawn?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 17 was, by leave, withdrawn

SHRI RAJENDRA AGNIHOTRI (Jhansi): Sir, I seek leave of the house to withdraw my amendment.

MR. DEPUTY SPEAKER: Is it the pleasure of the House that the amendment moved by Shri Rajendra Agnihotri be withdrawn?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 18 was, by leave, withdrawn

MR. DEPUTY SPEAKER: I shall now put the motion for consideration of the Bill to the vote of the House.

The question is:

"That the Bill to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Jammu and Kashmir, be taken into consideration."

The motion was adopted

MR. DEPUTY SPEAKER: The House shall now take up Clause-by-Clause consideration of the Bill.

Clause 2

Definitions

SHRI PIYARE LAL HANDOO: Sir, I beg to move:

page 1, lines 9 to 11,—

for "and the air forces operating as land forces and includes any other armed forces of the Union so operating"

substitute "operating as land forces" (5)

Page 2, line 2,—

omit "the Air Force Act, 1950, or," (6)

Page 2, line 3,—

for "respectively assigned to them in those Acts" *substitute* "assigned to it in that Act" (7)

MR. DEPUTY SPEAKER: There are so many amendments and you have already spoken.

SHRI PIYARE LAL HANDOO: I am not withdrawing my amendment. The Home Minister must consider it. He is giving special powers to the armed forces as defined in the Army Act. Do not include the Air Force in it.

MR. DEPUTY-SPEAKER: Now I put amendment Nos. 5,6 and 7 moved by Shri P.L. Handoo to the vote of the House.

Amendments Nos. 5,6 and 7 were put and negatived

MR. DEPUTY-SPEAKER: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted

Clause 2 was added to the Bill

Clause 3

Power to declare areas to be disturbed areas

MR. DEPUTY SPEAKER: Shri P.L. Handoo. Do you want to move amendments?

SHRI PIYARE LAL HANDOO: Yes, Sir.

I beg to move:

[Sh. Piyare Lal Handoo]

Page 2,—

for lines 8 to 18, substitute—

"activities involving terrorist acts directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, Indian National Anthem and the Constitution of India,"

I beg to move:

Page 2,

after line 21, insert—

"Provided that no notification shall be operative after lapse of six months after it is issued." (9)

What we have been speaking so far was about Kashmir and Kashmir situation. This amendment which I have moved in fore-grouping of clauses (a) and (b). There is a clause which had been introduced by use of article 370, Mr. Mufti may kindly remember, during the defector-Government of 1985. No Kashmir is will pardon you for having incorporated it into this Act. I am only to make it convenient for Mufti Saheb for re-grouping the clauses and removing some of the portion.

MR. DEPUTY SPEAKER: Each and every Member in the House has approved the resolution and the Bill. By and large, there is an agreement on this. I did not find any dissenting voice on this Bill.

SHRI PIYARE LAL HANDOO: I want to abide by what you say. If you do not even permit me to make introductory word, I would sit down. Let the posterity know that somebody made an effort to being a correct situation before you through an amendment.

This is something which the House must take notice of.

Earlier, I did not refer to this at all in my submission. Now I have temptation to speak on it because Mufti Saheb has made a very brilliant speech today. I must give 100% marks for him. For once in his life, he has come face to face with the truth and that is when he today talked about 1953 and Sheikh Saheb's arrest. Kindly recognise that one of the reasons for those developments was the application of Article 356 to Jammu & Kashmir. That is number one.

Application of Entry 97 of the Union to the State of Jammu & Kashmir was the second reason.

I will only remind you that even after Sheikh Saheb's arrest in 1953, Article 356 and Entry 97 were not made applicable to the State of Jammu & Kashmir when Constitution Application Order was issued on 14th May, 1954 upholding the view that Sheikh Saheb had held. That is, that Article 356 was not made applicable to Jammu & Kashmir State nor was Entry 97. What was done later? If you remember, during defector's government of 1985, by Order of the President, modified Entry 97 was made applicable for two things. I have grouped them together.

MR. DEPUTY SPEAKER: I will not allow any more. It is not correct.

SHRI PIYARE LAL HANDOO: I want the army to be used according to this Act only if it is to be used against the forces working against the integrity of the country, the honour of the national flag and the unity of the country. If people are waging a war against their own local government for a change, this Act should not be used. You are doing such a thinking which has not been done even in British days. You should not use the army so lightly. If I am against the Central Government even on sedition, use of the army should not be permitted. If I am working against the integrity of the country, against the honour of the national flag, against na-

tional unity, such use can be permitted. That is the crux of the amendment.

I am moving this amendment to show that what has been done without the consent of the people of Kashmir should not be made use of.

MR. DEPUTY SPEAKER: I shall now put amendments No. 8 and 9 to Clause 3 to the vote of the House.

Amendment Nos. 8 to 9 were put and negatived

MR. DEPUTY SPEAKER: The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill

Clause 4

Special Powers of the Armed Forces

SHRI PIYARE LAL HANDOO: I beg to move:

Page 2 line 28—

for "if he is of opinion that it is necessary so to do"

substitute—

"when called upon by a Magistrate or an officer not below the rank of Collector II Class or Inspector of Police" (10)

Page 2, line 36,—

for "if he is of opinion that it is necessary so to do",

substitute—

"if called upon by a Magistrate or an officer not below the rank of Collector II Class or an Inspector of Police" (11)

page 2 line 42,—

for "without warrant"

substitute—

"when a warrant is issued by competent authority" (12)

Page 2, line 46—

for "without warrant" substitute—

"when called upon by a Magistrate or Police Officer not below the rank of an Inspector of Police" (13)

Page 3, line 4—

for "stop", *substitute—*

"when called upon by a Magistrate or an officer not below the rank of Collector II Class or Inspector of Police stop." (14)

In respect of Kashmir, no notification issued declaring some area as disturbed area should last for more than six months.

MR. DEPUTY-SPEAKER: I shall now put amendment Nos. 10 to 14 to Clause 4 to the vote of the House.

Amendments Nos. 10 to 14 were put and negatived

MR. DEPUTY SPEAKER: The question is:

"That Clause 4 stand part of the Bill."

The motion was adopted

Clause 4 was added to the Bill

MR. DEPUTY SPEAKER: There is no amendment to Clause 5. Now, the question is:

"That Clause 5 stand part of the Bill."

The motion was adopted

Clause 5 was added to the Bill

Clause 6

*Arrested persons and seized property to
be made over to the police*

MR. DEPUTY SPEAKER: Shri Piyare Lal Handoo has suggested amendment to Clause 6.

SHRI PIYARE LAL HANDOO: Sir, I beg to move:

Page 3, lines 19 and 20—

for "with the lease possible delay" substitute—

"within forty-eight hours" (15)

Give him the duty to inform a Magistrate, instead of "as soon as possible", make it "within twenty four hours", as suggested by me.

MR. DEPUTY SPEAKER: I shall now put the amendment No. 15, moved by Shri Piyare Lal Handoo to the vote of the House.

Amendment No. 15 was put and negatived

MR. DEPUTY SPEAKER: The question is:

"That Clause 6 stand part of the Bill".

The motion was adopted

Clause 6 was added to the Bill

MR. DEPUTY-SPEAKER: There are no amendments to Clauses 7 and 8. So, I put them to the vote of the House.

The question is:

"That Clauses 7 and 8 stand part of the Bill."

The motion was adopted

Clause 7 and 8 were added to the Bill

MR. DEPUTY SPEAKER: The question is:

"That Clause 1, the Enacting Formula and the Long Title stand part of the Bill.

The motion was adopted

Clause 1, the Enacting Formula and the Long Title were added to the Bill

SHRI MUFTI MOHAMMAD SAYEED: Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill be passed."

[English]

SHRI DHARAM PAL SHARMA: Sir, I want to say only one thing.

MR. DEPUTY SPEAKER: You have not given any notice. Shri Harish Rawat.

[Translation]

SHRI HARISH RAWAT (Almora): Hon. Deputy Speaker, the House has discussed it in detail and as far as the question of implementing it strictly is concerned. We will support it but at the same time you should assure us that such a step would help in solving the Kashmiri problem and bringing peace there so that Kashmiri can take part in the development of the country in the same way as it was earlier.

Hon. Deputy Speaker, Sir, I have listened to the speech of hon. Minister of Home Affairs with rapt attention. (Interruptions)

[English]

Mr. DEPUTY-SPEAKER: Mr. Harish Rawat, please hear me.

SHRI HARISH RAWAT: I am coming to

541 *Stat. Res. re. Apprvl. of SRAVANA 30, 1912 (SAKA) Prasar Bharati (Broad. 542*
President's Proc. re. J & K Stat. Res. Corpn. of India) Bill
re. Disapprvl. of Armed Forces (J & K)
Spl. Powers ord. and Armed Forces
(J & K) Spl. Powers Bill

my point. I am only speaking on the technical aspects of the Bill. I am coming to my point. (Interruptions)

MR. DEPUTY-SPEAKER: Please hear what I have to say. I am reading out the rule for your information.

(Interruptions)

SHRI HARISH RAWAT: I am speaking on the technical aspects of the Bill. You need not quote the rule.

MR. DEPUTY SPEAKER: Why?

SHRI HARISH RAWAT: I know that. I understand what you are saying. The point is that Clause 2 has already been passed by this House.

(Interruptions)

[Translation]

But a particular point has been raised in it. I praise the hon. Minister for the nationalist tone and emotion in his speech. I appreciate his sense of grief. But he has said that we should not doubt the credibility of our armed forces. They have done commendable work right since 1947 and the entire House acclaims it. We firmly believe that they would use the powers given to them. With a sense of responsibility.

18.00 hrs.

The Hon. Minister of Home Affairs should not have said that some people are suspecting or criticising him. No one has levelled any charge against him. I would like to clarify that if such allegation has been levelled against someone then it is against the Government not against him. The Government was criticised for having failed to guide the armed forces properly. I hold that it would have been better if you had not raised the question of doubting their credibility.

[English]

MR. DEPUTY SPEAKER: Shri Sontosh Mohan Dev to speak.

SHRI SONTOSH MOHANDEV (Tripura West): My point has been covered. Hence, I do not want to speak.

MR. DEPUTY SPEAKER: Mr. Minister, would you like to say something?

SHRI MUFTI MOHAMMAD SAYEED: No, Sir.

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted

18.00 hrs.

BUSINESS ADVISORY COMMITTEE

Fifteenth Report

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF TOURISM (SHRI SATYA PAL MALIK): I beg to present the Fifteenth Report of the Business Advisory Committee.

PRASAR BHARATI (BROADCASTING CORPORATION OF INDIA) BILL

[English]

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): I beg to move: