

of the House towards the serious problem facing a scheme known as Kalindri Navigation lock-gate under the Farakka Barrage Project which is valued as Rs. 360 lakhs. The construction of the scheme is under the supervision of the Farakka Barrage Project authority. The scheme has been handed over to private contractors. While 50 per cent of the work has been completed, a very big crack has been detected on the 5th block in the middle of the lock-gate which may cause the collapse of the entire construction during the rainy season. It is learnt that there was no proper sheet piling at the bottom of the foundation which is believed to be the cause for this serious crack. It is needless to mention that this crack has developed either due to lack of supervision or due to malpractices by the private contractor or collusion between the two.

I, therefore, demand an immediate impartial investigation into the matter by technical experts in order to fix the responsibility for such a serious mishap and to carry out proper repair work to save this national project and also to save the lives of thousands of villagers of the area.

[*Translation*]

(viii) Need to issue directions to Bharat Photo Film Company to establish a colour photo film unit at Majkhali (Almora), U. P.

SHRI HARISH RAWAT (Almora); Mr. Speaker, Sir, Bharat Photo Film Company has a proposal to establish a Colour Photo Film Unit at Majkhali in Almora district of U. P. during the Sixth Five Year Plan. Despite facilities like cheap land, communications and transport, suitable climate and sufficient water various territorial pressure groups have not allowed the Industry and Planning Ministries to sanction this scheme due to their selfish interests. The industries which were to be started during the last year of the Sixth Plan have not yet been taken up. On the pretext of lack of essential facilities, this project is being delayed

and this is not only an injustice to this backward hilly area but also amounted to the non-fulfilment of the assurance given by the late Prime Minister in Lok Sabha.

I, therefore, request that orders to set up this unit at Majkhali (Almora) be issued to Bharat Photo Film Company immediately.

12.15 hrs.

STATUTORY RESOLUTION  
*re* DISAPPROVAL OF REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE AND REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

[*English*]

MR. DEPUTY SPEAKER : Now we will take up items 12 and 13 together. Prof. Saifuddin Soz to move and speak.

PROF. SAIFUDDIN SOZ (Bara-mulla) : I beg to move :

“This House disapprove of the Representation of the People (Amendment) Ordinance, 1984 (Ordinance No 15 of 1984) promulgated by the President on the 20th November, 1984.”

I rise here to oppose the Ordinance that was issued by the President on 20th November and the same ordinance is now being replaced by a Bill.

I have definite reasons to oppose this Bill because I do not consider this House to be really a House of the People without the representatives of Assam and Punjab. I do not suppose the Commission had any authority to announce elections on 13th November whereas the ordinance was issued by the President on 20th November. That shows that the Commission was in touch on the one hand with the State Government of Assam and on the other, it was in touch with the Central Government

and elections in Assam did not suit either Government. I want to know from the worthy Law Minister why they disrespected the public opinion in the country. People of this country wanted elections in Assam as also in Punjab. So far as Assam is concerned and the Law Minister must know it better—perhaps this is the first Bill he is piloting in this House as Law Minister and so far as Mr. Sen is concerned, I have tremendous amount of respect for his person because he is one of the topmost jurists of our country,—I want to remind him that even the Supreme Court came forward and accepted the election held in Assam in 1983. It was a surprise to us.

But it was easier after that decision for the Central Government and the State Government to hold elections there and the Supreme Court had expected the electoral rolls of 1979 would be revised and one does not understand why the Government of Assam was not prepared to revise the rolls although there was enough time and the Supreme Court also expected that the rolls would be revised before December, 1984.

There was a non-official Commission. I think our hon. Law Minister must be knowing. That non-official Commission was headed by T. U. Mehta and instituted by people who had fought for the liberation of this country and for the emancipation of the people of this country the Freedom Fighters' Association of Assam and attention was paid to the recommendations of this Commission.

Therefore, I feel that the Election Commission of India was taken for a ride or the Election Commission offered itself for a ride by the State Government. The Election Commission is saying that its Notification on 13th November was not a statutory notification. True, but it had the same effect. The entire country knew that elections would be held on a particular date. Why did the Commission choose 13th November for issuing notification,

a week earlier than the Ordinance itself? That is the pertinent question to which I would invite the attention of the Law Minister. As far as Punjab is concerned I feel that much has happened in Punjab. It is not through these pieces of legislation that you can improve the situation in Punjab. There has to be a serious effort made towards restoration of traditional amity between Hindus and Sikhs in Punjab. Let us put an end to the whole atmosphere of bickerings and hatred in Punjab. After the Prime Minister made a statement yesterday in his beautiful speech, one hopes that peace and amity will be restored in Punjab. In the mean while you have debarred the people of Punjab from electing their representatives to this House.

Regarding Punjab I feel, as I spoke in this House earlier, that the Akali Leadership—particularly its leaders like Longowal and Tohra—never talked of terrorism or secessionist slogans like Khalistan. I want to make one point clear in this august House. No body, to which ever party he may belong to, can raise slogans of secessionism and separatism or any other type of slogans against the integrity and unity of India. Such types of persons must be severely dealt with. We cannot tolerate any kind of terrorism or secessionism within the borders of India. But, we must realise that Akali leadership, particularly Longowal and Tohra, never professed terrorism and they never stood for Khalistan. I think our hon. Law Minister must be knowing it better. Only two days ago, Mr. Harkishen Singh Surjeet a veteran communist leader has made a statement that Longowal and Tohra did not oblige Bhindranwalle on Khalistan. He is an honourable citizen of our country, not only an M. P. I know, he is a man of integrity. He is telling us that whatever the present Akali leadership says in Punjab. Longowal and Tohra did not oblige Bhindranwalle when he wanted them to announce Khalistan.

I have received a letter from National Sikh Forum. I think this letter has

been circulated to all M. Ps. This is signed by no other person than Lt. Gen. Jagjit Singh Arora. I will not waste the time of the House by reading the whole letter. I will read only one para. That should create an impression with us that the Akali leadership does not stand for any kind of secessionism. This is from para 3:

“An impression has been allowed to grow that there is a kind of confrontation between the Sikhs and the rest of the country. This is wrong. The Sikhs are very much a part of the nation and any attempt to project them as separatists is misguided as well as unwise. What is more, it is not in the larger interest of the country.”

Sir, one word about our special interest in the Resolution of the Punjab problem. I want to stress this fact as I did a number of times earlier.

It is not just a road that passes through Punjab and Jammu and Kashmir has a supply line through Punjab. I would like to remind the House that it is the life-line connecting Punjab and Jammu & Kashmir. I mean to say that Punjab cannot be isolated from Jammu & Kashmir. Our Tourism is in a shambles and our economy is shattered because of Punjab problem. All people talk of Punjab. But when we speak of Punjab, there is a lot of difference because our economy cannot grow under these conditions. We cannot develop our economy unless there is peace in Punjab.

Mr. Deputy-Speaker, Sir, the representatives of Punjab and Assam have not been allowed to come to this House I therefore oppose this Bill tooth and nail. The spirit behind this Bill may be all right. But without solving the problems of Punjab, this Bill is meaningless and therefore I oppose this Bill.

THE MINISTER OF LAW AND JUSTICE (SHRI A.K. SEN): I beg to move :

“That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration”.

Sir, the purpose of the Bill is to regularise the Ordinance which was passed earlier on the 20th of November last. The reason is obvious as is clear from the Statement of Objects and Reasons given in the Bill. The Representation of the People Act, 1951, under Section 14 Sub-Section (2) provides that the notification for the Election may be issued at different times as may be directed by the Election Commission. Nevertheless it was felt that the Section was not clear as to whether elections to Parliament or to a State Assembly could be held by omitting altogether certain constituencies in a State either for Parliamentary elections or for State elections. Now, so far as the present Bill is concerned, it only took recourse to the Ordinance so that elections to Parliament be held without holding elections in two States, namely, Assam and Punjab.

With regard to Assam, I would like to state the facts briefly because my friend, Prof. Soz, has alleged that Election Commission was taken for a ride. Perhaps he was not posted with the facts. The election to the State Assemblies in 1983 was held as per the electoral rolls of 1979. The Representation of the People Act, 1950, provides that the electoral roll of every constituency shall be updated up to the qualifying date before every election unless for reasons to be recorded in writing the Election Commission feels that it could not be updated before the election. Now, so far as the Election of 1983 was concerned, the electoral rolls on which the elections were held were on the basis of 1979 and they were not updated up to 1983 and the reason given by the Election

Commission in writing was that according to Section 21 of the Act the law and order situation was so bad that there were riots everywhere and various other acts of violence were carried out regularly and, therefore, according to him it was impossible to enumerate the rolls and make them updated up to 1983. Therefore, according to the reasons recorded in writing under Section 21 Sub-Section (2) of the Act he held that the elections of 1983 should be on the basis of the rolls of 1979. After that, writ petitions were filed by them in the Gauhati High Court as also in the Supreme Court, all of which were heard together by the Supreme Court and decided in a common judgment which is now reported.

In those writ petitions, the challenge was that the Election Commission should not be allowed to hold elections to Parliament from Assam, except after updating the electoral rolls of 1979. And the main thrust in the petitions was that the electoral rolls contained a large number of non-Indian-citizens. Under our Constitution, only Indian citizens are allowed to vote both at Parliament elections as also at State elections. The allegations were that there were large scale intrusions of non-Indian-citizens who had illegally migrated from Bangladesh and therefore the electoral rolls of 1979 were absolutely worthless.

The House will recall that the two parties who were fighting daily on this problem, namely, AASU and the Sangram Parishad boycotted the elections of 1983 on this sole issue, namely, that the 1979 electoral rolls cannot be used for holding elections. Now the Supreme Court was told from various facts and figures produced on behalf of the AASU and the Sangram Parishad and the petitioners that the electoral rolls contained not numerous but absolutely millions of voters who were not Indian citizens, and therefore the Election Commission should be debarred from holding elections on the basis of those rolls. On that the Election Commission

gave an undertaking to the Supreme Court that it would undertake an intensive revision. There are two types of revisions under the Act, one is intensive and the other is, what is called 'the summary revision'—you do it very quickly. Intensive revision means enumeration from house to house and queries about citizenship of the persons who are on the rolls or who want to be on the rolls, etc. and that takes quite a time. Now the Election Commission gave an undertaking and the Government of India could not possibly oppose it, that is no election would be held in Assam unless the rolls were revised intensively. That was given in 1984. On that basis, the Supreme Court held that the elections of 1983 were valid, because of the reason given by the Election Commission for not updating the electoral rolls before the elections in 1983, that it was satisfied that the law and order situation was such that they could not be updated before 1983. The Court was satisfied with the undertaking by the Election Commission that no election should be held, unless the electoral rolls were intensively revised. Now, elections had to be held, as you know because the term of the last Parliament was going to expire in 1985 and the Act provides under Section 14 that there must be election held, so as to enable the new House to be constituted on the expiry of the old House. Therefore elections had to be held and in such cases, the Supreme Court has also held that the imperative necessity of constituting the House was so great that no elections can be held up as was demanded by the AASU, the Sangram Parishad and the petitioners before the Supreme Court. Therefore, the Election Commission was in a dilemma, namely, that Parliament election had to be held because the new House has to be constituted before the expiry of the term of the old House and yet the elections from Assam could not be held without intensive revision of the rolls, which was the undertaking of the Election Commission. That is why immediately after the judgment of the Supreme Court (I think it was delivered some-



time in September as far as I remember. I do not remember the exact date. I did appear for the Election Commission before the Supreme Court and it was only through me that the Election Commission gave an undertaking that the rolls would be revised intensively before the elections were to be held, the Government passed the Ordinance was promulgated on 20th of November 1984, providing that the Election Commission need not notify elections from Assam and Punjab. Because Section 14, Sub-Section (2) was not quite clear, namely that though it allowed different notifications at different times for different constituencies, it was not clear whether a whole State could be left out of Parliamentary elections, that is why the ordinance was passed, as far as Assam was concerned.

PROF. SAIFUDDIN SOZ : Kindly excuse me : will you please yield for a few seconds? I had raised a very important issue. You have not answered it,

SHRI A. K. SEN : I am attempting it.

PROF. SAIFUDDIN SOZ : It will not mark a digression. The point is : what was the hurry for the Commission to issue a notification on the 13th of November? The ordinance came on the 20th of November. On the 13th, the Representation of the People Act was in force, and the Election Commission had no authority to issue any notification. That is the point.

SHRI A. K. SEN : I was going to answer it, but you did not wait for my answer. I cannot answer all points at the same time. You can, possibly; but I cannot. In any event, I will answer the point one by one.

The Act provided already, under Section 14, sub-section (2) that before a parliamentary election was called, the Election Commission is entitled to notify different dates for different States

for different constituencies; and multiple notifications were envisaged under the Act. Therefore, on the 13th of November, it did announce the elections for other constituencies, for other areas. As the Houses were not sitting, Ordinances had to be promulgated. But on the 13th, the Commission was entitled to announce the elections. I may read Section 14, sub-section (2) of the Representation of the People Act, and the hon. Member will immediately understand that the authority was ample.

PROF. SAIFUDDIN SOZ : Could the Commission leave out Punjab and Assam on the 13th of November?

SHRI A. K. SEN : It could.

PROF. SAIFUDDIN SOZ : I do not suppose so. Kindly enlighten me.

SHRI A. K. SEN : I do not think the hon. Member has cared to read the Act.

PROF. SAIFUDDIN SOZ : I am prepared to be.

SHRI A. K. SEN : That is what I am trying to do. If you are a little patient, I think you will be able to follow it immediately. Section 14 sub-section (1) says-if the hon. Member has the Representation of the People Act before him:

“A general election shall be held for the purpose of constituting a new House of the People on the expiration of the duration of the existing House or on its dissolution.”

Now, the Supreme Court has held that this is an imperative mandate of the Constitution. The Election Commission must call for elections before the old House is going to be dissolved on its expiration. Therefore, it had to call for its elections. Secondly about

sub-section (2): what has he to do about it? The sub-section says:

"For the said purpose, the President shall, by one or more notifications, published in the Gazette of India on such date or dates as may be recommended by the Election Commission, call upon all parliamentary constituencies to elect members in accordance with the provisions of this Act."

Therefore, by one or more notifications it may call elections. Therefore, it recommended that let us say, Delhi, West Bengal, Maharashtra, Tamil Nadu and other States be asked to come for elections, waiting yet for Assam and Punjab. Then, when the ordinance come, the ordinance provided for a complete omission of Punjab and Assam because it was impossible to complete the intensive revision of rolls and hold the elections before the duration of the old House was due to expire. And the Supreme Court made it very clear that no elections should be held there because of intensive revision, because the mandate was that the House must be constituted at a time before the dissolution of the old House takes place.

The next question is about Punjab. Punjab had a different reason. About Assam, I have already explained the reason, viz. due to intensive revision which could not be carried out before the elections. The Election Commission recommended, and so did the State Government, that the law and order situation in Punjab was such that it was impossible to hold the elections unless one opted for bloodshed and violence everywhere. The position was such, and violence was so rampant and widespread that only the most reckless would decide that the general elections could be held under those circumstances. And it was on the recommendation of the Election Commission that the President-promulgated the Ordinance it was not our recommendation. So, the

Election Commission said that officers of the state were engaged in the normal duty of maintaining law and order. The position was such that it was impossible for any election machinery to be made operative; it was impossible to have any fair or proper election carried out under those circumstances. That is why this Ordinance was promulgated on the recommendation of the Election Commission, which is in charge under the Constitution of the Constitution of the superintendence and control of elections under the Constitution; and it recommended that it must be so done; and on that recommendation and normally, as the House will recall, throughout, from the very beginning, since the very first election which was held in 1952, the Government have always acted on the recommendation of the Election Commission; and the House has ignored the recommendation of the Election Commission only in very rare cases and on exceptional terms. Therefore, Government really carried out its duty in giving effect to the recommendation of the Election Commission in deferring elections in Punjab and Assam for better times. You must leave it to the Election Commission which is in charge of superintendence and control and everything connected with the election to choose a time for the purpose of holding elections in Punjab and in Assam. With these words, I recommend to the House to pass the motion for consideration.

MR. DEPUTY-SPEAKER : Statutory Resolution moved:

"This House disapproves of the Representation of the People (Amendment) Ordinance, 1984 (Ordinance No. 15 of 1984) promulgated by the President on the 20th November, 1984."

Motion moved :

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration."

SHRI V. SOBHANEDREESWARA RAO (Vijaywada) : The hon. Minister has explained the reasons behind the issuance of the Ordinance. If the Government of India was really interested in giving consideration to the Election Commission's suggestions and the situation prevailing in the States, would it have opted for conducting election in the State of Assam in the year 1989 where mass violence, loss of human lives was unprecedented and the election was held in an atmosphere where there was blood-shed? This is really shameful to hear, to see an MLA winning in a constituency with just 50 votes, with just 40 votes when the actual number of voters is 40,000. It is only a mockery of democracy; and similarly, the Deputy Election Commissioner said that intensive revision of polls was taking place and house to house enumeration of voters in Assam had started on November and it would be over by mid-December. Has that process been completed and are the rolls ready?

SHRI A. K. SEN : Who said that it will be over by December?

SHRI V. SOBHANEDREESWARA RAO : The Deputy Election Commissioner.

SHRI A. K. SEN : Ne, no, he must have said that the house to house enumeration will be starting. The Scrutiny is still going on.

SHRI V. SOBHANEDREESWARA RAO : Similarly, this ruling party, the Congress-I, is acting to the detriment of the interest and the integrity of the nation. During the recent parliamentary elections, this party which has ruled this country for so many years, has given an advertisement in the newspapers where they asked the voters whether they would like to choose the Telegu Desam or the Congress-I, where they had given an advertisement depicting that the State of Andhra Pradesh is not a part of the

Indian Union. It is really shameful, unthinkable.

So, I request you to look into this.

SHRI RAM PYARE PANIKA (Robertsganj) : It is not so. He is wrongly quoting the advertisement.

SHRI A. K. SEN : On a point of order, if any paper is quoted it ought to be placed on the Table of the House.

SHRI V. SOBHANEDREESWARA RAO : I said that I would produce it. I would like to know, through you Sir, one thing. The postponement of the elections in the States of Punjab and Assam was resorted to suit their convenience and even now they are not telling when they are going to hold the elections in Assam. More so, on what basis are they going to conduct the elections? Is it on the basis of the year 1971 or prior to that, which rules are they going to take, for enumeration purposes? I seek this clarification from you.

SHRI S. M. BHATTAM (Visakhapatnam) : My Hon. friend has raised certain issues and made certain observations. At the time of giving a solemn undertaking before the Supreme Court of India, was not the Election Commission aware of the law and order situation in Assam?

MR. DEPUTY-SPEAKER : There is no point of order. The discussion will not be conducted like this. Now Shri Harish Rawat.

[Translation]

SHRI HARISH RAWAT (Almora) : Mr. Deputy Speaker, Sir, I think every one in the country both inside and our side the House must be feeling sorry that representatives from both Punjab and Assam are not here. But, we would have to keep in view the happenings in Assam and Punjab at present. The circumstances in which Government had to accept the recom-

mendation of the Election Commission would convince every Member of this House so as to welcome this decision of Government.

Sir, the Government have been directed not to conduct elections in Assam till electoral rolls have been revised there. Moreover, the agitation leaders in Assam as well as the Opposition had themselves demanded that till the electoral rolls were revised according to the demands already conceded by the Government, elections should not be held there. If Government had not accepted the recommendation of the Election Commission and if elections were held on the basis of the same old unrevised electoral rolls, the same or perhaps even worse conditions would have been created as were witnessed during the last assembly elections. AASU and Gana Sangram Parishad had held out a threat to the Government to this effect.

Sir, perhaps Mr. Soz did not have this threat in mind when he referred to elections not having been held in Assam. I, therefore, submit that before opposing this Bill the Members sitting on the opposite side should advise the AASU and Gana Sangram Parishad not to precipitate matters. Only then Government would be able to take a decision in this matter.

In regard to the situation in Punjab, we all are sorry for the same and the entire country is very much concerned about it and this is clear from the fact that our Prime Minister had given top priority to solving this problem. The urgency shown by the Government to improve the situation there has raised hopes in the minds of all of us that the situation there would become normal very soon and the representatives from Punjab should be here to raise the problems of their constituencies in the House. But I was not surprised when Shri Soz advocated the stand of the Akali Dal and its leaders, because the strength of his party and the way his party in this matter.....(Interruptions).

If he wanted to state the facts, he should have also stated that the Akali Dal instead of dissociating itself from the Anandpur Sahib Resolution is still harping on it and wants to make it the basis of negotiations with the Government.

It is this very Anandpur Sahib Resolution which is the cause of separatists' and extremists' agitation. It is the root cause. I think unless the Akali Dal dissociates itself from that Resolution, there cannot be any basis for negotiations with them and the situation in Punjab cannot become normal.

Our friends sitting on the opposite side should at least make it clear that the Anandpur Sahib Resolution is not in the national interest and unless the Akali Dal dissociates itself from that Resolution, they will not plead on behalf of the Akali Dal. They should themselves urge the Government not to enter into any negotiations with the Akali Dal unless the Akali Dal did that.

The stand of Shri Soz and his Party is very clear because his party in J & K has been aligning itself with Maulvi Farooq, who even now talks of a plebiscite, Jamait-e-Tulba, Jamait-e-Islami.....(Interruptions).

[English]

PROF. SAIFUDDIN SOZ : He is raising a controversy....(Interruptions).

[Translation]

SHRI HARISH RAWAT : All the old Members of this House would recall that when the Gurumat Training Camp was being held in J & K, where the extremists were receiving training, more than one Member had raised this issue and had demanded that the then Chief Minister of J & K, Dr. Farooq Abdullah, should not allow such camps to be held there. At that time the hon. Member had supported the intention behind holding such camps. Later events

proved that the trainees of such camps were organising extremist activities in Punjab.

[English]

PROF. SAIFUDDIN SOZ : We have never accepted Anandpur Sahib Resolution and we will never accept that Resolution. He is raising a controversy. Neither am I a party to that Resolution nor my party, National Conference, is a party to that.

[Translation]

SHRI HARISH RAWAT : The incidents taking place at that time were a clear proof that the extremists were not prepared to listen to anybody, however prominent a religious leader he might be, who opposed their views and actions. The shooting incident involving Sant Kirpal Singh proved that conditions are not normal in Punjab even now and unless normalcy returned in the State, elections cannot be held.

I would request the Opposition Members, who are participating in this debate, to at least advise the Akali Dal and the five head priests to issue a *Hukamnama* against violence. This demand has been raised by many people earlier also but they refused to issue such a *Hukamnama* in the past and even today they are not ready to issue such a *Hukamnama*. They are wether ready to condemn violence and extremist activities now nor have they any intention to do so in future. As a result, the situation in Punjab is deteriorating.

It is thus clear that if there is no representation from Punjab and Assam, it is not the fault of the Government. For this, those who are organising agitation and extremist activities are at fault. In Assam, the fault lies with the agitationists. If we all advise them and if the agitationists heed our advice, I feel the Government will not have any objection to holding elections in Punjab and Assam.

As far as the Congress Party is

concerned, if elections had been held in Punjab and Assam also, it would have increased the majority of the Congress all the more, and our strength might have been 435 or even 440.

With these words, I support the Bill introduced by the hon. Minister.

[English]

SHRI SAIFFUDIN CHOWDHURY (Katwa) : Mr. Deputy Speaker, Sir while taking part in the discussion on this Bill, I do not like to make allegations or counter allegations, for that will not help us. What we require today is a united effort at the national level to bring about a solution to Assam and Punjab problems. But this Bill is an unfortunate piece of legislation. The people of Assam and Punjab could not participate in the elections for this Eighth Lok Sabha. Last time it was a part of Assam but this time there are two States. This trend, in our opinion, is a harmful trend for our democracy.

13.00 hrs.

In the beginning, I welcome the announcement made by the Prime Minister that his Government will seek a political solution to the problems of Assam and Punjab. But my optimism seems to be shadowed by dark clouds of inaction and drift that is still continuing as in the past. For a political solution what we require is to tell our people as to which are the forces behind this kind of secessionist agitation. We have been telling it several times that imperialist agencies are acting very much and are contributing to the growth of secessionist movement in our country. Several times in the past we had pointed out that the personnel of an American Consulate in Calcutta had visited Assam and they had very inicit connection with the secessionists, but till today the Government has not come forward identifying these agencies and taking the people into confidence. Now they have set up a Cabinet Sub-Committee. We do not know what this



Cabinet Sub-Committee is going to do but we are very much suspicious about it. Though a sub-committee has been set up for Punjab at the same time some leaders of the ruling party—and they are supposed to be responsible leaders—are uttering such things which are not conducive to the solution of the Punjab problem. The utterance of some leaders that Himachal Pradesh, Haryana and Punjab will be merged together—and that is a unique solution that they think—is a fantastic nonsense and it is detrimental to the interests of the country. While the Government is talking of going to the 21st Century, we are unable to understand how they can speak of going backwards. So, this cannot create any trust in the minds of the people. This will add to and not abate the Khalistani tendencies, as it did in the past, because the Government—not this Government but the previous Government—adopted the policy of drift and by their inaction they encouraged these secessionist tendencies. I would like to know why the democratic demands on which solution could be arrived at were not accepted and in a hurried manner the religious demands were accepted. We never supported.

Now, much has been said that the Opposition has supported the Anandpur Sahib Resolution. I do not know whether anybody in the ruling party cared to read all the resolutions of the Opposition parties. We never supported it. In fact, it is the Opposition parties, which tried to help in reaching a solution to the Punjab problem, and they persuaded the Akali Dal to give up the Anandpur Sahib concept and that Resolution. And on the three demands—the river water, boundary and Chandigarh—the Opposition parties persuaded them to come to the table and talk. Now, what actually happened, we do not know. Many times we heard that some solution was being arrived at, but at the next morning we were told....

MR. DEPUTY-SPEAKER: Mr. Chowdhury, we are going to adjourn for lunch. You can continue after lunch.

13.02 hrs.

*The Lok Sabha then adjourned for  
Lunch till Fourteen of the clock.*

The Lok Sabha re-assembled after Lunch at four minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*]

STATUTORY RESOLUTION RE:  
DISAPPROVAL OF REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE AND REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL—*Contd.*

[*English*]

MR. DEPUTY-SPEAKER: The time allotted for this is one hour. Therefore, I request the Members to be brief because many Members want to participate in this.

(*Interruptions*)

MR. DEPUTY-SPEAKER: I now request Shri Saifuddin Chowdhury to continue.

SHRI SAIFFUDIN CHOWDHURY (Katwa): Mr. Deputy Speaker, in the past, several times, we got the agreement reached but just after that the news came that the agreement would not be signed. I want to know why this happened so. There may have been a hand of sabotage. And after the bursting of espionage activity, we have every doubt that there might have been spies in the Prime Minister's Secretariat. Apart from the loose policy framework, they help the saboteurs to do their activities. They had a hand in this.

I want to know from the Minister whether the Government is in the know of things that a large scale smuggling of arms, personnel and information is taking place in the border area. What is the Government doing? This is the point. Otherwise, every time, the postponement will come. The political solution is a must for Assam and Punjab. It is not a legal problem. The hon. Minister may think that this is

not the proper occasion to speak on these things. But political solution is the only solution for these problems. Is the Government in the know of things? And if so, may I know whether they are going to effectively seal the border? We have the news that Chauhan has got the permission in London to hold a rally. What is the Government going to do about that also? All this has been relevant to create a favourable situation for the solution of the problem.

Now, I come to Assam. In Assam, elections could have been held. But it is unfortunate that due to unnecessary involvement of the Election Commission regarding which year will be the base year, which year's votes' list would be taken, 1979 or 1971, the revision is delayed. They should not have been involved in this. I do not like to cast any aspersion on the Election Commission. They have been doing very good work. But their involvement has unnecessarily delayed the revision of the electoral roll in Assam. The determination of citizenship is done, according to laws that we have enacted in Parliament. The Tribunals were set up in Assam particularly for this purpose. I do not know what happened to those Tribunals. How far progress has been made in their work? That is very important. Now one aspect is coming that some people will be declared Stateless people. This will again create problems and the solution will be out of sight in that manner. They were taken by a commitment made by our country. These who were coming out from Bangladesh or erstwhile East Pakistan were not coming on their volition. The country was divided due to the policy of the imperialists and we have accepted the partition. Still we cannot say that in order to stop persecution of minorities or different kinds of people, we can allow any illicit immigration into our country. That we can never allow. But what is required is effectively sealing the border.

The question of fencing came in this House also. Now what progress

has been made in erecting fences in Bangladesh border. That is also very important. We believe that work has been stopped. Why has that been stopped? Now, all these are questions that are to be answered by the Government. This is the first time in this House that we are debating on the issues of Punjab and Assam. We require political and ideological convictions to solve the problem there. Opportunism can not do. But there is a suspicion that has arisen in the minds of the people when the leaders of the agitation are unnecessarily given due importance and the news went there the Home Minister had telephoned them while they were declaring that they would not take part in the Republic day programme. On the other side, there is an invitation to Laldenga. All these are creating a certain type of confusion and we are led to believe that the Government is not serious about the political solution for these problems. And I want to remind the Government that these issues do not disappear with the victory that they have achieved the vast majority that they have achieved in this House.

^ But the urgent need of the hour is for having the elections in Assam and Punjab as far as possible without any delay. We should take up concrete measures and implement them with the confidence of the people, taking all the parties into confidence and in the interest of our country we should take up the real solution and implement it. That is what is required. With these words I conclude.

[Translation]

SHRI JAI PRAKASH AGARWAL (Chandni Chowk) : Mr. Deputy-Speaker, Sir, we Indians have the right to vote irrespective of religion, caste or creed. India is like a bonuquet having different kinds of flowers. It has never been the intention of our Government to deny voting rights to some of our brethren for elections to Lok Sabha and to deny them representation in Lok Sabha where decisions on vital matters are

taken. On the other hand, we would have to see which were the powers who were trying to destabilise our country. Some extremist and anti-social elements were trying to take advantage of such a situation to incite violence in our country.

Government have always been trying to find a political solution to such problems so that peace could be maintained in the country. But, unfortunately we have seen that in the past there were riots in Punjab resulting in death of innocent persons. There were many incidents which vitiated the atmosphere in the State and Government had to take drastic steps to control the situation. Whereas the Government have been engaged in making the country strong and uniting all Indians in the name of nationalism, some political parties have been trying to take undue advantage of that situation. They also tried to harbour those who were fomenting trouble in Punjab. We have to see which were the political parties whose leaders had vehemently defended the extremists and had said that they would defend them and get them released in cases instituted against them by the Government. Is this not a clear proof of the fact that there are such powers in the country who want to destabilise this country?

I would also like to add that when riots take place at the time of elections, we have to postpone elections to a later date so that elections could be conducted peacefully. The Government were not responsible for postponing the elections. On the other hand, the extremists and those who wanted to disintegrate this country were responsible for this. You might have noticed that when J.S. Chauhan was announcing in London that one lakh dollars would be the price paid to any person who would murder Shrimati Indira Gandhi, no political party had raised its voice against it and come forward to condemn his statement; no political party had declared that the Prime Minister did not belong to any particular party

because he was the Prime Minister of the entire country and that they stood by the Prime Minister in this hour of crisis. All of us should have opposed such pronouncements but unfortunately no one did so.

I want to make one more observation. When large scale massacre was taking place in Punjab, the leader of a political party, whose cartoon appeared in the press under the caption 'We two—we have two', had never said that they were against those who were responsible for riots in Punjab and who were vitiating the atmosphere there. He never raised his voice against them but when riots took place in other parts of the country, he prepared a detailed list of those killed in those riots. If he was so patriotic and if he wanted that in future the atmosphere in the country did not vitiate, why did he not raise his voice against those incidents? He had always been trying to see that the people were incited and those who were behind such riots got encouragement. You might have also seen that a leader of a political party had gone to the Golden Temple and on return had stated that there were no arms in the Temple but we all know what happened later. Military action had to be taken and large dumps of arms and ammunition were recovered from there. This had to be done to restore peace. All these events proved that such statements were made to mislead the country and to prevent the Government from taking appropriate action. I want to say that it is not proper to hold elections where the atmosphere and law and order situation is not normal because during elections, tempers are likely to go high and there is more likelihood of riots. Recently, one head-priest was shot at. Is it not proof of the fact that even now the situation is not normal and elections can not be held there? It might also be stated that no provincialism could be greater than national unity. If we want to make our country strong and united, we would have to keep aside our political affiliations and work for making the country strong and prosperous.

Just now one of our friends had stated that when elections for the state Assembly were held in Assam, one candidate secured only 40 votes and got elected. But a prominent leader who has been elected to this House continuously right from 1952, has been returned by a small majority of 1200 votes. If that was wrong, this is also wrong. Therefore, there is no question about the majority of any winning candidate. Even if somebody wins by a single vote, he is a winner and cannot be unseated.....(Interruptions)

SHRI C. JANGA REDDY (Hanamkonda) : He just cited an example when he said that he had won by only 40 votes.....(Interruptions)

[English]

MR. DEPUTY-SPEAKER : Please don't interrupt; let him finish.

SHRI GIRDHARI LAL VYAS (Bhilwara) : He is not yielding.

SHRI AMAR ROYPRADHAN (Cooch Behar) : This is a maiden speech and we would not like to disturb him. But it should be made clear.....

SHRI GIRDHARI LAL VYAS : Why are you disturbing him then ?

SHRI AMAR ROYPRADHAN : He said that there is one member who since 1952 has been elected with only 1200 votes. It is not correct.

SARI JAI PRAKASH AGARWAL : This time.

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT (SHRI BUTA SINGH) : It is constitutionally valid.

MR. DEPUTY-SPEAKER : Let him continue his speech.

[Translation]

SHRI JAI PRAKASH AGARWAL : I would like to say that the verdict of the people had made it quite clear that our decision not to hold elections in these two States was a step in the right direction. The people have given their mandate in on a favour because they believe that the Congress is nearest to them and shares their joys and sorrows.

I support the motion moved by the hon. Minister.

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Deputy-Speaker, Sir, I have not to say much on this Bill but I must say one thing that for the first time a situation has arisen in the country when Punjab and Assam, which are border States of India and have their own strategic importance, are not represented in the Lok Sabha at present. It is possible to bring some members of those States from other States. For example, Shri Buta Singh and the Hon. Speaker have been elected from Rajasthan. On the first day when they came to the House they were wearing Rajasthani dress and it appeared as if they had become Rajasthanis. Therefore, we regretted that the representatives of Punjab and Assam are not here.

In regard to Assam, we can say that the Election Commission had issued orders that elections could not be held there. Government, therefore, issued an Ordinance in regard to Punjab and Assam.

[English]

SHRI BUTA SINGH : I may correct the Hon. Member. The entire lot of Aryans in the Northern India came first to Jaisalmer and from there, they went over to Punjab, Himachal Pradesh and other places.

[Translation]

SHRI C. JANGA REDDY : He has reached his original

place and it is all right.

In regard to Assam, one of the issues was that in 1983, there was a students' agitation there. The Central Government was engaged in negotiations with them. Two or three months before the elections, there was a proposal to amend the Constitution in order to meet the demands of those people. This step was welcomed and supported by our party, the Lok Dal and the Janata and we were prepared to extend our cooperation in this regard. Even then no such amendment was made. Although elections could be held there only after the Constitution had been amended, yet perhaps the Congress Party was not hopeful of coming back to power there. The ruling party knew that they could not win the elections if they were held after the amendment in the Constitution. Elections to the state Assembly were held there while negotiations with the students were going on. In those elections, many people were killed. Communal hatred between Hindus and Muslims was fanned and conflicts between the people of hilly areas and plains also started which continues even now. The polling in those elections was very poor and in some constituencies hardly 200 votes were cast whereas only 40 votes were cast in others. Congress came to power in those circumstances. They could come to power only in such circumstances. Elections were held there only to reap political benefit.

In regard to Punjab, we have seen that in 1981 Lala Jagat Narain was murdered, a CBI enquiry was held and when there was a nation-wide demand, only then Bhindranwale was arrested but even he was released later.

**SHRI BUTA SINGH :** He was released on court orders.

**SHRI C. JANGA REDDY :** If he was released on court orders, Government could have moved the High Court and even the Supreme Court. But the Government did not take any such action. After his release he went

to Delhi and Bombay with his followers. This created an impression in the minds of the people that Government was afraid of him.

Then, in 1982, one DIG was killed. Till then Bhindranwale was in Nanak Niwas. He could have been arrested by sending the police. Till 1983, the Government did not take any action. This proved that instead of solving the problem, Government had allowed it to aggravate. The Government continued its efforts to woo the voters by solving the problem on the eve of the elections. That is why he was not arrested till 1983. Later on, the Government and the police in Punjab found themselves helpless to arrest him. Then, Shri Rajiv Gandhi as General Secretary of the Congress went to Punjab and commenting on the situation said that Bhindranwale was a religious leader and not a political leader. Thus he gave him a clean chit. Thereafter the atrocities and murders went on increasing. How could they create confidence in the public? If Bhindranwale had been arrested in 1981 or 1983 and prosecuted, the life of the Prime Minister Shrimati Indira Gandhi could be saved. But timely action was not taken. Perhaps you would recall that we had come from Andhra Pradesh and people belonging to BJP and Lok Dal had come from all parts of the country and offered Satyagraha here for 10 days demanding that Army should be sent inside the Golden Temple. We had pressurised the Government to do so but even then the Government waited till December. If action had been taken earlier, Indiraji could have been saved and the upheaval in Assam and Punjab being witnessed today could be averted. But in order to take political advantage and for electoral gains, the Congress went on putting off the solution.

Prime Minister Rajiv Gandhi has stated just now that the Government is prepared to solve the problem of Punjab and Assam. If this is so, our party, the BJP, is always with them. It is hoped that he will



solve the problem as early as possible and the agitation in regard to these problems in the entire country would be over. Lastly, I would submit that if action had been taken earlier, there would have been no need to bring this Bill. I would request the Government that the solution of problems should not be found with an eye on the elections. Our party is with the Government as far as the solution to various problems is concerned. I would like to finish my speech by praying to God to bestow wisdom on the Government so that they may make a move in this direction.

**SHRI KEYUR BHUSAN (Raipur) :**

Hon. Deputy-Speaker, Sir, I am surprised to hear the views of the Opposition Members on this Ordinance. It seems from the views just expressed by my predecessor that he opposed it only because he is in the Opposition. Our communist friends have put this problem in a proper perspective. They realised that the situation of lawlessness which Assam witnessed was created by imperialist forces. The imperialist forces also made efforts to disintegrate Punjab and Assam States from the Indian Union. I had hoped that the Members of the Opposition, keeping in view the situation in Assam at the time of Assembly elections and also the election results, would support this measure, but they opposed it merely because they are in the opposition. It is being said that this Ordinance has been brought to enable the ruling party not to hold election there. But when orders were passed for holding Assembly election in Assam the situation of lawlessness was created there and murders were committed. They tried to create a situation in which election may not take place. When the elections were conducted in Assam in such circumstances the opposition parties pleaded that elections should not be held there in the prevailing situation. Did they want to create that very situation during this election? If not, then they should appreciate the necessity of this Ordinance. This Ordinance should be supported in the present circumstances.

I am unable to make out whether they are thinking on the line that every State should be given the right of self-determination or the whole of India having one culture throughout should be regarded as one entity. It is a fact that India never accepted dismemberment willingly. Whenever India was divided, she was divided under compelling circumstances. Foreign powers are hatching a conspiracy to divide India. Their agents are active here for the purpose. The point to be considered is, whether these forces should be allowed to have their way or they should be given a tough fight. We should fight the secessionist forces to save India and should be ready to sacrifice our lives in the way our late Prime Minister Smt. Indira Gandhi sacrificed her life. If you look at Punjab in this background you will certainly feel that there is the same kind of conspiracy there. Our country has made tremendous progress between 1948 and 1985. When India was about to achieve Independence the imperialist forces had come to a point of defeat. They began to realise that as an apostle of peace, India would go on making progress. India would emerge as a great power, a power against which even atom bomb would prove futile. Imperialist forces feared that they would not be in a position to face her. That is why they wanted to divide India. They divided India into two parts, namely India and Pakistan. Certain Indians also acted as their agents. In those circumstances, one great personality emerged on the scene. It was Mahatma Gandhi. He awakened India and contributed most for achieving independence for India. Indian culture has remained intact for the last thousands of years in spite of our multi-lingual and multi-religious society. Religion or language cannot make any dent on our culture. Culture is greater than religion and language and the country is greater than culture itself. Mahatma Gandhi knew it well. Mahatma Gandhi also knew that the hearts of the people were united irrespective of the fact that they had been living in India or in Pakistan.

Even the imperialist forces knew that there was no division in the hearts of the Indian people and the Pakistani people. That is why they created a situation in which bloodshed took place. That is why the imperialist forces worked for removing Mahatma Gandhi, the harbinger of peace and non-violence whom they considered as their greatest enemy, from the India scene. They got him assassinated through Nathu Ram Godse. We are seeing here again the same kind of conspiracy. The imperialist forces are again feeling jealous of India's progress at such a rapid pace during the last 35-36 years. Now India is emerging as a great power, as a defender of world peace. The imperialist forces cannot bear it. So they began to try again to further divide India and they created the problem of Punjab and Assam. The communal riots between Hindus and Muslims and between Sikhs and non-Sikhs were also their handiwork. If you think calmly you will find that there is nothing behind all this except the trickery of the imperialist forces. They are bent upon dividing India further.

Who is responsible for worsening the situation in Punjab. The Sikh community is not at all responsible for it. No religion whether it is Sikhism, Islam or Christianity advocates division of the country. But in India, the division of the country is being demanded on the basis of religion. This is nothing but sheer conspiracy of the imperialist forces, who very well know that religion is a very sensitive matter and can be misused for instigating secessionist elements in India. A great religious book, which contains the sermons of great saints of all religions which is a defender of Indian culture, is getting more and more popular. It is a religious book of the Sikhs. The Sikhs, their religious book and Punjab had played a great role in defending the country and in making sacrifices for the motherland. So, the imperialist forces selected this very place for hatching a conspiracy to divide India further.

As the sermons of Gurn Nanak Dev contained a note of unity, similarly Shankardev of Assam also preached nationalism among the people of the country. Other saints hailing from other parts of India, like Kabir and Shankaracharya, also advocated the unity of the country in their discourses and they always tried to keep India united. But the imperialist forces always tried to misuse their discourses.

Indirajī always worked to frustrate the designs of the imperialists. Her every effort was aimed at national unity, national integration and world peace I have no time to go into the details. The Indian armed forces entered the Golden Temple simply to safeguard the integrity of India. I want to reiterate that today's Akali Dal is not the same Akali Dal which raised its voice against the atrocities and injustice of religious gurus in 1920 and which raised its voice against Master Tara Singh that they would not allow division of India. Today's Akali Dal has different ideology. Today's Akali Dal wants the division of the country in the name of religion, So this Akali Dal should not be taken as representing the Sikh community or Punjab. That faction of the Akali Dal which always endeavoured to keep India united, should be taken into confidence while solving the Punjab issue I am confident that in future also, the people of Punjab will walk hand in hand with the people of other parts of India and lend their wholehearted support whether it be a matter of election or that of following the path shown by our leader Shrimati Indira Gandhi and on which our new Prime Minister Shri Rajiv Gandhi is moving forward. We all, whether in the ruling party or in the opposition, should be vigilant against the evil designs of imperialist forces which want to sabotage our national targets. Some of their agents are active among us. We should keep our eyes on both of them while proceeding further on the path of progress.

[English]

SHRI AMAR ROYPRADHAN :  
Mr. Deputy-Speaker, Sir, this Bill reflects the failure of the Government, failure to control law and order situation in Assam and Punjab.

AN HON. MEMBER : How did you come to this conclusion ?

SHRI AMAR ROYPRADHAN :  
Then, why did you not hold elections there ? Sir, yesterday, the hon. Prime Minister said in this august House that he would try to solve the problem of Assam and Punjab. We welcome that statement and at the same time we assure him that he would get our full support insolving the problems of Assam and Punjab. Mr. Deputy-Speaker, Sir, through you, we would like to request the hon. Prime Minister not to make such statement that all the leftist parties like CPI (M), CPI, Forward Block and R.S.P. have supported Anandpur Sahib Resolution. My party Forward Bloc never supported the Reslution. Sir, we believe that India is one. Whether we are Hindus, Muslims, Christians or Sikhs, whether we live in Assam, in West Bengal, in Punjab, in Tamilnadu or in any part of the country, we all are one. We solemnly declare that from Kashmir to Kanya Kumari and from Kutch to Kohima, all is our motherland.

*"Janani Janmabhoomi kcha swargadapi gariyasi."*

India is our motherland and we are all her sons and daughters and we are all brothers and sisters. In this connection, I would like to quote a few lines from the Poem of Rabindranath Tagore in Bengali—

*"Hethaaya Aarya ketha Unaarya,  
Hethaaya Dravida cheen  
Shak Hun Dal Pathaan Mughal  
Ek dehe holo leen."*

Here in India, Aryans, Non-Aryans, Dravidians, Chinese, Shakas, Huns, Moghuls and Patans are all mixed up in our body and blood. But I do not know why elections are not being held in Assam and Punjab.

In this connection, I would like to quote a news item in 'The Hindustan Times' dated 23rd January 1985.

"Replying to a question, Mr. Trivedi said that it would also not be possible to hold Parliament and Assembly elections in March next as the intensive revision of electoral rolls in the State was yet to be completed. He was not sure how much time would be taken in settling the claims and counter claims on electoral cards although the enumeration in the State had been completed last month."

What is going on in Assam ? Killing of innocent people still continues, though not at the rate of Nelle ghastly massacre. Hon'ble Law Minister is sitting here and he knows how many people are staying in Dangi camp in Alipurduar and Jorai camp in Cooch-Bihar District of West Bengal. About two years ago, about 50,000 people who were living in Assam after the Nelle massacre, were forced to go to West Bengal for shelter. Out of these 50,000, there are 10,000 people still living in the camps. It is said that the enumeration has been completed. But what would happen to those persons who are still in the camps. The Chief Minister of Assam could not visit those camps. He appealed to them but they dared not go back. They did not know whereto go because of the fact that their houses were gutted in the fire at the time of Nelle incident.

(Interruptions)

Mr. Deputy Speaker, Sir, the hon Minister knows it better that in Assam house to house enumeration is going on. Some people along with the police officials are going to the houses and asking the people to show their citizenship identity cards. They were saying that otherwise they would be treated as foreigners. Mr. Deputy Speaker, you may be a Tamilian. If I request you to show your identity card of citizenship, I, think you will not be able to do so. If I ask our hon. Law Minister here, Shri Ashok Sen. to please show his identity card regarding his citizenship. I would like to ask him categorically whether he would be able to show his identity card of citizenship; certainly he would not be able to show. As regards myself, I have been in the West Bengal Assembly for three terms and now I am in the Parliament for the last three terms. But if you ask me to show my citizenship identity card, it is not possible for me to do so. I do not know whether our Rashtrapatiji will be able to show his citizenship card. But in this way, the enumeration is going on. How funny it is? It is already reported in different newspapers that the number of voters in certain constituencies has doubled or tripled. There was 250 per cent or 300 per cent rise after the voters' list was completed in 1978. After 1978, this is now 1985, and within this short span of time, the number has increased two or three times. How can it be possible? Now, you are stating that wherever there is any inconsistency of above 40 per cent, the police officials will go and have another kind of enumeration and then it will be decided. I think that already there would be so many people, those who are the false voters, those who are the ghost voters.

I would like to categorically ask the hon. Law Minister who is presenting this Bill, whether he would like to have the election just like the last Assembly and Parliament elections which were held in Assam. Will the elections be held in that manner and in that fashion,

with ghost voters' lists and with ghost voters?

MR. DEPUTY SPEAKER : Please try to finish within two minutes.

SHRI AMAR ROYPRADHAN : I would like to request, through you hon. Law Minister Shri Ashok Sen and our Hon. Prime Minister that they should try as far as practicable, to have early elections in Assam and Punjab. But that should not be a repetition of the last Assembly and Parliamentary elections held in Assam, where some candidates of Parliament and some candidates of the Assembly were elected with less than 0.1 per cent of the votes polled. You can just imagine that. Out of about 80,000 voters, they would have got just about 400 votes and with that they were elected to the Assembly. This should not be done.

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : I am very obliged to these hon. Members from all sides of the House for expressing sentiments to which we all are parties. It has been said repeatedly by Hon. Members there and here, that the country is one, that the same blood flows through the veins of each one, and the same voice rises from the bottom of our hearts. I could not add more to these sentiments. The underlying idea is to sustain the fabric of the nation. Therefore, in order to sustain this great structure of democracy, we have to hold elections at a time when it is possible to hold the elections.

It has not been stated by anyone that it was possible to hold the elections in Punjab, or that it was possible to hold the elections in Assam without intensive revision of rolls. What has been said is something which, with great respect to the hon. Members, is absolutely irrelevant. What was said was something which might have been addressed to my colleague the hon. Home Minister, that he should have



foreseen all the troubles and created conditions which would have enabled the elections to have been held; not that those conditions had prevailed, and it was possible to hold the elections.

I have no doubt that the hon. Home Minister will do his very best to bring normalcy back; and in that great task, all of us must have a share, and all of us must strengthen the hands of the Prime Minister and the Home Minister; to see that Punjab and Assam again come back to the mainstream of the nation. They are the very blood of our blood, and the very flesh of our flesh. Can we ever have India without Punjab or without Assam? They have been interwoven into our history. Can anybody think that it is possible to snap Assam from India?

Those who have been trying to create this State of Khalistan themselves forget the great Sikh history. The Sikh history is a proud history. The Assamese history is a proud history of culture, of renaissance and of sturdiness. The Sikh history is a history of a proud people. To emancipate is not merely related to Sikhs, but to the entire nation, that is emancipation from the bondage of tyranny.

Mr. Pradhan quoted Dr. Tagore in one of his great poems which was quoted by the Supreme Court in the Kerala Education Bill case, that the history of India is a history of the Ganges. It has flowed through the ages, and all the streams have come and merged into this great flow, and they have merged themselves completely, yet retaining their identity—like the great *Sangam* at Allahabad where the Jamuna and the Ganga are near each other, and yet they merge. So also most of the Sikhs, Hindus, Jains and Christians merge into the great ocean of Indianhood which is called *Bharat Desh* by Dr. Tagore.

About the Sikhs, I remember that as young students participating in

the struggle for freedom, the history of Guru Govind Singh, one of the great leaders of the great Sikhs enthused us to great acts of bravery. I will only quote a great poem by Dr. Tagore, and I will quote it in English. He said :

“On the banks of the five rivers has risen a great nation with matted hair in their heads, and the prayer ‘Guru ki Jai’ in their hearts. The sky has been rent as under by the cries of Sikhs.”

He ends with the great Sikh *Banda* whose flesh was burnt with a red-hot iron in the Red Fort, and who was made to stab his own son by the tyrannical emperor Farookh Sair who was then ruling in Delhi.

That bravery and struggle against tyranny has enthused generations of Indians to acts of bravery and supreme sacrifice; and when, therefore, these misguided people thought that the Sikhs could be snapped from the Indian mainstream, they forgot their own history.

We have no doubt that they have now learnt that their task will never be achieved and the entire nation will stand like a rock, united and fearless and will not allow its body to be led asunder once more. The Sikhs will remain with us; the Assamese will remain with us for all time to come as inseparable limbs of our body and they will be the proud sharers of a common nation. Let us therefore work towards that end; and what has been done, of course, is all beside the point again because we are on the question of the Representation of the People Act. Where elections had been deferred in certain places, where violence was of such a character that it was impossible to hold elections that orgy of violence has been combated successfully.

The last supreme sacrifice of our departed leader has hit the last



nail on the coffin of that khalistan. Her last words will enliven the soul of every Indian and lighten the path of the nation towards integrity and nationhood which will never perish. This country has started the last election with great lessons of India history that our nationhood could never be destroyed and that has been done through the ballot box. A civil war needed in America in 1865 to settle the fact that the American Federation could never be separated, and it was not open to any State to declare independence against the Federation. It required a civil war in which about a million Americans had died, and on the Battlefield of Gettysburg Abraham Lincoln said in the midst of the war, when the war was going on to seal the fate of segregation and to establish that the American State was not meant to be destroyed, that great leader said on the Battlefield of Gettysburg that our forefathers had brought into this land 4 score years ago a State based on the principle that all men were born equal and that nobody had the right to govern anybody else except by consent.

Today, we stand on the battlefield where thousands have perished to uphold that principle and this war will show whether a nation we founded shall perish or not, and whether the government of the people, for the people and by the people shall perish. That lesson has been taught in India through the ballot box, this time, not through violence, not through the civil war, and those who tried to destroy our fabric have now seen that it is an impossible task and those from outside who tried to kindle that flame and fire over the entire land of ours and allow the horses of anarchy to run amuck have now seen the impossibility of that task. Therefore, we are very proud all of us, that this nation, at least those who have been vanquished and those who have won the election battle are equally proud that this nation shall stand & shall not perish, and we have established that truth through the ballot

box. Therefore, the ballot box and the election machinery are great assets of our democracy. We express our will, we express our views, we determine our government through the ballot box and not through the army or through force.

All over the world, today, allround India. We see the one after another, parliamentary democracy completely destroyed by army dictatorship throughout Africa, what was built out of colonial ashes has now again gone into fire. And all over Asia very few democracies survived. From the Mediterranean and Lebanon up to Indonesia this is the only country like an oasis which survived and sustains the democratic fervour and traditions.

15.00 hrs.

SHRI AMAL DATTA (Diamond-Harbour). What is the time allotted for this Bill ?

MR. DEPUTY SPEAKER : Time is over.

SHRI A. K. SEN : You are very impatient.

SHRI AMAL DATTA : I am not impatient. I was just wondering what was the relevance of what you are talking.

SHRI A. K. SEN : I was saying so myself. And my learned friend Shri Amal Datta must have woken up when all that is irrelevant was being talked over in the House. I am only answering irrelevance with irrelevance. When Mr. Amar Roypradhan was gloating over these things I was very pleased. I was myself thinking, like Mr. Datta what relevance it had to the subject that we are debating,

I said in the very beginning that we have strayed very far out of the subject with which we are concerned including Prof. Soz who had also strayed away.

SHRI AMAL DATTA: It was a symposium on the world, India and democracy.

SHRI A.K.SEN: I hope it was not. But it should have woken you up when all that was talked.

Therefore, Sir, we are now debating the question which is beside all these points. Since sentiments were roused and the course was struck, I had to listen to it and express myself fully, because I could not have thought that I am not in tune with great ideas and these great sentiments.

Now, Sir coming back to the Bill with which we are concerned, it is a very necessary Bill, we must amend the Act. I am at the same time expressing my sincere faith and hope that as soon as possible the machinery of democracy and elections will become very real both in the Punjab and in Assam and very soon we shall see our brothers from Assam and the Punjab here sitting with us, taking part in the deliberations of the highest forum of the country.

MR. DEPUTY-SPEAKER : Prof. Saifuddin Soz.

PROF. SAIFUDDIN SOZ : I will not repeat the points I have already raised earlier. But despite his excellent speech and eloquence I have not been able to agree with the hon. Law Minister on one point : When he said and he quoted rules to show that the Election Commission of India could issue more than one notices, I agree. But the Election Commission of India had no power on earth to...*(Interruption)*

PROF. MADHU DANDAVATE (Rajapur) : He did not quote the Election Commission. He quoted Tagore.

PROF SAIFUDDIN SOZ : But when he quoted Tagore I felt that I could translate it into one verse of Ibal who said :

*"Unaan-Misar-Roman sab mlt gaye  
janan se,  
Baaki magar hei ab tak namon  
nishan hamaaraa."*

That India will remain great, there is no doubt about it. But the question is the Election Commission had no power to leave out Assam and Punjab, because the Representation of the People Act was in force and the Ordinance was promulgated on the 20th November, and the Election Commission's notification was issued on the 13th November, 1984. Therefore, I do not agree with him. Of course, he has enlightened me, for which I am very thankful to him.

When I was saying something about Punjab Shri Harish Rawat—I do not suppose that he is here—wanted to cast some aspersions. I never did any advocacy for the Akalis. I only said about Surjeet—perhaps he is a sitting Member of the Rajya Sabha.

PROF. MADHU DANDAVATE : His term expired.

PROF. SAIFUDDIN SOZ : All of us know him, and about his integrity. He was talking to his partymen only three days ago. While he said that Longowal and Tohra never obliged Bhindranwalle on the question of Khalistan. Mr. Rawat brought in Jammu and Kashmir and also the names of Farooq Abdulla and Jamat-e-Islami.

SHRI A. K. SEN : According to Mr. Amal Datta you are irrelevant.

PROF. SAIFUDDIN SOZ : Not only that portion; you could say that his entire speech was irrelevant.

When I was discussing Punjab, I did not mention about Anandpur Sahib Resolution. Mr. Rawat wanted to cast aspersions on us by bringing in Anandpur Sahib Resolution. I want to say here and now that Dr. Abdullah and his Party, National Conference, never accepted Anandpur Sahib Resolution, as was told to the country. No opposition party has supported that Resolution. By bringing in Anandpur Sahib Resolution, he wanted to paint us in black, but the country knows better. Anandpur Sahib Resolution preaches secessionism. It has so many versions. We had to struggle hard for getting the original version. I agree that there were elements which preached secessionism. We denounced them. There is no question of National Conference supporting any terrorism or secessionism in Punjab. But we want resolution of Punjab problem, because it is not a sin to tell you that our economy is in a shambles. Our tourism has gone. The entire economy of Jammu & Kashmir depends on Punjab because that is our lifeline. Therefore, apart from the fact that I and my Party want that Hindus and Sikhs should live in peace and amity—

[*Translation*]

—we shall rejoice when peace and brotherhood would return to Punjab. The name of Mahatma Gandhi was mentioned just now. When I was quite young I thought that non-violence was a sign of cowardice. But now as a grown-up man I think that there was really a great force in Gandhiji's non-violence. That force had more potential than even guns, cannons, jets and atom bombs. Following the path of love and peace shown by Mahatma Gandhi we should work for creating an atmosphere of peace and amity in Punjab and the rest of the country.

[*English*]

I read out a portion of Lt. General

Jagjit Singh Aurora's speech as he was speaking on behalf of the National Sikh Forum. He wanted to say that the Sikhs were being painted black; they were Indians and they were nationalists. There was no question of any Sikh being a secessionist. Some terrorists may be there. It is a small group. But that terrorist group cannot speak for the entire community of Sikhs. Earlier also I have spoken that if the Sikhs want a separate nation, that cannot be granted. We differ with the Anandpur Sahib Resolution for the fact that it smacks of a separate nation. We cannot accept that. There is only one nation and that is the Indian nation. Therefore I feel that in Punjab you could hold elections. You held examinations there. My information is that—my colleague, Mr. Jagannath Kaushal will bear me out—in Punjab when you held examinations, you held the best examinations, without any rigging, without any unfair means. It was a very pure examination. Punjabis irrespective of caste, colour and creed feel beholden to the Central Government that it held examinations there. So also, you could hold elections. The entire Punjab would feel beholden to you. I do not know why you did not do it. I feel that we could hold elections in Punjab and Assam.

Coming to Jammu & Kashmir, Mr. Rawat mentioned the name of Jamat-e-Islami and said that we had links with them. That Jamat stands for obscurantism. Dr. Faruq Abdullah had arrested Syed Ali Gilani, but you got him released through Mr. Gulam Mohd. Shah, who does not represent the people. You got him released during the elections to harm us. But he could not harm us. But he preached boycott. When he was released, he preached the same kind of secessionism. He said that accession to India was not final. He is still at large. Still you have mentioned here that we have any business with Jamat-e-Islami. It was Mr. Gulam Mohd. Shah, who is supported by your Party, who got Syed Ali Gilani released. You must accept the fact that Sayed

Ali Gelani does not accept the fact of accession to India and when he was released, he delivered four speeches in Kashmir Valley—one at Sopore and one at Baramulla, that is, in my constituency. Iftikhar Ansari also supported that fellow. He is no better. Now they are conceding what they have done earlier. And that Sayed Ali Gelani was released during this election to harm the National Conference, a nationalist party, and still your Members sometimes say all these kinds of things.

I would not now delve deeper and bring in factors which will impair the atmosphere here, but since there is a difference of approach, I insist to oppose this Bill which has been presented here.

MR. DEPUTY SPEAKER : Prof. Soz, are you withdrawing your Resolution ?

PROF. SAIFUDDIN SOZ : There is no question of my withdrawing, Sir.

MR. DEPUTY SPEAKER : The question is :

“This House disapproves of the Representation of the People (Amendment) Ordinance, 1984 (Ordinance No. 15 of 1984) promulgated by the President on the 20th November, 1984.

*The Motion was negatived.*

MR. DEPUTY SPEAKER : The question is

“That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration.”

*The Motion was adopted.*

MR. DEPUTY SPEAKER : The House will now take up clause by

clause consideration of the Bill. The question is :

“That Clauses 2 and 3 stand part of the Bill.”

*The Motion was adopted*

*Clauses 2 and 3 were added to the Bill*

MR. DEPUTY SPEAKER : The question is :

“That Clause 1, the Enacting Formula and the Title stand part of the Bill.”

*The Motion was adopted*

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

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : I beg to move :

“That the Bill be passed.”

MR. DEPUTY SPEAKER : Does any hon. Member want to speak ? The time is already over.

Motion moved.

“That the bill be passed.”

[Translation]

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mr Deputy Speaker, Sir, the provisions contained in the Representation of the People Act clearly show the intention of the Government. The intention is that next Lok Sabha should come into existence before the term of the present Lok Sabha expires. The notification issued by the Election Commission indicated that there was some lacuna in it. It was not clear from the notification as to which States were being kept out of the purview of election for the time being. In order

to remove that lacuna, this Ordinance had been promulgated.

Some hon. Members of this House, particularly Prof. Soz and our friends belonging to the Communist Party (Marxist) and BJP had criticised this measure in a way that it has become necessary for me to say something in this regard.

Mr. Deputy Speaker, Sir, there is nothing in the amendment being made in the Representation of the People Act, to take it for granted that elections will not be held there. We want to hold elections in Punjab as well as in Assam. As regards Assam, the electoral rolls are to be revised there. The all Assam Students Union and the Gana Sangram Parishad have been demanding revision of electoral rolls and we had also promised that it would be done. Election in Assam cannot be held until the electoral rolls are revised, because they have been agitating for it for a long time.

It was said that in Assam at one place, only two hundred votes were cast and at another place votes cast were even less than this number. I would like to say that in Assam nobody was denied the right of casting his vote. If even one person out of one lakh voters comes to cast his vote, the person in whose favour he casts his vote will be declared elected. Thus, the criticism made by them on this count has no meaning at all.

In my opinion it was the weakness of the opposition parties which led them not to participate in elections there. If the opposition parties including the BJP and the Janata Party boycotted the elections it meant that these parties had no courage to fight elections there. On the one hand, they boycott the election and on the other, they criticise the same. Thus, theirs is not a constructive approach.

Prof. Soz said they did not support the Anandpur Sahib Resolution. But these very people emphatically advocated that the Anandpur Sahib Resolution should be accepted.

*(Interruptions.)*

The Bhartiya Janata Party had said this.

*[English]*

SHRI K. P. UNNIKRISHNAN : Nobody from the opposition has said this.

*[Translation]*

SHRI RAM PYARE PANIKA : It is a fact that all the opposition parties did not say it. But it was almost certain that..... *(Interruptions.)*

SHRI GIRDHARI LAL VYAS : There is great difference between what they say and what they do. Opposition Members have been supporting their movement. *(Interruptions)*. This is correct. Today Prof. Soz is saying that they opposed the Anandpur Sahib Resolution. In Parliament they made speeches in which this Resolution was supported, those people organised their camps in that State and the State Government gave shelter to them. There is no doubt in it.

*[English]*

SHRI K. P. UNNIKRISHNAN : Nobody on this side supported the Anandpur Sahib Resolution. You can peruse the records. He is making false allegations.

SHRI S. JAIPAL REDDY : I have a point of order.

MR. DEPUTY-SPEAKER : There is no point of order. Please sit down.

PROF. SAIFUDDIN SOZ : With all respect for Shri Vyas and the fact that he is a very senior Member of Parlia-



ment, but I am sorry to request you that his speech must be expunged.

He has spoken nothing but untruth.

SHRI K. P. UNNIKRISHNAN : Sir, let it not be expunged. Please let the Chair appoint a Parliamentary Committee to peruse the record of the House for the last five years to find out whether a single Member from these benches had supported the Anandpur Sahib Resolution. They can go and say on the election platform. But this House should not be used for spreading absolute falsehood.

You accept my challenge. Let there be a Parliamentary Committee. Let us peruse the record for the last five years whether any single Member had said so

[Translation]

SHRI GIRDHARI LAL VYAS : It has been supported here.

SHRI K. P. UNNIKRISHNAN : Never. (Interruptions.)

[English]

MR. DEPUTY SPEAKER : You please sit down.

SHRI S. JAIPAL REDDY : Mr. Deputy Speaker, the hon. Member Mr. Vyas was referring to a statement. (Interruptions.) Sir, Mr. Vyas was referring to the statements made by Members of the opposition in the Seventh Lok Sabha. He should be able to refer to the record or he should be able to accept the challenge thrown by a senior Member, Mr. Unnikrishnan for a House Committee to enquire into it or he must apologise to this House.

SHRI K. P. UNNIKRISHNAN : Let there be an enquiry. (Interruptions.)

MR. DEPUTY SPEAKER : Please sit down.

You give a notice. We will see.

PROF. MADHU DANDAVATE : Sir. I have a submission. Since the point has been raised. I have two suggestions. Firstly the statement that is made by the hon. Member, Shri Vyas should not be expunged because we want a wrong statement made by the hon. Member of the House to remain there. Because, otherwise nothing can be enquired into whether it was stated or not. So, let it remain on the record. And if it is not possible to have a committee. I would go a step further. I would suggest through you that the Speaker himself should go through the entire record and try to tell the House whether anyone Member of the opposition had ever supported in this House right from the moment the Anandpur Sahib Resolution was passed, whether any Member of the opposition had ever supported directly or indirectly this particular resolution. The Speaker himself can go into this and express his opinion. We have full confidence in his *bona fides*. Let him tell the House.

[Translation]

SHRI GIRDHARI LAL VYAS : The Members belonging to the Bhartiya Janata Party and Lok Dal definitely said here in this House that the demands of Akalis should be accepted.

[English]

SHRI K.P. UNNIKRISHNAN : He is shifting his ground. (Interruptions).

MR. DEPUTY SPEAKER : Hon. Member have already expressed their views. You made the statement. That is also on record. Therefore, if you want to give any notice, you can give. That will be considered

SHRI K.P. UNNIKRISHNAN : No, Sir. It is a challenge.

PROF. MADHU DANDAVATE : My submission is very clear. Through you, I am making a suggestion that the Speaker be requested to go into the record and find out the veracity of the statement made by Mr. Vyas.

SHRI K. P. UNNIKRISHNAN: It is a serious charge. It is all right, during the election campaign, these charges have been made. We are not bothered. Elections are over. Now he is repeating it here and I am specifically challenging him. Let there be a Committee of the House appointed by the Speaker to go through the record of the House to find out whether any Member from the opposition had supported, during the last five years, during the pendency of the Seventh Lok Sabha.

SHRI GIRDHARI LAL VYAS : Whatever I have said is correct.

SHRI S JAIPAL REDDY: Sir, he is opposed to enquiry.

*(Interruptions.)*

MR. DEPUTY SPEAKER : He has made an observation that it should be referred to the Speaker. We will see.

The question is :

“That the Bill be Passed.”

*The motion was adopted.*

15.26 hrs.

STATUTORY RESOLUTION  
RE : DISAPPROVAL OF  
FOREIGN CONTRIBUTION  
(REGULATION) AMENDMENT  
ORDINANCE  
AND  
FOREIGN CONTRIBUTION  
(REGULATION) AMEND-  
MENT BILL

[English]

MR. DEPUTY SPEAKER : We now take up item No. 14, Statutory Resolu-

tion and item No. 15, Foreign Contribution (Regulation) Amendment Bill. Both these items will be taken up together.

Prof. Saifuddin soz.

PROF. SAIFUDDIN SOZ : (Bara-mulla). Mr. Deputy-Speaker, Sir, I beg to move :

“This House disapproves of the Foreign Contribution (Regulation) Amendment Ordinance, 1984 (Ordinance No. 12 of 1984) promulgated by the President on the 20th October, 1984.”

The Foreign contribution (Regulation) Amendment Bill which has been presented here is a very good idea. There are certain provisions in the Bill to which I lend my support. It is a very good idea to see which political parties in India are getting contributions from foreign countries by way of donations, etc.

In this Bill, by making certain amendments, they have brought in many more political parties, particularly from Jammu and Kashmir State, which were not previously covered by law. We can have no objection to these provisions in the Bill. But my first objection is—that intention does not remain hidden—that when you go through the Bill, you will find that it is the ruling Party at the Centre which wants to arm itself with powers to check the records and political activities of other parties in the country. There are certain provisions in the Bill in respect of which I would plead for rejection or deletion of those provisions.

For instance, there is a provision that before getting a donation, before getting any money from a foreign country, a political party has to register itself with the Central Government and, in that registration also, the Central Government has arbitrary powers. There is no time limit within which the