

maintained very good public relations in border areas in J&K State. There are instances a laudable social welfare measures taken up by the army and B. S. F in border areas of Poonch, Rajouri, Karnah Koram Leh etc. and the people have appreciation for all that. But, there are areas in which the Defence Ministry is required to take interest and remove certain difficulties. I wish to draw the Defence Minister's attention to the roads built for defence purposes in Tehsil Karnah of District Kupwara in Kashmir. The people who parted with their land have not received compensation so far. Then, there should have been a policy—that irrigated (Aabi Awal) land used for growing paddy should not come under construction of roads as chunks of non-arable, less productive land are available which can be used for construction of roads in Karnah and elsewhere. Also, where labour is required for defence purposes, preference should be given to local people.

पर कुछ यहाँ हो-हल्ला भी हुआ था लेकिन उन्होंने लिखा क्या है।

(व्यवधान)

THE MINISTER OF STATE IN THE DEPARTMENTS OF SCIENCE AND TECHNOLOGY, ATOMIC ENERGY, SPACE, ELECTRONICS AND OCEAN DEVELOPMENT (SHRI SHIVRAJ V. PATIL): If you are making a statement like this, then we should be allowed to explain the things.

श्री सुरजभान : ठीक है, बताइए।

SHRI SHIVRAJ V. PATIL : Sir, the Prime Minister is expected to meet the foreigners and other people who are coming here. If a matter comes up in the House at the last moment without information to her and if she graciously like....

SHRI SURAJ BHAN : She could make the statement in the afternoon.

SHRI SHIVRAJ V. PATIL : If a matter is fixed for hearing and if she is not there. You can take objection. But if it comes up without notice here can you expect her to be here.

(Interruptions)

MR. CHAIRMAN : He has given his views. The Minister can reply as also Members from that side if they want.

SHRI SHIVRAJ V. PATIL : This is not correct, Sir. Things should not be allowed to go on record in this manner.

SHRI SURAJ BHAN : Why not ?

(Interruptions)

MR. CHAIRMAN : Nothing. Mr. Suraj Bhan, please speak on.

15.28 hrs.

STATUTORY RESOLUTION RE :  
DISAPPROVAL OF NATIONAL SECURITY (AMENDMENT) ORDINANCE AND NATIONAL SECURITY (AMENDMENTS) BILL—Contd.

MR. CHAIRMAN : Now, we take up items 13 and 14 together. Shri Suraj Bhan may continue.

श्री सुरज भान (अम्बाला) : सभापति महोदय, मैंने कल यह साबित करने की कौशिश की थी कि आर्डिनेन्स का जारी करना बिल्कुल गलत था और आर्डिनेन्स को जारी करके, पार्लियामेंट की तौहीन की गई, इन्सल्ट की गई और उस इन्सल्ट की एक एग्जाम्पल आज फिर हमारे सामने आ गई है। प्रधान मन्त्री जी हाऊस में न आकर स्पीकर साहब को लेटर लिखती हैं और उस

SHRI RAM PYARE PANIKA  
(Rebertsgang): After all there should be  
a limit.

(*Interruptions*)

MR. CHAIRMAN : You have made  
your point. That is on record. Let us  
go on with this. It is an important  
thing.

(*Interruptions*)

MR. CHAIRMAN : Mr. Harikesh  
Bahadur, let him continue.

SHRI HARIKESH BAHADUR  
(Gorekhpur) : I can not understand  
what is wrong in it.

(*Interruptions*)

MR. CHAIRMAN : Mr. Suraj  
Bhan, please continue.

PROF. N. G. RANGE (Guntur) :  
It was raised in the morning. Why do  
you go on repeating ?

MR. CHAIRMAN : You can force-  
fully make that point.

श्री सुरजभान : सभापति महोदय, पत्र  
में कंट्राडिक्ट करने की कोशिश की गई है  
लेकिन मैं समझता हूँ कि प्रधान मन्त्री जी  
के इन्कार में भी इकरार मौजूद है। उनका  
सैंटेंस पढ़कर सुना रहा हूँ। अखबार की  
न्यूज है।

THE MINISTER OF STATE IN  
THE MINISTRY OF HOME  
AFFAIRS (SHRI P. VENKATASUBB-  
AIAH) : Is it relevant ? Is it appro-  
priate ?

SHRI SURAJ BHAN : Why not ?

SHRI P. VENKATASUBBIAIAH :  
Ordinance has been promulgated. How

can he connect it with the Prime Minis-  
ter's...

(*Interruptions*)

MR. CHAIRMAN : It refers to  
Punjab as to what was the necessity of  
the National Security Act ?

(*Interruptions*)

SHRI P. VENKATASUBBIAIAH ;  
It is not like that.

श्री सुरजभान : आर्डिनेंस पंजाब की  
प्राब्लम को हल करने के लिए ही था  
और इसी बारे में लैटर में रैफर किया गया  
है। यह कल की टिब्यून अखबार में है।

“Certain undesirable ele-  
ments who had got into the  
intelligence network and the  
law and order machinery  
during the Janata regime  
were now trying to weaken  
the Union Government, she  
said.”

“The Prime Minister, Mrs.  
Indira Gandhi, on Monday  
attributed the failure of  
intelligence agencies in Punjab  
to the “recruitment of crimi-  
nals and communalists by the  
Akali - Janata coalition  
Government” during the  
Janata regime.”

SHRI P. VENKATASUBBIAIAH :  
How is it relevant to the Ordinance  
under discussion ? I want your ruling.

MR. CHAIRMAN : Let us hear  
him. He is referring to the statement  
relating to the situation in Punjab.

Shri Suraj Bhan, you know there  
has been a letter of Prime Minister  
which has been read out by the speaker.  
But if it is relevant with regard to the  
National Security Act, you may refer  
to that, but not beyond that.

श्री सूरजभान : मुझे एक बार कह तो लेने दीजिए ।

SHRI HARIKESH BAHADUR :  
What is wrong if he is telling something about that latter and after that he formulates certain points ?

MR. CHAIRMAN : Shri Harikesh Bahadur, you are not on a point of order. I have asked him to continue.

SHRI MOOL CHAND DAGA (Pali) :  
Mr. Chairman, he can only speak on the Resolution and not on anything else.

(Interruptions)

SHRI SURAJ BHAN : The Prime Minister has said in to-day's newspaper :

"I do say that the Janata Party before coming to power had convinced themselves that I was using intelligence services for party purpose. There was not and there is not any truth in this. But because of this belief Janata Party Government appointed/Committee to examine this question. Due to these institutions suffered and there was demoralisation. A certain amount of casteism also crept in."

SHRI MOOL CHAND DAGA :  
These are hard facts.

श्री सूरजभान : जनता हुकूमत ने इन्क्वारी कमेटी बैठाई है, उस इन्क्वारी कमेटी के बैठने के कारण कास्टिज्म आ गया है, ऐसा उसमें कहा गया है। अगर मैं इस बात को थोड़ी देर के लिए मान भी लूँ...

(व्यवधान)

इन्क्वारी कमेटी की वजह से कोई कास्टिज्म नहीं आया ।

श्री मूलचन्द डागा : भाया है ।

श्री सूरजभान : तब तो आपको कोई इन्क्वारी नहीं बैठानी चाहिए ।

SHRI MOOL CHAND DAGA :  
Are you speaking on the Resoution or anything else ? Kindly speak within the scope of the Resolution.

SHRI SURAJ BHAN : I am speaking.

(Interruptions)

SHRI MOOL CHAND DAGA :  
Why are you telling all this ?

(Interruptions)

He is only wants to attack the Prime Minister. He does not want to say anything else.

(Interruptions)

MR. CHAIRMAN : Mr. Daga, I am sure she can defend herself and you can also defend her.  
Mr. Suraj Bhan, please continue.

श्री सूरजभान : प्राइममिनिस्टर ने हां तो सोल्यूशन करना है। (व्यवधान) मैं उस पर आ रहा हूँ ।

इस आर्डिनेंस में दो तीन (effects) इफेक्ट्स हैं मोटे तौर पर । पहला तो यह है कि 5 दिन के बजाए 15 दिन के बाद गिरफ्तारी की वजह बताएंगे, दूसरा एडवाजरी बोर्ड को तीन महीने के बजाए 6 महीने के अन्दर राय के लिए कहेंगे और तीसरा मोटा इफेक्ट है, छोटे-छोटे और भी है, लेकिन मोटा इफेक्ट तीसरा यह है कि

(श्री सूरजभान)

एडवाइजरी बोर्ड का राय के बाद एक साल के बजाए दो साल तक जेल में रख लेंगे। मैं पूछना चाहता हूँ...।

(व्यवधान)

MR. CHAIRMAN: This running commentry will only delay matter. Mr. Daga, you can effectively reply.

श्री सूरजभान : मैं गृह मन्त्री जी से यह पूछना चाहता हूँ कि पांच अप्रैल को ऐसे कौन से केसे ज थे, जिनकी पांच दिन, छह महीने की शर्त या एक साल की नजरबन्दी खत्म हो रही थी और आप उनको बढ़ाना चाहते थे ? क्या नजरबन्दी की भियाद का आपको पांच अप्रैल को ही पता चला ? जिस आदमी को आपने पांच-छह महीने पहले पकड़ा, उनके बारे में तो आपको पता था। क्या यह मार्च के दूसरे सप्ताह में पता नहीं लग सकता था। 23 मार्च को राज्य सभा का सेशन एडजान्त हुआ और पांच अप्रैल को आपने आर्डिनैस जारी कर दिया। अगर आपको पता था तो आप आसानी से इसको बिल की सूत में लाकर राज्य सभा से भी पास करवा सकते थे। आप से यह गलती हो गई।...

(व्यवधान) किस ग्राउन्ड पर आप मना करेंगे ?

SHRI RAM PYARE PANIKA : These Points have already been replied by the Government. It is no use repeating them.

MR. CHAIRMAN : If we do not allow the objections and replies thereto, then we can proceed much further and faster also;

श्री सूरज भान : इस सरकार को अधिकारों की कमी नहीं है। अधिकार तो

बहुत है लेकिन पोलिटिकल बिल (इच्छा शक्ति) नहीं हैं। प्रावलम को साल्व करने के लिए कायर के हाथ में हथियार दे दिया जाए तो वह कुछ नहीं कर सकता।

(व्यवधान)

आपने पहला कदम उठाया पंजाब की प्रावलम को हल करने के लिए दरबारा सिंह जी को रिप्लेस किया। वहां के गवर्नर श्री ए. पी. शर्मा को रिप्लेस किया। फिर पाण्डेय साहब के एडवाइजर्स को रिप्लेस किया। उसके बाद होम सेक्रेटरी को रिप्लेस किया। अब शायद चर्चा हो रही है कि होम मिनिस्टर साहब को भी रिप्लेस करेंगे आप बात बता दें कि यह बात सही है या नहीं ? लेटेस्ट यह है कि दरबारा सिंह जी बाहर विदेश गए थे, उनको बुलाया गया।

(व्यवधान)

SHRI P. VENKATASUBBAIAH : You go by newspaper reports. That is a figment of imagination.

SHRI SURAJ BHAN : It was in the newspaper.

SHRI RAVINDRA VARMA : (Bombay North) : The Minister may please tell us what we should do ? We do not have access to Government information :

श्री सूरज मान : दरबारा सिंह जी के बदलने के बाद, गवर्नर राज के आने के बाद और इस आर्डिनैस के बाद 39 रेलवे स्टेशन जलाए गए। एक भी आदमी पकड़ा नहीं गया। रेलवे लाइनें उखाड़ी गई और बम भी उन पर फटे। आज के अखबारों में तो यह भी है कि वहाँ एक्सप्लोसिव स्टोक भी रखी गई। मुझे एक शेर याद

आ रहा है, वह मैं आपको सुना देना चाहता हूँ।

“रात के गुजरते ही एक और रात आई, आप तो यह कहते थे कि दिन निकलने वाला है।”

दिन तो नहीं निकला, लेकिन हालात और भी ज्यादा खराब होते जा रहे हैं। ..... (व्यवधान) आर्डिनेंस अमेन्ड करके नेशनल सिक्यूरिटी एक्ट को ज्यादा मजबूत बनाने की कोशिश की है।

श्री चिरंजी लाल शर्मा (करनाल) : यह शेर तो हकीकत के खिलाफ है। हर रात के बाद तो दिन निकलता है।

(व्यवधान)

MR. CHAIRMAN : I find your name in the List. Don't exhaust yourself now, Shri Chiranji Lal Sharma. Let us go ahead.

श्री सूरज भान : मैं आपसे पूछना चाहता हूँ कि सन्त जरनैल सिंह भिण्डारा-वाला ने जो कुछ बयानात वहाँ दिए गोल्डन टैम्पल में, क्या वे नेशनल सिक्यूरिटी एक्ट की परिधि में नहीं आते। क्या वे एन्टी-नेशनल नहीं थे। मैं नहीं कहता कि आप वहाँ जाओ, क्योंकि आप में हिम्मत नहीं है। फिर मैं क्यों कहूँ कि आप वहाँ जाओ। लेकिन उनके जितने बयानात और स्टेटमेंट्स हैं, उनके जो एक्शन हैं कि हम इतने हिन्दूओं का कत्ल कर देंगे, फलाने को मारकर के लाओ, भजन लाल को मार कर के लाओ, यह काम पूरा नहीं हुआ, क्या उनमें से कोई चीज पंजाब की पीस को डिस्टर्ब नहीं करती अथवा देश की इंटैग्रिटी को डिस्टर्ब नहीं करती। उनके बयानात के खुले टेप बाजार में मिलते हैं,

क्या वे नेशनल सिक्यूरिटी एक्ट में कबर नहीं होते। गुरुद्वारों में उन्हें सुनाया जा रहा है। यदि ये सारी चीजें एक्ट के अंतर्गत आती हैं तो आप उस बात को छोड़िए कि एक साल की जगह दो साल करेंगे, आज तक आपने नेशनल सिक्यूरिटी एक्ट के अंतर्गत क्या कोई वारंट जारी किया। आपने अभी पिछले दिनों श्री राम विलास पासवान जी के एक सवाल का जवाब देते हुए कहा था कि भिण्डारावाला के खिलाफ 11 मामले दर्ज हैं, लेकिन क्या किसी भी मामले में आपने कोई वारंट जारी किया। क्या अब जारी करेंगे। आपने कल अपनी स्टेटमेंट में जो कुछ कहा, उसको मैं दोहराना नहीं चाहता। आपने कहा था—

‘Militant leaders had been inciting their followers to take to terrorist methods.’

मैं फिर से अपनी बात दोहराना चाहता हूँ कि आखिर वे मिलिटेंट लीडर्स कौन हैं और उनके लीडर कौन हैं। आपने उनके लीडर के खिलाफ क्या कार्यवाही की। आज ही सन्त हरचन्द सिंह लोंगोवाल की एक स्टेटमेंट हमारे ध्यान में आई है, जो कल के हिन्दुस्तान टाइम्स में छपी थी कि फिरोजपुर में जो सी. आर. पी. एफ. के जवानों ने फायरिंग की है, हम उसका बदला लेंगे। क्या यह स्टेटमेंट एन: एस. ए. की परिधि में नहीं आती। स्वयं प्रधान मंत्री जी ने कहा है, चण्डीगढ़ में जो उर्दू के अखबार में छपा है, उसमें लिखा है कि हम पंजाब की समस्या को जल्दी से जल्दी हल करना चाहते हैं, मगर इस बारे में बात किस से करें और फिर उस फैसले को कौन मानेगा। इससे स्पष्ट होता है कि आपको अभी तक यही नहीं पता कि किससे फैसला करना है, क्या बात करनी है, और उसको कौन

मानेगा। एक तरफ आप कहते हैं कि सन्त हरचन्द लोंगोवाल और जर्नेल सिंह सिडरावाला में कोई फर्क नहीं रहा, और कहते हैं किस से बात करें। शायद इसके लिए कुछ और ही कदम उठाना पड़ेगा। उनका यह बयान भी है कि हमें बदला लेना पड़ेगा। मैं आपसे जानना चाहता हूँ कि क्या आप वाकई दोनों संतों में कुछ फर्क समझते हैं। यदि फर्क समझते हैं तो फिर लोंगोवाल जी से बात करनी चाहिए। इस मामले को बातचीत के जरिये हल करना चाहिए। यदि आपने यह फैसला अभी करना है कि किस से बात करें, फिर अपने तौर पर आप जो ठीक समझते हैं, कीजिए। पंजाब और हरियाणा के बारे में आप जो ठीक समझते हैं, निर्णय कीजिए। लेकिन उसको एनाउंस तो कीजिए, फिर उसके परिणाम भी सामने आ जाएंगे।

दूसरे, मैं आपसे जानना चाहता हूँ कि तलवंडी ग्रुप के नेता श्री सुखदेव सिंह जी के बारे में क्या यह असलियत है कि वे पिछले महीने मार्च में दिल्ली आये थे और प्रधानमंत्री जी से मिले। यदि हाँ, तो उनकी प्रधानमंत्री जी से क्या बात हुई। यदि नहीं, तो साफ कह दीजिए कि नहीं मिले, बात खत्म हो जाती है। लेकिन मैं आपसे कहना चाहता हूँ कि इन कागजी कार्यवाहियों से कुछ नहीं बनेगा। अखबारों में तो यहां तक रिपोर्ट छपी है कि गोल्डन टैम्पल के नीचे सुरंगें बनी हैं जहां पर अमेरिका, पाकिस्तान और रूस आदि कई देशों से लाये गए हथियार जमा हैं और इस सिलसिले में कुछ आदमी पकड़े भी गए हैं। जब एन्काउन्टर में मारे गए एक व्यक्ति की लाश वहां बरामद हुई तो ऊपर से तो वह सिक्ख लगता था, लेकिन अंदर से जांच करने पर उसकी सुन्नत हुई थी, वह मुसलमान

पाया गया। आज के नवभारत टाइम्स अखबार में भी कहा गया है कि अमृतसर से कुछ दूर सी. आर. पी. एफ. के जवानों ने कुछ लोगों को चैलेंज किया तो वे किसी और दिशा में न जाकर पाकिस्तान की ओर भागने लगे। पुलिस खामोश खड़ी रही। सी. आर. पी. एफ. के लोगों ने गोली चलायी, उनको जख्मी किया और गिरफ्तार किया क्या गोल्डन टैम्पल में भी पाकिस्तान या विदेश के घुसपैठिये बैठे हुए हैं? यदि हाँ, तो कितने हैं और कितने आतंकवादी है? आखिर इन हालात को कंट्रोल कौन करेगा? पुलिस और सियायतदां उनके साथ मिले हुए हैं और इसका सबूत यह है कि मेरी कांस्टोटेयूएमी अम्बाला में एक ए. एस. आई., सरदार शिवसिंह और एक कांस्टेबिल, जिसकी 15 दिन बाद शादी होने वाली थी, दोनों को आतंकवादियों ने खत्म कर दिया। अम्बाला के Sr Supdt of Police में हिम्मत की, डिप्टी कमिश्नर ने तमाम सिविल अफसरों को बुलाया और कहा कि पुलिस के आदमी दिये जाएंगे, हम गांव में छापा मारो। परिणामस्वरूप एक आदमी पकड़ा गया तो भटिंडा पुलिस का कांस्टेबिल है। पंजाब सुपरिन्टेण्डेंट पुलिस का बेटा उसको साथ था। एक प्रकाली Ex. M. L. A. का बेटा भी उनमें था मैं अम्बाला के अधिकारियों को शाबाश देता हूँ। पंजाब सुपरिन्टेण्डेंट पुलिस ने उस कांस्टेबिल को वारन्ट डिलीवर करने के लिये भेजा हुआ था। कौन पकड़ेगा? वह वहां सामने आया था सबन कुमार और डा. कमला वर्मा को और चूँकि ड्यूटी लगी हुई थी वारन्ट डिलीवर करने की, अगर पकड़ा न गया होता तो कोई सबूत नहीं था। वह चूँकि जिस काम के लिए आया था वह काम नहीं कर सका इसलिए पकड़ा गया। करनाल में श्री वेदपाल पर हमला किया

गया श्री भजन लाल का स्टेटमेंट है कि वह लोग 3 दिन पंजाब से आकर के करनाल में ठहरे और स्कीम थी मुख्य मंत्री, श्री भजन लाल को मारो। घरोडा में चूंकि सैक्योरिटी अरेंजमेंट माकूल था इसलिए मुख्य मंत्री को नहीं मार सके। श्री भजन लाल का ड्राइवर को मेरी कांस्टीट्यूएँसी का था, उसको मारा। तीन आदमी पकड़े गये और वह तीनों के यूथ कांग्रेस के आदमी थे। यह चीफ मिनिस्टर का खुद का स्टेटमेंट है, मेरा नहीं। और उन्होंने यह भी कहा कि इन्वेस्टीगेशन की स्टेज पर उन पर दवाव डाला गया कि इनको छोड़कर दिया जाय। मैं पूछना चाहता हूं कि कौन आदमी थे जो दवाव डाल रहे थे छोड़वाने के लिए? वह चीफ मिनिस्टर का स्टेटमेंट है। और आप उनके खिलाफ क्या कार्यवाही कर रहे हैं जो छोड़वाने की कोशिश कर रहे थे? जहां पुलिस अफसर और पोलिटीशियन मिले हुए हैं वहां क्या इन्साफ हो सकता है? कागजी कार्यवाहियों से कुछ नहीं बनेगा।

इसलिए मैं इस बिल का विरोध करता हूं क्योंकि मैं समझता हूं कि पहले के जो कानून हैं वही काफी है जिनसे काम चल सकता है, इस बिल को लाने की कोई जरूरत नहीं है। आप जरा बिल पावा दिखाईं ये तब कुछ काम बनेगा, अन्यथा इन कागजी कार्यवाहियों से कुछ नहीं बनेगा।

15.49 hrs.

[SHRI R.S. SPERROW *in the Chair*]

THE MINISTER OF STATE IN  
 THE MINISTRY OF HOME AFFAIRS  
 (SHRI P. VANKATASUBHAIAH):  
 I beg to move :

"That the Bill to amend the  
 National Security Act, 1980, in its  
 application to the State of Punjab

and the Union Territory of Chandigarh, be taken into consideration."

As the House is aware, public orders in the "disturbed areas" of Punjab and Chandigarh has been seriously affected, on account of the violent and terrorist activities of extremists. Many innocent people have become victims of their attack. They have struck at or threatened persons who have expressed views different from theirs, people of different communities, policemen investigating cases, witnesses and others. They have also damaged public property. They have not hesitated to use explosives against congregations at prayer meetings. Militant leaders have been inciting their followers to spread terror, which cuts at the very roots of democracy and Rule of Law.

The hon. members have expressed concern and anguish at the serious situation prevailing in the State. It has become necessary for the government to arm itself with sufficient powers, including powers relating to preventive detention to deal effectively and sternly with anti-national, anti-social and communal elements. Taking into account the extra-ordinary circumstances, it was considered necessary to amend certain provisions of the National Security Act in their application to the 'disturbed areas' of Punjab and Chandigarh, in order to prevent them from contriving to indulge in their violent activities.

The Bill seeks to amend the National Security Act, 1980 in its application to the State of Punjab and the Union Territory of Chandigarh :—

- (a) to increase from ten days to fifteen days the maximum period within which ground of detention may in exceptional circumstances be communicated to the detenu ;

- (b) to provide in certain cases for detention of persons without obtaining the opinion of the advisory board for a period of more than three months but not exceeding six months from the date of their detention ;
- (c) to provide also in such cases for a longer maximum period of detention; and
- (d) to make the necessary consequential amendments in the Act.

I may assure the House that the Bill is primarily meant to enable the authorities to immobilise the anti-national and anti-social elements in the 'disturbed areas' of Punjab and Chandigarh.

I would earnestly request the Hon. Member of the august House to give serious thought to all these aspects and I hope and trust this Bill will receive their support.

I also appeal to them that this debate is going to be a very important one. I would request the hon. Members to give their constructive suggestions and since the situation is very explosive let no acrimonious exchanges be made in this House. This is a very extraordinary situation and the Government wants to deal with a situation with a firm hand and we expect the cooperation of all the Members of this House to whichever party they belong. This is not an occasion where one has to take a sort of an excuse to pass certain critical remarks against the Government or somebody, but it is a national issue as the Prime Minister and the Home Minister have said several times. So, having that national perspective, I would only request the hon. Members to express their valuable suggestions and I will assure the hon. House that this Amendment Bill that has been brought about, does not have

any political invectiveness, but it is only meant to deal with a certain situation which is unfortunately prevalent in some parts of the country; especially this is in connection with Punjab and Chandigarh. And I hope the hon. Members will express their valuable suggestions in this regard.

MR. CHAIRMAN : Shri Somnath Chatterjee,

SHRI SOMNATH CHATTERJEE (Jadavpur) : I am sorry that I cannot applaud the Government or the Home Minister for bringing the Bill or for the provisions of this Bill.

Only last week we had a discussion on the Punjab and I had an opportunity to participate in it and I recall the statement of the Home Minister, Mr. Sethi, when he observed that all the Members had participated in the debate with a full sense of responsibility. Therefore, I do not understand the hon. Minister saying, "Do not criticise". It is a national issue. But we cannot just be oblivious of the failure of the Government. We have to point out the failures of the Government.

SHRI P. VENKATASUBBAIAH : I do not object to criticism, but it should be constructive criticism.

SHRI SOMNATH CHATTERJEE : The question is, how you look at it. According to you, passing an Ordinance, amending the National Security Act is a constructive action. We think that it is a destructive action. It will not solve any problem. That does not mean that I am anti-national or anti-social.

SHRI P. VENKATASUBBAIAH : You can make constructive suggestions.

SHRI SOMNATH CHATTERJEE : Therefore, the hon. Minister, instead



of trying to disarm the justified criticism of this Bill, should have tried for some introspection as to why they are subsidising or surviving and for what purpose.

Sir, we have said it, that oppose this Bill, we have opposed when the Ordinance was sought to be laid on the Table of the House, we have opposed when it was being sought to be introduced, we are opposing it today and I can give advance notice if necessary, that we shall continue to oppose any preventive detention measure, today, tomorrow, or at any time in future.

We are opposing it on principle. And so far as Punjab, Haryana and Chandigarh are concerned, where is the justification for this pernicious ordinance and this obnoxious Bill. It is nothing but an attempt on the part of this Government, which has confirmed to the world its inefficiency and its incompetence to deal with the issue, to take the plea of inadequacy law and to find a scapegoat for its failure in solving the Punjab problem.

You always want a scapegoat. You wanted to show to us that you have not sufficient powers and if the National Security Act is amended, then you shall have adequate powers to deal with it. We are against this Bill on the spirit of the Bill. And on principle we object to such legislations. The people of this country have very minimal rights. We have in our Constitution fundamental rights but with so many exceptions. So far with the good offices of Mr. Venkatasubbaiah exceptions have more importance than the main provisions. So far as economic freedom is concerned, people's economic freedom is a myth. So far as the personal and civil liberties are concerned, it seems to depend on the dispensation of an authoritative Government.

(Interruptions)

PROF. N.G. RANGA : It is all over India.

SHRI SOMNATH CHATTERJEE : I know, the hunger for power of this Government is insatiable. Therefore, when they find that the power cannot be exercised because the people are against them, then they take recourse to this type of legislation. I have said this on occasions when I had the misfortune in the sense to participate in the discussion on such Bill starting from the infamous MISA, that this Government is unable to function on the ordinary normal laws of the country. That is way, in the statute-book of this country since independence except the years during 1969 when having lost your absolute majority, you were very much concerned about the opposition, and then taking opposition's view, you did not get the PD Act extended because the Communist parties then did not support you in this regard. When the Janata party came, under public pressure, in spite of certain distortion in the thinking of Mr. Ravindra Verma and the like, there was an attempt to renew it, but that had to be given up and that was repealed. Otherwise, since 1950 this country had the great 'advantage' and great 'benefit' of the preventive detention law. Mr. Ranga you have changed the name of MISA at least. MISA was interpreted in a different sense you know. Now, you have made it NSA. You have removed (I) altogether from it because (I) was given a particular meaning.

According to us, this is a tyrannical law which is not necessary. It has not served any purpose, any law and order problem. It has not solved any other problem. I shall ask a simple question : Please take the House into confidence and tell us whether you have been applying the National Security Act in Punjab since the beginning of this difficulty or trouble and whether you have applied the National Security Act after this amendment on 5th April, and what is the change in the situation so far as its content

is concerned? Please tell us whether because of this amendment you have been able to contain the situation; solve the problem, stop the incidents and instil fear psychosis in the minds of the extremists in the Punjab and that they have gone back to their homes and peace is reigning now. Then why do you want to have such powers? Why do you want to give such powers to any and every Sub-Inspector onwards without very accountability for the proper exercise of this power. Therefore, we feel the attitude which is displayed through the provisions like this Amendment Bill shows that civil liberty and political freedom are an anathema to this Government. You must necessarily take recourse to such draconian laws according to your own way of thinking.

16.00 hrs.

We have seen the history of the application of infamous laws like MISA in this country. They are replete with instances of their misuse that use. They have been used against trade unionists, they have used against political appoints, they have been used against students, they have been used against women, they have been used against all activists of democratic movement in this country with impugency. And the first victim of NSA sitting in front of us Comrade A.K. Roy, a member of Parliament about whose detention under National Security Act the then Chief Minister of Bihar had to say that by mistake he had been detained. By mistake a Member of Parliament can be detained under National Security Act. This requires great application of mind while applying such dreadful laws. In this very country we have got a great and proud privilege that the people have entrusted to the Leftist parties the responsibility of administration where MISA is not applied. where NSA is not applied. And we can claim with great confidence that the law and order situation is best in West Bengal and Tripura and also in Jammu and Kashmir than

any other part of the country. How is it possible? If you are in league with all sorts of anti-social elements, if you are giving encouragement to divisive force, if you are keeping company with secessionist forces, with those persons who are responsible for extremist activities then it is not possible. And now you are shouting from house top. They were here roaming on the streets of Delhi with his supporters at bus stops and nobody stopped them. And now you are shouting and saying that this is the *mantra*. You say after NSA Ordinance everything seems to have quietened down. Don't take the country for a ride. That is why on principle we are against it. A very fundamental question in this case arises as to how this was introduced? You have forgotten Prof. Ranga that by an Ordinance, shameful Ordinance, when the Lok Sabha is sitting...

(*Interruptions*)

PROF. N.G. RANGA : But the other House was not in session.

SHRI SOMNATH CHATTERJEE : The House was not there for 18 days only. How have you utilised this NSA ask your worthy Minister to explain. For the last eighteen days how many arrests and detentions have taken place under this Ordinance? And what is the result of this? It has been followed by burning down of railway stations.

(*Interruptions*)

An HON. MEMBER : 38 persons have been arrested.

SHRI SOMNATH CHATTERJEE : whether you have arrested 38 or not, as somebody says from here, but at least you have achieved a record of one day's arson of 39 railway stations. This is the effect of your amendments. And this is the way you amend an Act when

Mr. Suraj Bhan pointed out, and I also pointed out on the last occasion, that when the hon. Home Minister was making a reply, the President was supposed to have already signed the Ordinance. He did not tell the House, he had not got the courtesy to take the House into confidence and just tells that they were forced to do this. He keeps quiet. He comes and lays it on the Table of the House. Even then we do not know the contents of it. This is the way you want to carry on with your system of Parliamentary democracy. This is an attitude which must be condemned. If you have a real commitment to civil liberties and democracy, then you should have firstly called the Rajya Sabha, if you genuinely and honestly believed that this was some problems of Punjab. But you did not do that. You just come here and face the Lok Sabha with a fait accompli. Therefore, this is not the way in which this country can be run.

I know this is a law which is to apply to Punjab and Chandigarh only because that is what the Section itself says. Necessarily it brings us to the situation of Punjab and Chandigarh. and the Hon. Minister's speech was only with reference to Chandigarh and Punjab.

Sir, we have made our points many times clear. We say although the Government cannot disclaim the responsibility for the situation that is today prevalent there, you have not taken any administrative action which has its impact there. It is a law and order situation and you have failed to tackle it.

So far as the demands of the Akalis are concerned, we have made our view points known. Religious demands you have forthwith conceded with great fanfare. Now political demands have been given religious colour. The result of all this is, that the moderates who were in control, have now been swayed by extremists. They are swayed by the extremist elements. Extremists are getting advantage. And even if you

have kept the Golden Temple out of bounds, you are unable to control whatever is taking place outside the Golden Temple.

And the most serious thing that we have been hearing now—even if it is not confrontation—is the feeling of distrust between the local police and the CRPF and the BSF. This we do not want. It is a very serious thing. And as I say this the most unfortunate development of this time is the polarisation of the people on communal lines. This is having its repercussion in the neighbouring State. Therefore, you have to govern. You have to administer.

PROF. N. G. RANGA : Therefore, this Bill.

SHRI CHITTA BASU : If you are to govern, govern well.

SHRI SOMNATH CHATTERJEE : Mr. Ranga, at this age also...

PROF. N. G. RANGA : why do you argue in a circle? You are an eminent lawyer.

SHRI SOMNATH CHATTERJEE : If I don't say yes, you say I am moving in a circle. But you are not going in a circle; You have become a stationary object. You are not moving at all in any direction. At least I am moving in a circle. You are standing in a place, only going back.

Therefore, according to us this is not a solution. This is a pernicious approach. It discloses the pernicious attitude of the Government.

So far as the civil liberties are concerned, you are giving powers to all and sundry. This will not solve the problem. Therefore, as I said, on principle on the objects of this Bill, we oppose it and will continue to to oppose it both the spirit and the letters of this Bill.

**SHRI P. VENKATASUBBAIAH :** For the information of the Hon. Members, since this Act came into force in 1980, the Central Government has not issued even a single detention order. I want to put the records straight.

**SHRI SURAJ BHAN :** Then what was the necessity to amend it at all.

(Interruptions)

Sir, my question has not been answered.

16.09 hrs.

[SHRI SOMNATH CHATTERJEE  
in the Chair]

**MR. CHAIRMAN :** Now, Shir R.S. Sparrow.

**SHRI R. S. SPARROW (Jullundur):** Mr. Chairman, sir, I rise in support of the National Security (Amendment) Ordinance. I will explain myself as lucidly as I can.

It is indeed a very difficult problem and we are all facing that problem India wide as far as what is happening in Punjab and Chandigarh. And if I may say so, Sir, just as a preamble that every adequate step taken to preserve the national security of our motherland should be considered as essential and inescapable. One can have varied types of views on the subject, but the crux of it is this. This is the starting point. Judgments can vary, but the starting part is there.

Sir, the sensitivity of the situation in Punjab and Chandigarh is indeed fraught with danger. Belonging to Punjab and knowing this area fully well, I deeply appreciate what the problem is. From a distance it may look a little different, but when you are in it, that is what you call *Haque-ul-yageen*, besides *Ilm-ul-yageen*—you are in it, and that is the way, I suggest, we have to view the situation without any kind of wrong embellishments. Why I say,

'fraught with the misgivings and danger looming heavy before our eyes' is that all types of things are happening, not one. Spies are passing out military information, we all know it. Extremists, terrorists, fundamentalists, criminals, even smugglers and so on and so forth—put it on one's head or the other—are killing Sikhs, Hindus, servicemen, Akali Party men, other political parties' men, innocent citizens, travellers, even eye-witnesses. Relatives are being frightened and some of them have been killed so that they do not go before the bar. So, you will agree, Sir, that all this in one way or the other, would require stern measures to take. Differentiation legally and academically may vary, as I have mentioned, but stern measures, appropriate, measures have to be taken. And added to this all, if you talk of the scenerio which I have tried to depict before you in some pragmatic way, foreign powers are working in collusion to destabilise this border area. There should be no difficulty about understanding this indication of the deliberate geo-strategical design which is all too obvious.

Here is a small cutting from one of the papers, the *Hindustan Times* dated the 16th April, which I would like to quote here in this context—and I must say many of these papers do very well in going deep into the problems on various occasions :

“New Delhi : An international hit squad was reportedly approached by Khalistan extremists offering a multimillion dollar contract for elimination of certain highly placed individuals. Another contract including a safe passage through a Diplomatic Passport, change of identity, guaranteed escape routes and asylum in case of trouble was to be guaranteed” and so on and so forth.

You have all been reading as to how some of the people are working across your own line or the border line. There should be no doubt about it. I have had some training in understanding these

things. So, this is another thing added to all our difficulties in this context in relation to this sensitively positioned border State of India. This is some thing which we have to take note of. So, taking all points into account, as also the sensitivity and magnitude of this problem, which can affect adversely the national security of our country, it is considered essential to make use of such national security measures as this particular Ordinance. And if I may point out, Sir, one of my friends on the opposite benches also pointed out various measures that had time and again been taken for tightening the security and so on and so forth, and now we have come to this particular Ordinance. I must say, in relation to the application of the force in the minimum form which is always recommended.

This Ordinance brought in, has been in my view timely and yet I also see that it shall have to be used as judiciously as possible. And one particular point indicates this type of thinking. It is only in a certain prescribed area where things have gone absolutely haywire. In that I have one or two comments to make also in relation to Akali Dal High command and Sant Longowalji. it has a bearing on it. Therefore, I take this liberty,

Sant Longowal has declared often enough that Akali Dal does not stand for creating Khalistan and that they believe in non-violence. It is a very encouraging feature. But I may take the liberty to point out to the Akali Dal High Command that now murderous violence has lately taken an ugly shape even within their own camp and also even inside the holy presincts of the holy Gurudwara and the Golden Temple. Things have been coming out in the newspapers, in the normal course one reads and that has a bearing which I would wish to pass on to them through you. They should openly cut away, (from extremists) if I may suggest to them. It may rise this to the point Approach that the Akali Dal should follow. India has to live as one. Therefore, I find it my duty to point

this out to my own kinsfolk. After all Haryana plus Himachal Pradesh plus present Punjab as also so, much of Jammu and Kashmir, they are all kinsmen of the same type and heritage also Akali or anybody else for that matter. The problem is cogent and applies to all of us and that is why I take the liberty to recommend to them that such a situation should show them the right approach to follow and they should openly cut away from any suspected or factual secessionist or criminals. This is right time and that will be an aid in favour of bringing about stability and also to the use of this Ordinance because they would have also weighed the situation, enough is enough, what has happened has happened. The still stand or the rigid stand over certain matters which can be discussed dispassionately are now a by-gone word. Therefore, we come to the right approach. Now is the time for them (Akali Dal) accept to sit across the table with the Central Government and help in sorting out the Punjab tangle. This is the time.

I would now like to recommend one more thing to them which is now openly known to Sikhs and others also. Lately, I had an opportunity of also visiting one of the Takhats of Gurus-Patna Sahib in Uttar Pradesh, Guru Govind Singh Maharaj was born there. He lived there for a number of years. Many villages in Uttar Pradesh, village after village, there are sikhs from those days. I had the opportunity of visiting. I met all panjabies there. They also feel the same way about extremists, fundamentalists terrorists they should not be allowed to hold the whole of this country to ransom. No. They were feeling against.

The other point I would like to bring to your notice is, I went around in Punjab and in Villages in districts, the public at large-Sikhs, Hindus etc, of all parties feel and the cycle is now turning the other way. They themselves are feeling sick of what has been happening in the way of some people killing others. In that, I would like to bring out one or two things for your kind information

as to how things arranged in such a big way, as to how things are arranged in such a big way. All plans are worked out militarily and otherwise to be able to burn up to 40 railway stations in one day. It is not an easy task. You have to work out the exact plan, about the mobility and how to get away also. You have to have an inter-communication system and the exact time has to be fixed according to a timetable which has to be worked out. By this kind of killing and violence, instability is created in this country.

The President of Delhi Gurdwara Prabhandak Committee has been killed. He was an Akali.

A few days later, the BJP big men, the Vice President of Punjab Pradesh was killed.

Prof. V. N. Tiwari (a Congress-I M. P.) a great Punjabi scholar, has been killed at Chandigarh.

These micreants are anti-India. Whosoever is doing this, is not a Sikhs of Guru Govind Singh or of any Guru for that matter.

I feel for those who are killed.

SHRI SURAJ BHAN : They are Sikhs of Bhindrawala.

SHRI R.S. SPARROW : It is not a question of real Sikhs creating all this violence.

You have to judge and guess and assess as to how those violent happening are taking place.

Therefore, I would make my humble recommendation on this matter to all of you within a minute.

I have a word to say in regard to the All India Sikhs Students Federation. There are some students who are not good. I know a number of them. But there used to be good students during

my days in the school. I have been a student for a long time. Now a days, as chance would have it, these students name themselves as the President of an Association, a University Association. I happened to be also the President of some such Association.

I know that some of the students can be indoctrinated. My humble advice to them through you is "For God's sake, don't become instrumental in creating instability in your own country. You have won independence with great difficulty."

Violence is taking place all around, burning each other and killing each other. People have gone berserk.

Let us be stable. The students should not play into the hands of the enemies of our dear country.

I would like to refer to the question of Ordinance and to its timing and, of course, to the amendments made from one to two years and the one other amendment sought to be made now, I hope the hon. Minister would be able to improve on the Ordinance after hearing me. But what I say, I say very simply, which I adjudge from the background of Punjab. Other things and other situations can differ and very. Say, North Eastern Frontier will be a little different, Assam a little different and for various reasons Punjab is very much different.

Yes this ordiance is the best and most effective way under the circumstances. Force will have to be used to the minimum necessary. You have to apply slight pressur and simple checks on the perpetrators. Well, things do work in Punjab. They had worked and they are working. I think they are taking timely and correct action.

I have to say a word about my Opposition friends and of course on that I am not going into very much of a detail. All I would like to say is what I notice, not only on the floor of this House, but even outside. Oppsation

party members in some cases still present their comments directly or indirectly. Politically orientated. They are entitled to say what they think. My humble recommendation to them once again, Sir, is kindly do not do that for Punjab. Another recommendation—any health criticism is certainly most welcome, because nobody is perfect. As per my assessment, if there had been somebody else to handle the situation, possibly it would have been in a worse mess. You don't know how inflammatory the situation could have been. So please don't try to say that someone could not have handled it properly and someone else would have done it better. I have studied this case absolutely dispassionately from the very start and in comparison to the colossal ferocity of the perpetrators and the plans which the anti-national and other elements combine and cohere for building up a tempo of lawlessness in Punjab and Chandigarh, the Centre and the authorities down the line have measured upto it very well. That is my opinion. Taking all the cross-sections of the situation into consideration, I think with a little bit of satisfaction, that the Home Minister and his Team down the line have measured up well enough in handling the situation. If you want to put a spark and burn the whole thing out immediately, it is unfortunate.

One has to view these things in the light of this point which can be understood only by those specialists who fully analyse in depth the conflagrating situation in Punjab and Chandigarh.

I take the liberty to comment on one more point, specially regarding Akali Dal High Command. When they come across the table and discuss things dispassionately, they may kindly remember one thing, i. e. the wonderful image of the Sikhs all over India has been, to a considerable extent, tarnished. Previously wherever we went, Delhi and beyond, Calcutta, Bombay, anywhere—Madras, when anybody saw a Sikh, they felt a little bit of happiness on that. They though—here is a man, who is hard working and specially in the field of

defending the motherland, he carries a special sort of aura with a good name and a good image. My humble request to the Akali High Command is to remember that there are 50 lakhs of Sikhs living outside Punjab and incidentally, for your kind information Sir, statically speaking, there are only about 70 to 73 lakhs of Sikhs living in Punjab.

Statistically speaking, there are only about 70-72 Lakh Sikhs, all shades, living in Punjab. In so far as our gurus are concerned, religion in concerned, our civilization and culture is concerned, all Sikhs are, really speaking—because this had been said by the Guru—are Indians first and other things later. Therefore, my appeal to them is to view the whole question in that bigger perspective keeping that in their mind. Then things will roll on smoothly and we all have to contribute to roll things on smoothly, not only one side of it. Not just as some people were saying long time ago and rush in to the Golden Temple Gurdwara. I accept the fact. Neither the Gurdwara Act 1925 nor the Constitution of India prohibits the law effecting authority to go into and kind of a shrine to chase out or to take out criminals. But the convention for not entering Golden Temple had been so. It may be for the reasons of sacrifices made by the Sikhs for the mother country; it might have been even for their battle field services. So, we are those who thousands of them smilingly tried for safeguarding the integrity of the mother land. It may have been for other very good reasons also that the above convention got built up; it is better that way for in such a highly worship type of a place, worship by worshippers by Hindus, by Sikhs, Harijans, Christians and everybody *Sarbad Ka Bhala* to keep on that Convention. I have been positioned therefore so many long number of years, and incidentally, if you go to Golden Temple—I used to go there—in the morning you will find *Parbhat Pheri* or a *Chauki* where over 70 percent used to be Hindus; the Hindus of Amritsar (Sukh Vasdi Ramdas Guru Teri Nagri)—

(Shri R.S, Sparrow)

would not open their shops unless they had gone to the Gurdwara Sahib and paid their respects, took flowers and put them in their shops and then carry on the business of the day. You go there today and see what is there in the *Parkame* and other places. *Seva Karai*. By who ? Rs.1 1/2 lakhs by Lala Dhalan Das. 80 per cent of the *Seva*, and the money spent there is from Hindus primarily, and Sikhs and others also. So, this is our common setup. Punjabis-you can try your best-they will not separate themselves from Hindus to Sikhs. Try even as much as one likes. Bloodshed can be there; created by some people; but, otherwise, no; we will be there living together; they are now living together; *In cognito* you go anywhere you wish to, in any village if you like to. I challenge it because I have been around lately also. Go to any city *Incognito*; Sikhs/Hindus are all right; nothing wrong. So, we have to work from that premise and then try to save the situation in the best way possible.

Finally, once again, I appeal specially to the opposition leaders that if you want to promote or initiate the case of a tripartite type of discussion, the onus should be on the opposition leaders.

SHRI CHANDRAJIT YADAV :  
Why ?

SHRI R. S. SPARROW : Why don't you take the initiative ? Nothing wrong. Jus to show your greatness, your bigness, your interest. It is my opinion. Mind you. You may feel egotistic, But can't I express my own opinion ? I have given you my opinion that you should accept the onus. It is a question of India. Just to prove it let us do it and do it this way. Why not ? There is nothing wrong in recommending some thing. There are various avenues open. If Mr. Yadav does not like it, does not matter, it can be some other also. There is no hard and fast line on that. There is no, shall I say, a bargaining type of side on this nationalistic issue; bargaining can be on something else. Taunting and telling others

as to where you are wrong is also another matter, but on a nationalistic issue, no. With these words, I once again support this particular Ordinance. Thank you very much for giving me this opportunity to speak.

श्री राजेशकुमार सिंह (फिरोजाबाद): मान्यवर सभापति महोदय, माननीय मन्त्री जी ने सदन में नेशनल सिक्यूरिटी एक्ट अमेंडमेंट बिल प्रस्तुत किया है जो एक आर्डिनेंस में कुछ संशोधन लाने के लिए है। सिद्धांत: आर्डिनेंस सही प्रकार से जारी नहीं किया गया था, फिर भी हमारी पार्टी ने न तो उसका समर्थन किया और न विरोध ही किया। लेकिन 5 अप्रैल, 1984 को हमारे दिमाग में एक बात आई कि जब पंजाब की सिचुएशन इतनी खराब है तो कहीं सरकार घबरा कर किसी अच्छे और मजबूत कदम उठाने के स्थान पर कोई गलत सिद्धांत न अख्तयार कर ले। मान्यवर आप देखेंगे कि इसमें कितने मजे की बात है, जब माननीय मंत्री जी ने इस सम्बन्ध में अपना वक्तव्य दिया तो उन्होंने कहा कि उग्रवादी अपने विरुद्ध कोई बात कहने वाले लेखकों और मामलों की जांच करने वाले तथा गवाह पुलिस कर्मचारियों पर प्रहार करते हैं और उनको धमकियां देते हैं। उन्होंने सभाओं पर विस्फोटक प्रयोग किए हैं। मान्यवर इस बात को मैं और आगे बढ़ाना चाहूंगा कि आप एक स्थान पर कह रहे हैं कि इन गतिविधियों के परिणामस्वरूप उत्पन्न हुई स्थिति से निपटने और पंजाब तथा चण्डीगढ़ के विक्षुब्ध क्षेत्रों में शांति और सामान्य स्थिति बहाल करने के लिए कारगर और सख्त कार्यवाही करने के लिए संसद् में और उसके बाहर निरंतर मांगें की गई थीं इस हालत में यह आवश्यक हो गया। लेकिन महोदय मांग तो यह की गई कि इन गतिविधियों पर कुछ नियंत्रण किया जाए, किसी आर्डिनेंस



की मांग नहीं की गई थी। मैं जानना चाहता हूँ कि जब इस विषय पर कई बार चर्चाएं हुईं और लगातार 21 महीनों से यह सिलसिला चला आ रहा है और 5 अप्रैल को आर्डिनंस जारी करने के बाद भी कोई उसके खिलाफ कार्यवाही नहीं हुई, आज के अखबारों में भी है कि एक बस में कुछ लोग जब सफर कर रहे थे तो उनमें बन्दूकों और रायफलों से लैस कुछ उग्रवादी भी थे। पता नहीं इस दौरान आपका नेशनल सिक्यूरिटी एक्ट प्रभावी भी था या नहीं। पंजाब में आपका कोई ली था या नहीं था, लेकिन आपकी पुलिस कुछ नहीं कर पाई, यह सत्य है। मान्यवर अभी वायुसेना के एक स्कवैडन लीडर प्रेम सिंह वालिया की हत्या कर दी गई और यह शृंखला बराबर चली आ रही है। रविवार को भी कुछ लोग मार दिए गए आज भी मार दिए गए। जब आपने नेशनल सिक्यूरिटी एक्ट 5 अप्रैल से लागू कर रखा है तो मैं जानना चाहता हूँ कि उसके तहत आपने क्या कोई कार्यवाही की। आपको बहुत से अधिकार मिले हैं, लेकिन आप उनका उपयोग नहीं करना चाहते। लाला जगतनारायण की हत्या के अपराध में जब संत जرنेल सिंह भिंडरावाला को गिरफ्तार किया गया और उस पर 302 का केस बना उसके बावजूद आपने उसको क्यों छोड़ दिया। आप नेशनल सिक्यूरिटी एक्ट को लागू करने की बात तो छोड़ दीजिए, आपने उसको छोड़ किस आधार पर दिया। माननीय मन्त्री जी बतायें कि उसके छोड़े जाने के क्या कारण थे। आपने कानून को मखौल नहीं बना दिया है, क्या? यदि आपके यही कानून हैं तो हमें आप पर संदेह है। जैसा यहां पर हमारे आदरणीय सोमनाथ चटर्जी बता रहे थे कि यह सब आपकी भागने की तरकीब है, आप अपने आपको बचाने के लिए ऐसा कर रहे हैं।

मान्यवर, स्वयं प्रधान मन्त्री जी ने भी स्वीकार किया है जब वे हिमाचल प्रदेश में मण्डी नामक जगह पर बोल रही थीं और कल राज्य सभा दरबारा सिंह जी ने भी अपने भाषण में स्वीकार किया है कि पंजाब की पुलिस और गुप्तचर एजेन्सियों में आतंक और उग्रवादियों का बाहुल्य है। हाउस में भी उसकी चर्चा आई और कुछ साधियों ने भी उसे उठाया, पहले प्रधान मन्त्री जी ने जनता पार्टी के जमाने की बात की लेकिन बाद में उसका स्पष्टीकरण भी आ गया, मैं उसमें जानना नहीं चाहता कि वह जनता के लोगों ने किया या किसी दूसरी पार्टी के लोगों ने किया। लेकिन जब हमारी पुलिस और गुप्तचर एजेन्सियों में उग्रवादी मौजूद हैं तो आप कैसे उनको पकड़ सकेंगे। आखिर नेशनल सिक्यूरिटी एक्ट को कौन इम्पलीमेंट करेगा जब पुलिस में वे लोग हैं तो वे एक्ट को लागू नहीं करेंगे। इसलिए उन राष्ट्र विरोधी तत्वों के खिलाफ नेशनल सिक्यूरिटी एक्ट का इस्तेमाल करने की सम्भावनाएं लगभग नगण्य हैं। मान्यवर, मैं जानना चाहता हूँ कि जब हम यह चाहते हैं कि अकालियों से वार्ता हो, जब हम किसी राजनैतिक दल की बात करते हैं और कहते हैं कि वार्ता हो, परन्तु गृह मन्त्री जी क्या बताने की कृपा करेंगे कि आप संत जرنेल सिंह भिंडरावाला को किसी राजनैतिक दल का नेता मानते हैं। क्या लोकतंत्र में आस्था रखने वाला व्यक्ति मानते हैं? क्या उग्रवादियों को प्रोत्साहन देने वाले व्यक्तियों के खिलाफ एन. एस. ए. के अधीन आप कोई कार्यवाही करेंगे? नहीं करेंगे। आपको साफ करना पड़ेगा नहीं तो वह स्थिति पैदा होगी जो राष्ट्रीय तत्व है, जो राष्ट्रीय सिख समुदाय के लोग हैं, जो देश की अखंडता को कायम रखना चाहते हैं वह भी दब जायेंगे क्योंकि ऐसी स्थिति आपने बना दी है।

(श्री राजेश कुमार सिंह)

प्रधान मन्त्री ने एक बात और कही, कल मातृनीय दरबारा सिंह ने भी यह बात कही है कि विदेशियों का हाथ है। पता नहीं किसका हाथ है? कौन से विदेशी हैं? आप क्यों नहीं कहते, साफ? इंटेलिजेंस की रिपोर्ट है तो आपको साफ बताना चाहिए कि किन विदेशियों का हाथ है? रोज पाकिस्तान की चर्चा आती रहती है, हम लोग भी कहते रहते हैं, अखबारों में भी आता है। लेकिन सरकार स्पष्ट रूप से नहीं कहना चाहती। मैं चाहूंगा ऐसी स्थिति को साफ करना चाहिए और सख्ती का कदम उठाना चाहिए, उग्रवादियों से निपटने के लिये। यदि सरकार खुद दर्शक बनी रही तो देश विघटन की ओर बढ़ेगा।

आज के अखबारों में रिपोर्ट है स्वर्ण मन्दिर में जो आतंकवादी ठहरे हुए हैं क्या वह इसकी गिरफ्त में आ सकते हैं? गोल्डन टैम्पल की यह स्थिति है कि सन्त भिडरावाले और सन्त लोंगोवाल, दोनों के समर्थक शस्त्रों से लैस होकर देश में एक दूसरा शासन चला रहे हैं और सार्व-भौमिकता में विश्वास रखने वाला मुल्क पता नहीं कहाँ इसकी सार्वभौमिकता रह गई?

मैं जानना चाहता हूँ कहीं ऐसा तो नहीं है प्रधान मन्त्री ने कहा कि कुछ कदम उठाने जा रहे हैं। मैं कहना चाहूँगा यह दोहरी सरकार चल रही है—एक पंजाब में और एक यहां। और अब तीसरी सरकार बनने जा रही। कल परसों समाचार-पत्रों में था कि गृह मन्त्रालय द्वारा पंजाब के उग्रवादियों से निपटने में असफल रहने तथा विभिन्न कानून व्यवस्था और गुप्तचर एजेंसियों के कामकाज में तालमेल बनाए रखने में पूरी तरह असफल हो जाने

के कारण गृह मन्त्रालय में पंजाब समस्या से सम्बन्धित कामकाज की अब प्रधान मन्त्री सचिवालय को सौंप दिया गया है कहीं ऐसा तो नहीं है कि गृह मन्त्री जी वहीं जा रहे आपको हटाने की कौशिश हो रही हो? यदि ऐसी बात नहीं है तो आपको दृढ़ता से कहना चाहिये।

पंजाब के बड़े-बड़े अधिकारी उग्रवादियों के नेताओं के सामने सर झुकाते हैं। आपके आदर्श कुछ होते हैं और इमप्लीमेंट कुछ होता है और ट्रिपल शासन की पद्धति और हो गई। गृह मन्त्रालय अलग, पंजाब प्रशासन अलग और प्रधान मन्त्री का सचिवालय अलग। पता नहीं देश का क्या हाल होगा? और स्वर्ण मन्दिर की सरकार चौथी है। इस पर आपको गम्भीरता से सोचना चाहिए।

अकाली दल के लोगों को भी सोचना चाहिये कि यदि वह खून से भी कहीं खालिस्तान की बात सोचते हैं तो वह आगे नहीं चल सकेंगे। और रूलिंग पार्टी से कहना चाहता हूँ कि यदि कोई कम्प्रोमाइज अकाली दल से हो जाता है तो आप ऐसा न सोचें।

श्री वृद्धि चन्द्र जैन (बाइसेर) : नहीं करेंगे।

श्री राजेश कुमार सिंह : यदि कोई समझौता हो भी जाता है तो आप सोच लें पंजाब में जो उग्रवादियों का जो सक्रिय काम है उसको रोकने में बकत लगेगा। आप उसे एक दिन में नहीं रोक पायेंगे। खाली आपका टारगेट दूसरा हो जायेगा। आज दो टारगेट आपको समझ बने हुए हैं।

आज अकाली दल को भी साफ तरीके में स्पष्ट करना चाहिये, माननीय स्पॅरो साहब कह रहे थे, मैं उनकी बात का तहे-दिल से स्वागत करता हूँ कि सही मायनों अकालियों को भी चाहिये कि वह स्पष्ट करें कि उग्रवादियों से उनका कोई नहीं है, लेकिन वह कैसे स्पष्ट करेंगे ? आज ही समाचार-पत्रों में था कि संत हरचन्द सिंह लोंगोवाल ने कह दिया फिरोजपुर में सी. आर. पी. एफ. की मुठभेड़ में जो 7 उग्रवादी मारे गए हैं । उनका बदला ले लिया जायेगा । पता नहीं आप किसमे बात करना चाहेंगे, मुझे कुछ सन्देह होता है । अकाली दल यदि वार्ता में विश्वास करता है तो उसे साफ शब्दों में कहना चाहिये कि हम उग्रवादियों और मिडरवाला के साथ नहीं हैं । अगर ऐसी स्थिति नहीं बनी तो दूसरी स्थिति बनेगी ।

16.46 hrs.

[MR. DEPUTY SPEAKER  
 in the chair]

पंजाब टेररेजिम के बारे में दो बातें कहना चाहूँगा । वहाँ नरीह लोगों की बस में हत्या करने के बाद उग्रवादियों का आतंक शुरू हुआ । दो चीजें सामने आईं, एक तो उग्रवादियों का आन्दोलन और दूसरे उसके कई फेज । इन 21 महीनों में उग्रवादियों को यह सिलसिला कई फेजों में पहुंच चुका है ।

शुरुआत में निरंकारियों पर हमला हुआ और उसके बाद नान-कन्फर्मिंग सिखों पर हमला हुआ । दूसरा हमला पुलिस वालों पर हुआ पुलिस डिमौरेलाइज करने की बात आई । तीसरा हमला हिन्दूओं पर हुआ । बिना सोचे समझे हिन्दूओं की हत्याएं शुरू हुई । चौथा फेज पोलिटिकल मंडर्स हुए । इसमें कुछ नेताओं की हत्या कर दी गई ।

मुझे ऐसा लगता है कि कहीं पांचवा फेज न शुरू हो जाये कि कभी आफसिरी का भी काम शुरू कर दिया जाये । वे लोग अपनी चालाकी में कामयाब हो गये । आपने देखा होगा कि एक साथ रट ए टाइम उन्होंने 39 स्टेशनों को पंजाब में आग लगा दी । वह यह दिखा रहे हैं कि पंजाब में हमारा वर्क लोगों को मारने का ही नहीं है, हम एक ही टाइम सारे पंजाब में कुछ भी कर सकते हैं । आपकी सारी नेशनल सिक्योरिटी को उन्होंने ताक पर रख दिया है । आप कहते हैं । आप कहते हैं गंभीरता नहीं, मैं अच्छी जानता हूँ कि उनकी मंशा क्या है । उनकी मंशा कि हिन्दुस्तान में हिन्दुओं और सिखों का फिसाद कर दिया जाये और सरकार को बाध्य कर दिया जाये कि वह ऐसा कोई कदम उठाये ।

MR. DEPUTY SPEAKER : Time allotted is eight minutes and you have already taken 14 minutes. There are still many speakers and we have got to complete this Bill today.

श्री राकेश कुमार सिंह : सरकार बड़ी सुस्ती से चल रही है । जब डी. आई. जी. अटवाल साहब की गोल्डन टेंपल के अन्दर से गोली मारकर हत्या कर दी गई, तो सिखों के दिल से आवाज आ रही थी कि कोई कार्यवाही होनी चाहिए । उस समय कुछ हिन्दू भी मारे दिये गये थे । पूरे पंजाब में यह बात आ गई थी कि यदि गोल्डन टेंपल में भी घुसने की जरूरत हो तो घुसा जाये और अपराधियों को गिरफ्तार किया जाये । लेकिन अब बहुत देर हो गई है, वक्त निकल चुका है और बहुत खराब वक्त आ रहा है ।

26 जनवरी से लेकर अब तक 98 हिन्दुओं की हत्या कर दी गई है मैं हिन्दू

(श्री राकेश कुमार सिंह)

श्रीर सिखों सम्प्रदाय को दूर नहीं समझता हूँ। मेरी टाईव के लोग पंजाब में रहते हैं जो सिख हैं ऐसा कोई न सोचे। लेकिन अगर प्रतिशोध की भावना अन्य प्रान्तों में फेलेगी तो इसकी जिम्मेदारी सरकार पर होगी और सरकार इस जिम्मेदारी से हट नहीं सकती।

मैं पंजाब के बारे में कुछ सुभाव देना चाहता हूँ। पंजाब की ओर देश की जनता को पंजाब की पुलिस पर भरोसा नहीं है। पंजाब पुलिस को हटाकर आपको कोई दूसरी व्यवस्था करनी पड़ेगी। वहाँ सेट्रल रिजर्व पुलिस को सारे अधिकार और शक्ति देनी पड़ेगी। आई. जो पुलिस मि. भिडर, के बारे में बहुत सी शिकायतें हैं। सरकार को उनकी जगह सैकुलर दृष्टिकोण वाले अधिकारियों को नियुक्त करना पड़ेगा, जो सिख और हिन्दू की बात न सोचकर देश की बात सोचें। अगर ऐसा न किया गया तो स्थिति और बिगड़ेगी।

जहाँ तक कानून का सवाल है, आप कानून बदल सकते हैं और बना सकते हैं। हमारे विरोध करने बावजूद आप संशोधन पास कर ही लेंगे।

Using religion to get votes was a total corruption of democracy.

वह काम सत्तारूढ़ दल करता हो या श्रीर कोई दल करता हो, वह डेमोक्रेसी के साथ बखौल है।

"Some of the minority community leaders, who speak in a communal way, come and see me and say that is not what they really think but they have to speak so in order to retain their leadership in the community.

It is one kind of ideological compromise with communism or communal parties."

यदि कुछ लोग प्रधान मंत्री को कहते हैं कि वे अपने सम्प्रदाय में अपनी लीडरशिप को कायम रखने के लिए कम्युनिज्म की बातें करते हैं, तो उसकी सारी जिम्मेदारी इस सरकार पर है, जिस जरनेल भिडरा-वाले को प्रोत्साहित किया था, सहज इस लिए कि पंजाब में अकालियों के मुकाबले में एक शक्ति को खड़ा किया जाय। वह इन लोगों की सब से बड़ी भूल थी।

My nation requires ban on communalist parties.

साम्प्रदायिक पार्टियों पर प्रतिबन्ध लगाना चाहिए, वर्ना स्थिति और बिगड़ जाएगी।

या तो हिन्दुस्तान की प्रधान मंत्री को चाहिए कि वह अपनी पार्टी के नेताओं को बुला कर कहें कि पंजाब में अकालियों और कांग्रेस की संयुक्त सरकार बना दी जाए यदि यह सत्ता की लड़ाई नहीं है तो-या उन्हें कांग्रेस पार्लियामेंटरी पार्टी से किसी अन्य नेता का चुनाव कराना चाहिए, वर्ना मैं आपके माध्यम से उनसे अर्ज करूंगा कि वह इस्तीफा देकर पंजाब के इस्यु पर सारे देश का मत लें। यदि हिन्दुस्तान की जनता उनके साथ है, तो वह पुनः सत्ता में जाएंगी और यदि जनता उनकी नीतियों का विरोध करती है, तो उन्हें निश्चित रूप से पराजय का मुंह देखना पड़ेगा।

This Government must go.

मैं समझता हूँ कि नेशनल सिक्थुरिटी एक्ट से कुछ नहीं होने वाला है। माननीय गृह मंत्री ने इतने आश्वासन दे रखे हैं।

मेरा सुभाव है कि आप सेठी साहब कह दें कि यदि उनका बिस्तर गोल होने वाला है, तो श्री विश्वनाथ प्रताप सिंह की तरह वह स्वयं ही अपने पद से हट जाएं।

श्री रिजक राम (सोनीपत) : उपाध्यक्ष महोदय, आज पंजाब की जिस समस्या के बारे में यह विधेयक सदन के सामने है, उस पर कई बार चर्चा हो चुकी है, उस पर एजार्नमेंट मोशन भी आई और बजट पर डिस्कशन के दौरान भी चर्चा हुई। चाहे विरोधी दल की तरफ से और चाहे सरकार की तरफ जिस किसी ने भी अपने विचार प्रकट किए, उसे यह मानना पड़ा कि पंजाब की समस्या बहुत जटिल है और इसको आसानी से हल नहीं किया जा सकता। मेरे ख्याल में गृह मंत्री भी इस बात का दावा नहीं करेंगे कि इस बिल के पास हो जाने से पंजाब की समस्या का सम्पूर्ण रूप से हल हो जाएगा।

लेकिन जितनी कठिन और जटिल समस्या आज है उसको हल करने की ओर यह सही कदम है और इसके अलावा और दूसरा कोई चारा नहीं है। इस बात से भी किसी को इनकार नहीं हो सकता। मैं दो तीन बातें सदन के सामने रख कर यह जाहिर करने की कोशिश करूंगा कि आज के हालात में यह विधेयक जो सदन के सामने आया है यह बिल्कुल आवश्यक है। इसके अलावा इस वक्त इस समस्या को हल करने के लिए या जो आज भयानक स्थिति पंजाब में बन गई है, उसका मुकाबला करने के लिए और कोई चारा नहीं है बल्कि यह एक सही कदम है और इस वजह से मैं इसे विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ।

कई दफा चर्चा हुई और सदन में बड़े जोर के साथ विरोधी दल की तरफ से बार-बार में कहा गया कि पंजाब की समस्या बहुत गम्भीर है और वह रोजाना गम्भीर होती चली जा रही है लेकिन इसके साथ-साथ इस विधेयक का विरोध ज्यादातर विरोधी पार्टियों की तरफ से बोलने वाले माननीय सदस्यों ने एक मुख्य आधार पर और वह यह किया है कि सिद्धान्त रूप से वे इसके विरोधी हैं कि आम तौर पर किसी भी शहरी की स्वतन्त्रता पर इस तरह से आक्षेप हो। मुकदमा चलें, मुकदमें में सबूत पेश हो, फिर चाहे उसको सजा हो या बह छूटे, वह तरीका अख्तियार करना चाहिए। लेकिन इस तरीके से एक साल या 6 महीने के लिए बिना मुकदमा चलाए किसी को नजरबन्द किया जाय, इस बात का सिद्धांत रूप में वह विरोध करते हैं।

लेकिन मैं एक बात पूछना चाहता हूँ कि जो स्थिति आज पंजाब में है क्या उसमें यह सिद्धान्त लागू हो सकता है आज पंजाब में परिस्थिति तो ऐसी है कि दिन प्रतिदिन वहाँ रेलवे स्टेशन जलाए जा रहे हैं, घाए दिन आदमी कत्ल किए जा रहे हैं, डाके डाले जा रहे हैं, उग्रवादी लोगों ने भयंकर परिस्थिति पैदा की हुई है उस हालत में क्या आप यह समझते हैं कि मुकदमे चला कर कामयाबी मिल सकती है? अभी और पहले भी विरोधी पार्टियों की तरफ से बोलने वाले माननीय सदस्यों ने कहा कि इस वक्त पंजाब पुलिस बबड़ाई हुई है पंजाब की पुलिस में घबराहट है और यह तथ्य भी है। अखबारों में इस प्रकार की खबरें छपी हैं कि 220 के करीब आदमी पंजाब में कत्ल हुए जो उग्रवादियों द्वारा मारे गए और उनमें 190 सिख भी

(श्री रिजक राम)

थे, जिनमें काफी सख्या में पुलिस के आदमी भी थे। पुलिस के घर वाले, उनकी वीबी भी मरने करने में शामिल हैं जिस कारण पुलिस वालों में उनके बच्चे और दूसरे लोगों में घबराहट है, इससे कोई इनकार नहीं कर सकता। फिर आप बताइये ऐसी हालत में सरकार के लिए क्या चारा है? ऐसी हालत में जब न कोई गवाह मिले न पुलिस वाले की हिम्मत हो कि किसी आदमी को गिरफ्तार कर ले या उसके खिलाफ कार्यवाही कर सके या तफतीश ही कर सके तो बताइए क्या चारा है सिवाय इसके कि वह आदमी जो उग्रवादी है, या जो लोग उनका साथ देते हैं, जो उनको असलाह देते सप्लाई करते हैं, जो उनको पनाह देते हैं ऐसे आदमियों की जहां-जहां पुलिस या सरकार को इत्तिला मिले उनको नजरबन्द करे। जब कोई गवाह न मिल सके तो इसके सिवाय और चारा क्या है? आज 300 के करीब आदमी मारे गए हैं इस वक्त तक पंजाब में और सिर्फ 12-14 आदमी गिरफ्तार हुए हैं। कोई आदमी शहादत देने के लिए तैयार नहीं। कोई पुलिस का अफसर उनके खिलाफ तफतीश करने के लिए तैयार नहीं, कोई मजिस्ट्रेट भी उनके मुकदमों में सामान्य मुजरमों की भांति जमानतजारी में व्यवहार करते हैं वह भी डरे बैठे हैं तो इस परेशानी में चारा क्या है? वह आदमी जिन पर सुबह है, जिनके बारे में पुलिस को इत्तिला है, जिनके बारे में सरकार के पास यह शहादत है कि यह उग्रवादी है या आतंक फैला रहे हैं।

17.20 hrs.

जो रोज स्टेशन जलाते हैं, असला सप्लाई लाते हैं और दूसरे गैर-कानूनी काम करते हैं मगर उनके खिलाफ कोई शहादत

द देने के लिए तैयार नहीं तो सरकार के पास चारा क्या है सिवाय इसके कि उनको नजरबन्द करके रखें। यह जो आर्डिन्स था या अब जो बिल लाए हैं इसके लिए तो मैं रामभक्ता हूँ गृह मन्त्री जी घन्यवाद के पात्र है। उन्होंने एक अकलमन्दी का कदम उठाया है। जिनके खिलाफ कोई कानूनी कार्यवाही नहीं हो सकती, उनको जेल में रखने का उन्होंने रास्ता निकाला है। मैं उम्मीद करता था कि सूरजभान जी इसका समर्थन करेंगे लेकिन उन्होंने तो इसका विरोध किया है। आज पंजाब, हरियाणा, दिल्ली में हर अकाली घबराया हुआ है और आतंकवादियों के खिलाफ कोई कार्यवाही करने वाला नहीं है तो फिर सरकार के पास दूसरा चारा क्या है? मैं यह नहीं चाहता कि इस कानून से सारी समस्या हल हो जायेगी लेकिन यह एक सही कदम है—इससे कोई इन्कार नहीं कर सकता है। इसलिए मैं इसका समर्थन करता हूँ।

यहां पर बहुत सी बातें कही गई है कि इस समस्या का समाधान होना चाहिये। मैं भी आपके माध्यम से इस बारे में दो एक बातें कहना चाहूंगा। प्रश्न यह है कि इस समस्या का हल क्या है, किसके द्वारा इस समस्या को सुलझाया जाए? इस देश में जो मारकाट और घबराहट का वातावरण है और खास तौर से पंजाब, हरियाणा और दिल्ली में उसको कैसे खत्म किया जाए? इस सिलसिले में कई तजवीजें सरकार के सामने आई हैं। अपोजीशन की तरफ से बार-बार जोर देकर कहा है कि सरकार की कमजोरी दिखाती है, सरकार को दृढ़ता से कदम उठाने चाहिए। कुछ साहबान ने यह भी तजवीज किया कि पुलिस को गुरुद्वारों में दाखिल होकर सख्ती

से कार्यवाही करनी चाहिये मगर देखना है कि उग्रवादी और आतंकवादी लोगों का ध्येय क्या है ? और ऐसा करने से उनके प्रोग्राम को सहारा तो नहीं मिलेगा । खालिस्तास की मांग सामने आई है लेकिन इस बात को सभी मानेंगे कि यह सभी सिखों की मांग नहीं है । थोड़े से आदमी ही इसके लिए आवाज उठाते हैं । सारे ग्राम सिख इसके हामी नहीं हैं । आज पंजाब में जो कुछ हो रहा है हिन्दुओं-निरंकारियों के खिलाफ मारकाट के बारे में या खालिस्तान की मांग के बारे में सिख मासेज की सपोर्ट नहीं है । कुछ आतंकवादी ही गड़बड़ कर रहे हैं । गुरिल्लाज की शकल में आतंकवादी वारदातें करते हैं । आप देखें कि उनके काम करने का क्या तरीका है ? आज वे भड़िडा में वारदात करते हैं तो कल दिल्ली में करते हैं और उसके बाद किसी तीसरे शहर में करते हैं । जिस तरह से गुरिल्लाज लड़ाई लड़ते हैं और उसी तरह ये लोग कर रहे हैं । अब पंजाब, हरियाणा, दिल्ली का इतना बड़ा फ्रंट है, कहीं भी जाकर वे वारदान कर सकते हैं, जिस पर काबू पाने में कठिनाई है लेकिन फिर भी सरकार द्वारा कुछ कदम उठाये गये हैं । आज आतंकवादियों की सारी कोशिश इस बात की है कि सरकार कोई ऐसे कदम उठाए जिससे सिख मासेज उनके सहयोगी हो जायें, जिससे सिखों से आग भड़क उठे और सिख सरकार के खिलाफ हो कर उनके प्रोग्राम में शामिल व सहयोगी हो जावें । हां सरकार की ओर से कदम उठाए गए हैं जैसे स्कूटर्स और साईकल पर पाबन्दी लगाई है और पुलिस तथा बी. एस. एफ आदि को घरों की तलाशी लेने की इजाजत दी गई है जिससे जन साधारण को कठिनाई पैदा हुई है और सरकार के विरुद्ध नाराजगी ली ।

मगर जैसा कि मैं आपसे अर्ज कर रहा था कि थोड़े आदमियों की मांग है-खालिस्तान के बारे और वह यह कोशिश कर रहे हैं कि सरकार कोई ऐसा कदम उठाए, जिससे ग्राम सिख मासेज उग्रवादियों के हिमायती बन जाएं । गुरुद्वारों में पुलिस दाखिल होने से हो सकता है कि ग्राम सिख भड़क उठे और पंजाब की समस्या को संभालना मुश्किल हो जाए इसलिए जो साथी यह सुझाव देते हैं कि गुरुद्वारों में पुलिस को दाखिल करना चाहिए, उनसे मैं नम्रता के साथ निवेदन करना चाहता हूँ कि यदि कदम उठाया गया तो सरकार भूल करेगी । सरकार ने सब दिलाया है, इसके लिए सरकार को मैं बधाई देता हूँ । सरकार का इस बार ठीक फैसला है । जिनकी यह राय है कि गुरुद्वारों में पुलिस को भेज दिया जाना चाहिये, उनसे मैं कहना चाहता हूँ कि यह कोई सही राय नहीं ।

सदन के सामने कई तजवीज आई हैं । यह भी कहा गया है कि चंडीगढ़ पंजाब को दे दिया जाय । मैं आपके द्वारा अर्ज करना चाहता हूँ कि सन् 1970 में जब चंडीगढ़ के फैसले की बात आई और 1976 में पानी का फैसला किया गया उसके बाद अनाली दल की सरकार पंजाब में बनी । केन्द्र में भी वह सरकार में साभेदारी थी । उस समय उन्होंने इस बारे में कोई आपत्ति नहीं उठाई । उस वक्त किसी ने नहीं कहा कि चंडीगढ़ और अबोहर फारिजल्क के बारे में फैसला ठीक नहीं है । मैं कहना चाहता हूँ कि न सवाल चंडीगढ़ का है और न ही कोई और किसी मांग में तत्त्व है । मैं पंजाब में इरिगेशन मिनिस्टर रहा हूँ सन् 55 में जो फैसला पंजाब सरकार ने इसी बारे में किया था उसको प्राइम मिनिस्टर ने मान्यता दी है । उनकी

(श्री रिंजक राम)

मांग सिर्फ आन्दोलन को चलाने का वहाना है। वास्तविकता यह है कि अकाली पार्टी में पंजाबी सूबे की मांग की थी, लेकिन ख्वाब के मुताबिक उनको नहीं मिला। हिमाचल प्रदेश बना हरियाणा बना, वे पंजाबी सूबे में अपना बहुमत चाहते हैं, और सारा भगड़ा पंजाब सत्ता प्राप्त करने का है। आज वे सत्ता के लिए लड़ाई लड़ रहे हैं, कहीं कोई मसला पानी का नहीं है और कहीं कोई दूसरी मांगों में बजन है। इसीलिए बार-बार अपनी मांगें बदलते रहते हैं। जो भाई यह समझते हैं कि चंडीगढ़ देने से या पानी का मसला टि ब्यूनल्स को सौंपने से समस्या हल हो जायेगी, ऐसी बात नहीं है। वह गलती पर है। आज वह चाहते हैं कि उनके ख्वाब के मुताबिक पंजाबी सूबा बने और उनको सत्ता में रहने का मौका मिले। मैं चेतावनी देना चाहता हूँ कि अगर उनको सत्ता में आने का रास्ता न निकाला गया तो भगड़ा खत्म न हो सकेगा और एक दिन जब खालिस्तान की बात को मानना पड़ेगा। सरकार इस बात को भी ध्यान में रखे कि चंडीगढ़ के लिए हरियाणा के नौजवानों ने खून दिया है, गोलियाँ खाई हैं, खून की होली खेली है और शाह कमीन ने चंडीगढ़ को हरियाणा के लिए दिया था। स्वामी जी आप पोपुलैरिटी हासिल करने के लिए इस तरह की बातें करते हैं कि चंडीगढ़ पंजाब को दे दिया जाय। हक देखिए इसाफ देखिए कि इसाफ क्या मांगता है। यह आसान बात नहीं है कि चंडीगढ़ पंजाब को सौंप दिया जाय। इसको हरियाणा के लोग बर्दाश्त नहीं करेंगे।

इन शब्दों के साथ उपाध्यक्ष महोदय आपको धन्यवाद देता हूँ कि आपने मुझे बोलने के लिए समय दिया है, मैं इस बिल

का समर्थन करते हुए अपनी बात समाप्त करता हूँ।

SHRI RAVINDRA VARMA (Bombay North): I Join my hon'ble friend from Ambala in appealing to the House to disapprove of the Ordinance. I do so, not because I am not keen on the immediate restoration of peace and harmony and normalcy in the Punjab. I share the anguish which all hon. Member of the House have expressed the senseless carnage that is going on in the Punjab.

I want an immediate end to the anarchy, terrorism and violence that have gripped the State of Punjab and its neighbourhood. I believe that the Government has the primary responsibility to protect the life and property, and I believe that the Government must have ample powers to ensure the protection of life and property and to ensure that the atmosphere of the State is not vitiated by communal passions and incitement to communal or collective violence. I believe that the Government must have ample powers to do this, and I also believe that none should be chagrined if the Government uses these powers judiciously for the objective that has been outlined. There is no question of any difference of opinion as far as these objectives are concerned. Nor is there any difference of opinion about the necessity to view this problem as national problem and to extend full cooperation to those who have the responsibility to ensure peace and harmony and to find a solution.

But, Sir, the question is whether that objective will be achieved through the Bill that my Hon'ble friend has presented before the House. Sir, I am afraid, I should say, that this that Bill seeks more powers for the Government is symptomatic of a line of approach that has repeatedly been proved maladroit, unimaginative, unrealistic and barren in dealing with situations of widespread public discontent or disorder. Sir, the



approach is based on a few assumptions. One assumption is that political problems should be allowed to foster through neglect, and should be nudged into the familiar ground—that is described as the domain of law and order, and then Sir, on that familiar ground to proceed to meet the movements with punitive and deterrent action. The Bill is based on the corollary to that theorem. I do not want to say who has injected that theorem into the text-book of administrators in this country. Sir, the second assumption is that Government did not have sufficient powers to deal with the situation in the past. The third is that Government have left no stone unturned has exhausted all its powers and as these were found to be inadequate, much against their will, they have come before this House to ask for more powers. The fourth assumption is that the problem could not be solved because of inadequate powers. The fifth assumption is that the way to solve the problem lies in arming the Government with more powers.

Sir, I want to raise a few questions in this regard. What powers did Government have on the eve of the promulgation of this Ordinance? Were they powerless? Sir, the Central Government took over the administration of the Punjab on the ground that the Punjab Government had proved unequal to the task, that violence was increasing and tension was increasing. There was lack of confidence in the ability of the Punjab to deal with the situation. My Hon'ble friend must be a very sadman indeed today. His hopes have been belied, His assurances have been proved ineffective. I am using very mild words because my right Hon'ble friend from Nandyal, is piloting the Bill before the House.

MR. DEPUTY SPEAKER : You are always used to mild expressions only.

SHRI RAVINDRA VARMA : Yes, Sir, with you there, I cannot go satray.

Now, what has been happening since then? Violence has increased; killing have increased; and it appears as though the flames of the fire are spreading elsewhere. After the state was placed under President's Rule, can my hon. friend say that there has been a decrease in incidents, that there has been an increase in security? No. I raised a very important question whether there was inadequacy of powers; that question is crucial to this whole debate. He inducted the CRP, the BSF, other para-military forces, and yet gruesome, gery and barbarous murders have gone on increasing. Religious leaders have been killed, high ranking police officers have been killed; an MP has been killed; journalists have been killed; an airforce officer has been killed; office-bearers of political parties have been killed; innocent people have been sorted out in buses like goat and sheep, and butchered, this was all after the Central Government took over. There have been murders in places of worship; places of worship have been burnt down. In a situation of this kind that developed in the Punjab, you cannot say that you will take action only after the event. don't therefore say that the government should be deprived of the right to take preventive action. There will be the necessity to prevent assemblies sometimes, to ban an associations, to ban the carrying of arms and to take recourse even to preventive arrest and detention. But what were the powers the government held on the eve of the promulgation of this Ordinance? Shall I read them out? They are: (1) Criminal Procedure Code and Indian Penal Code; (2) The Arms Act; (3) Punjab Security Act; (4) Punjab Disturbed Areas Act; (5) NASA; (6) Chandigarh Disturbed Areas Act; (7) Armed Forces Special Powers Act; (8) Unlawful Activities Pravention Act; (9) Prevention of Insult to National Honour Act; (10) ESMA; (11) COFEPOSA; and (12) the Criminal Procedure Act. of Punjab. A full dozen Acts you had in your armoury. Did they not provide power to you

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arrest without warrant and for preventive detention? Did you use them?

My hon. friend got up and said a few moments ago that the Central Government, except in the case of Punjab, has not issued orders for detention under N.A.S.A. Is it because you did not have the power that the current situation developed? You have to prove it. My case is that there were powers. In spite of these Acts, in spite of one Act being piled on top of another, the number of murders and attacks and robberies increased. The pattern was clear—murders and attacks for liquidation of opponents, for revenge, for exposing the vulnerability of the police, to loot, to snatch arms to strike terror. Now, with these powers, how many have been arrested, how many have been prosecuted and how many have been convicted?

The other day, my hon. friend from Rajapur said that 220 murders took place and 50 arrests were made and no cases had been filed. Perhaps my Hon. friend, the Home Minister will bring these up to date, and say that some cases have been filed. I do not know. But the fact remains that people can get away with murders; people are extolled and praised from the pulpits for murders in the name of religion, in the name of what have you. If the government has failed to prevent all this, has it at least taken prompt action to track down culprits. Have you been efficient after event? I wish somebody else was there to answer this question, at least whom I could ask this question.

But the classic example of Bhindranwale is staring you in the face. The spectre of Bhindranwale will haunt this country for many more months if you deal with him in the way in which you have been dealing. It seems that you have imported some kid gloves to deal with him, some velvet gloves to deal with him. Has he not on many occasions been guilty of preaching communal hatred? Is there no law in this country

to prevent preaching of communal hatred, to prevent the acquisition of unlicensed arms to prevent recruitment of private army, the parading of arms, flaunting them with impunity before your very noses in the Capital, to prevent and punish people for inciting followers to take to terrorist methods as you yourself have said in your statement? Why was he not brought to book? Who is holding the parasol of immunity over the head of Bhindranwale? Whose are those hands? Are they foreign hands that are holding this parasol of immunity over his head?

On the other hand, I do not hold a brief for Longowal and others for burning the Constitution. I do not, I have condemned it. I shall condemn it. I shall continue to condemn it. But, you charged him with sedition. May-be, in your wisdom that was right. Do you give evidence of double standards? For the extremists you have the parasol of immunity and for the moderate you have persecution and prosecution for Sedition. If you are not promoting the extremists, if you are not protecting the extremists, if you are not undermining the moderates what are you doing?

PROF. N. G. RANGA : Who is the moderate?

SHRI RAVINDRA VARMA : That is the question. That is the question. You will drive even those who are moderates, to desperation. I am glad my dear friend, professor Ranga—my hon. friend, has asked this question. I have high respect for him and that respect will remain. I have learnt from him, a lot. I know that if he were here on this side he would have used stronger words. But I shall not emulate him. But I should ask is my friend so blind that he cannot find any difference between Bhindranwale and Longowal? Is that the view of the Government?

PROF. N. G. RANGA : That is my view.

SHRI RAVINDRA VARMA : I do not know. If that is the view of the

Government, it may be. If that is the Government's view, or even that of my friend—my hon. friend's view may not be the same, when he does not have to meet some are in debate. He may himself have a different opinion that finds expressions in sighs within brackets. But let us leave that aside for the moment.

Sir, it has been proved therefore that you have not been able to use the ample powers you had in your armoury either to prevent or tracking down people and bringing them to book after an offence had been committed. Therefore, there has been a tremendous failure, a colossal failure. Is this failure due to the lack of laws? Is this failure because of the lack of adequate powers or the lack of adequate will or because of inefficient administration? What is the secret of this impotence, if I may ask you?

Now, You are asking for more powers. What are those powers? These powers, in fact, one is to say that the grounds may be communicated after...

*(Interruptions)*

MR. DEPUTY SPEAKER : I think, it is not a proper word. I do not know whether the word that you used is parliamentary. I will go through the record.

SHRI RAVINDRA VARMA : Oh ! No ! But I will submit to your judgment.

MR. DEPUTY SPEAKER : You can say 'incompetent'. I will go through the record.

SHRI RAVINDRA VARMA : I say that word is not unparliamentary. If it has hurt you, I can use another word. I can say "powerlessness". Please do not rule that it is not parliamentary.

MR. DEPUTY SPEAKER : Only a general rule.

You may differ from me, but do not know whether the word which you used is parliamentary. I will go through the record.

SHRI RAVINDRA VARMA : When you are in the chair, I will never differ from you.

What is the secret of this powerlessness? You want to increase your powers. It is a very important question. You want to double the time or something like that, to give the grounds for detention you want to extend the time to be given to the Advisory Board. In other words, you want to practically increase it, and detain a person for six months without eliciting the opinion of the Advisory Board. You want to detain a person for two years instead of one.

Now, Sir, I want to ask you a question. You say that this is what has prevented you from taking effective action. But you can provide the grounds to a person only after you have apprehended him. You are putting the cart before the horse. You say, 'I have not been able to arrest because, once I apprehend him I have to give him the ground for detention within five days. Why do you put the cart before the horse?'

Now, I am afraid, my good friend, is going to get a little offended. Even, my venerable and hon. friend from Guntur from whom I have learnt a lot may not like it.

I was looking through all the aspects of Preventive detention to which my hon. friend from Jadavpur has referred. You want more time to communicate the grounds of detention. You want to increase the maximum period of detention under the MISA, the maximum period was, one year, under this NASA, it was one year; under the P. D. Act it was one year, under the Defence of India Act during the war, it was one year, and under the Rowlatt Act it was one year. I must refer to the Rowlatt Act which my hon. friend is very familiar

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with. The Rowlett Act was condemned as the Black Act, and the black Bill and this country went up in flames when the Rowlett Act was promulgated. I am not suggesting any such incendiarism. But the Rowlett Act very clearly says that the Government shall first bear the responsibility to get a judicial opinion from a person who is competent to be appointed as a High Court Judge before an order is passed either for arrest or for detention. For lack of time I do not want to read out sections 22 and 25 of the Rowlett Act, which is a very well known, and infamous Act. What was the name of the Rowlett Act? It was called an Act to cope with "anarchical and revolutionary crimes." In that Act the British Government said that first Judicial officer of the calibre of a High Court Judge should just be convinced before the Government issues an order for detention. I do not want to say more on this count.

Now, how do you take preventive action? One essential ingredient in preventive action is intelligence. I know that my hon. friend does not lack in intelligence. But the trouble with this Government is that it is obsessed with the ideas of cleverness. I am afraid, the country may become a casualty of their cleverness. What is the need for intelligence? What is the state of intelligence? 39 railway stations were attacked in one night, simultaneously, you had no information. Simultaneous, similar as identical action took place, in a widespread area, it could not have been executed without plan, without conspiracy, training, deployment of trained cadres, without logistics, without transportation of men and materials, explosives and incendiaries, without a line of communication and command, and yet you could not break into this line. Now, you have come out with an excuse that the intelligence services were infiltrated or that some people were inducted into the intelligence services by others. This is a very sensitive area in which fleet footed pirouetting would not do. If you want to make an allegation, you must produce the evide-

nce for the allegation. Otherwise, it becomes sheer slender,— highly unbecoming of people in high positions. Therefore, do not try to get away from the responsibility of providing an effective intelligence system by putting the blame on others.

One gets the impression from my hon. friend's advocacy of this Bill that he is only looking for some alibis and scapegoats. My hon. friend knows very well that after the promulgation of this Ordinance there have been more murders in the Punjab. But perhaps, he may say that it is the flicker of the dying candle. I do not want to deny him that hope. But the crux of the matter therefore, is the responsibility for creating conditions which can give birth to extremism in which extremism can flourish. If you make moderates look ineffective, allowing political problems to fester, delaying the settlement of genuine grievances, pursuing a policy of attrition, trying to be clever in negotiations, giving the impression that no useful purpose would be served through negotiations, and that even if agreements are arrived at, they would not be implemented, then you create conditions in which people may begin to think that negotiations are useless. This is a dangerous situation. I know that my hon. friend, left to himself, would not like to create such a situation. He knows as well as I do, and the House knows, that this problem cannot be solved without the help of moderates, without discovering moderates if there are no moderates.

MR. DEPUTY SPEAKER : Who is cleverer from whom between the two ?

SHRI RAVINDRA VARMA : You are sitting there to deliver judgment. Therefore, if you create conditions in which moderation of goals and means is painted as "Compromisationalism" cowardice or betrayal, then you are contributing to creation of conditions in which a solution cannot be found.

I do not want to take the time of the House in dealing with maladroitness of my hon. friend, Government, the perfect sense of timing in agreeing to consider amendment of Article 25, the perfect sense of timing in withdrawing CRPF as soon as Longowal asked for withdrawal of the CRPF. But I would only end by saying that this problem is a political problem and this problem therefore, cannot be solved by increasing the quantum of the powers that you have, that you create for like Midas, that you do not apply, and by prevaricating on the substantive issues involved which are responsible for creating conditions in which situations of conflict can arise in the State. I hope my hon. friend would advise others to look into this aspect of the problem, and to seek a solution there, and not live in the false belief that popular feelings can be assuaged, and political problems can be solved by the language of the big stick.

SHRI CHIRANJI LAL SHARMA (Karnal) : Mr. Deputy Speaker, Sir, Speaking on the Resolution, Shri Suraj Bhan observed that this is an Ordinance rule in the country. The Ordinance is likely to be misused. Government has already enough powers. He put a question as to why this Ordinance was brought on the 5th of April? Why a copy of it was not placed on the Table of the House on the 4th of April? What were the circumstances which obliged the Government to promulgate this Ordinance between the 23rd March and the 5th of April? But, Sir, I may be allowed to refer to a part of his speech in this House delivered yesterday where he said : "The other alternative could be that after getting the Bill passed in Lok Sabha, an Ordinance could have been issued and the Rajya Sabha could have passed the Bill when it was to meet. It means his objection is as to why the Lok Sabha did not pass the Bill and why it just promulgated the Ordinance. That means in principle he agrees that the promulgation of the Ordinance was essential in the circumstances. Then he says : "What were the circumstances? Perhaps he is not aware of the circum-

stances which obliged the Government to bring this Ordinance on the 5th April. Mr. Harbans Lal khann was murdered in Amritsar, Prof. Tiwari was murdered in Chandigarh. With your permission, Sir, I went to draw the attention of the hon. Members of the Opposition that when there were pressing demands not only by the Akalis but also by the Opposition that the popular Government should be replaced by President's rule even though the Congress party was in majority, even though Darbara Singh was having the backing of the majority, the Government just took a decision to impose President's rule in Punjab. Why? Because on one evening six persons belonging to a particular community and travelling in bus were mercilessly and ruthlessly killed.

Those were the circumstances which obliged the Government to at once replace the popular government and also to change the Governor.

Shri Suraj Bhan put a very pertinent question—the Government has powers, but not the will. May I have the temerity to ask him a plain question? Wasn't the Naga problem there, which was solved by this Government? Wasn't the Mizo problem there, that was solved by this Government? Was not the Anand Margi problem there that was solved by this Government? Wasn't the Assam problem there, that was solved by the Government?

A HON. MEMBER : How do you say the Assam problem has been solved?

SHRI CHIRANJI LAL SHARMA : In Assam there is perfect calm and order, except the efforts of certain groups that seek to create disturbance in the clamor of the state.

Sir, the Hon. Member from the Opposition, who just preceded me made a very beautiful speech and said that there were as many as twelve enactments. The IPC is there, the Cr. P.C. is there, Arms Act is there, and all these are there. Nobody can deny that.

(Shri Chiranji Lal Sharma)

But why this National Security Act? Why was MISA there? The only answer to this is that the circumstances prevailing in the State of Punjab are such that nobody has the guts to make deposition. Nobody is willing to appear as a prosecution witness. That is the problem. There is the problem to collect evidence as well. Sir, what happened during Emergency when Smuggling was at its highest peak? At that time the smugglers in the country were hauld up under MISA. They were thrown behind bars and the smuggling was curbed to a great extent. But the moment the Congress Party was replaced by the Janata Government, the one good act according to them-and not according to me-done was to release them all. What happened thereafter? The whole House knows it and the whole country knows it.

Sir, Shri Suraj Bhan also put another question referring to the statement by Shrimati Indira Gandhi, with whom she should talk. Whether there is any guarantee that they will stick to it. With your permission, I wish to throw some light on the past history. How did Punjab come into being? How did Haryana come into being? How was Himachal created? The Shah Commission was appointed by the Government. The Shah Commission gave its Award in 1966. That Award was modified. According to the Shah Commission, the whole of Ambala District was to given to Haryana. Sant Fateh Singh threatened to immolate himself. Shrimati Indira Gandhi thought it desirable to modify the Award and the Award was modified. Chandigarh minus seven villages was to be given to Punjab and 114 villages of Abhor and Fazilka were to be given to Haryana. There was happiness and joy all over the State of Punjab, whereas as many as twelve youths were killed by the Police in Haryana, when they rose in protest against this decision. But, Sir, did the Sant stick to it? Sant Fateh Singh is no more. He has been replaced by another Sant-Sant Longowal, whom my hon. friend from the Opposition, Shri Varma, called moderate. I would refer

to the Statement appearing in the Press made by Sant Longowal to which a reference has been made by Shri Suraj Bhan himself. Sant Longowal said that we will weak vengeance upon those responsible for the killing of seven terrorists in the hands of the CRPF. I do not know whether it is right to call him a moderate or to put him at par with other terroiists. Does at behave a sant of country? Does it behave a responsible citizen of the country to sympathise with those terrorists who were committing individual acts, those terrorists who are creating disturbance in the calmsea of the Nation by their terrorist activities, those terrorists who are killing innocent people and are playing with the lives of innocent people?

When the police tries to take them to task. I am sorry that he said that he is a 'moderate' and this gentleman makes a statement so irresponsibly. Then again, Sir, he may be replaced by another Sant. At the risk of repetition I wish to submit.—I said it earlier also on the floor of this House, that the decision has already been taken, the award in respect of Chandigarh, Abhor and Fazilka was given in the year 1970. The award on water, Ravi-Beas water, was given in the year 1976. Because it was vehemently opposed by Punjab, it was further modified on the 31st December 1981. The Chief Ministers of Rajasthan, Punjab and Haryana signed it and it was further attested by the Irrigation Minister and also counter-signed by the Prime Minister. They say 'we do not want to stick to it'. So, Shrimati Indira Gandhi was prefectly justified when she said, 'With whom to talk and where is the guarantee that they will stick to it (*Interruptions*). Now my hon. friends from the Opposition have probably not been able to appreciate the question. Shri Varma has rightly observed, and I am in agreement with him, that it was a political problem? What is the political solution? The question is that if Mr. Badal or Tohra or Longowal or any man representing that Party replaces the popular Government of the Congress (I) or the President's Rule, the problem will be solved, there will be no hue and cry, there

will be no killings. But, Sir, would it be permissible? Would any sane person in the country agree that people should be allowed to snatch political power at the point of bayonets. This is not the solution. The solution is already there. Professor Chatraborty Sahib was there and in talked to him on subject in the Central Hall the other day. He said, 'Why not give Chandigarh to Punjab and Why not refer Abhor and Fazilka issue to a Commission? There should be a Commission. Why should the be a Coommission when it was decided on the same table, with the same spoke of pen and in the same breath? That should be implemented in letter and spirit in the same manner.

*(Interruptions)*

**SHRI HARIKESH BAHADUR :**  
That should have been implemented within five years.

**SHRI CHIRANJI LAL SHARMA :**  
Suppose it was not implemented for one reason or the other, did the Punjab Government care to implement it during the period they were holding the rights of power, during the period they were guiding the destiny of the Nation? And they had their representatives in Mr. Dhanna Singh Gulshan and Mr. Surjeet Singh Barnala in the Central Government. They kept mum and the only reply was that shri Morarji Desai did not agree to that. Morarji Desai was strong enough to say, 'No', and now they are saying that Indira Gandhi is a lady who would say 'yes' to their unjust demands. Their dreams will not materialise. She is a lady with a dash and decision and initiative and she can never be cowed down by such threats, even if Heavens fall. It is a simple question. *(Interruptions)*. With due apology. I have very high regard for my friends sitting on the other side in the House, they are standing in the way of the solution of the problem because they are extending unstinted cooperation to the Akalis. This is clearly a political exploitation of the situation keeping in view the impending

elections, the ensuing elections in December January next. Now they find themselves in a fix and are giving all support to them.

Mr. Deputy Speaker, Sir, it is in your knowledge that one of the hon. Members from the Opposition is taking rest in the Golden Temple touching with his realms of thought with the two Sants to decide the future of Punjab.

Has any opposition party condemned all these activities of these Akalis? it is not a question of Hindu or Sikh. It is a question of integration or disintegration of the whole country.

This is a matter to which thoughtful consideration should be given and we should not be hasty. In finding a solution of these problems, we should not make mountains of molehills.

This simple amendment in the Act is necessary. The Act was passed by this august House Kour years ago and if some amendments are necessary to be made in prevailing circumstances, the opposition parties should, instead of opposing them, pat their premium of confirmation without reserve and hesitation and show their broadmindedness in this matter.

It was observed in the course of the speech of Shri Suraj Bhan that Congress party leadership says that foreign hand is behind the trouble in Punjab. There is ample evidence of it. You want direct evidence. Direct evidence is there when Shri Suraj Bhan himself quoted an instance of a Muslim travelling in a bus in the garb of a Nihang. What is all this? who is that Muslim? Wherefrom all these illicit weapons, sten guns and carbines or whatever weapons are being used by the terrorists, were foming I say it with a sense of responsibility that these are being supplied by foreign powers.

If you go to Hussainiwala border or any other border in the fields where Indian and Pakistani fields adjoin each

(Chiranji Lal Sharma)

other, and where wheat crops are standing adjacent to each other with no permanent boundary line and no straight line, these Pakistanis manage to bring and put sten guns and hand-grenades, etc. in fields adjacent to India, and the same are smuggled conveniently into India. Is it not foreign hand? Government of India is straining every nerve to put an end to this. BSF and CRPF have been put on duty other para-military Forces have been increased.

If you try to lay hands on a culprit, if there is no evidence, he will go scot free. I am an Advocate and I know that if there is no evidence, the accused will be acquitted.

This Bill is, therefore, the only remedy to deal with such persons. This is a permanent problem we are facing. This is not a question of trouble for only one or two years. Those who are traitors are eating into the veins vitals of the Nation. They should be treated with a strong hand and the Government is coming up with this legislation just to strengthen its hands and the Opposition should not object to it.

My friends know besides the whole House that there is lot of dissatisfaction frustration and resentment in cases of rapes, anti-dowry cases and many murder being committed and the accused going scot-free. A Committee has also been appointed which demanded that there should be an amendment. In cases of rape, there should be imprisonment for life. Why such a demand should be made? It is because people should be made to realise the seriousness of the matter and the punishment that would be given. Unless deterrent punishment is prescribed for such heinous crimes, it would be difficult to put an end to these crimes or to bring down the level of crime.

In Punjab, the careers of about two lakh students are at stake. In the three Universities in Punjab i.e. Guru Nanak University, Punjab University and Punjabi University, the Vice-Chancellors postponed the examinations. How long

will this continue? In today's newspapers, it appears that the three Vice-Chancellors of these three Universities met together and are approaching the Governor with a prayer to lift the ban on AISSF. It is for the Government to look into the matter. Will my friends sitting on the opposite benches, give a thoughtful consideration to this matter? Would they make some suggestions? Would they agree that this ban be lifted?

SHRI NARAYAN CHOUBEY  
(Midnapure) : What is your suggestion?

SHRI CHIRANJI LAL SHARMA :  
My suggestion is "If the Vice-Chancellors of the Universities think that the atmosphere prevailing in Punjab does not permit the holding of examinations, instead of wasting the time of the students, let the Governor of Punjab and the three Vice-Chancellors approach the Government of the adjoining State, Haryana. Let them hold the examination in my State. We will assume the responsibility to maintain peace." What happened in Haryana? A reference was made to the attack on Shri Ved Pal and also a reference was made to two office-holders of Karnal Youth Congress. I do not stand to refute what Shri Suraj Bhan said about the two youths of Karnal District Youth Congress. The moment it was revealed that they harboured the extremists from Punjab, they were put behind the bars and were sacked from the Organisation. How could these men be inducted as office-bearers of Youth Organisation? At that time there was no terrorism and nothing of the kind in Haryana. I must give credit to the Haryana Police that they successfully traced the culprits and have taken the investigation to its logical end. As many as 10 to 12 persons against whom evidence is available and who made confessions of having made contacts with some terrorists, are behind the bars today and three terrorists belonging to a village which is just on the boundary of Pakistan and India, only 35 yards away from Pakistan boundary have not been arrested.



Haryana Police thus get this credit of successfully tracing the cases.

Again, recently a reference was made to an incident in Ambala where two police officials were killed. Haryana Police has been able to haul up one of them, Shri Kuldip Singh, the Constable of Punjab Police. I am sure all the remaining three would be arrested very soon.

I wish that the Punjab Police should behave in the same way as Haryana Police does.

This is a subject on which a lot can be said and I do not want to take the time of the House any longer.

Therefore, with these words I conclude and support the Bill.

MR DEPUTY SPEAKER : Now Shri Chitta Basu will speak.

SHRI CHITTA BASU (Barasat) : At the outset, let me make it clear that we, on this side...

*(Interruptions)*

At the outset, let us make it abundantly clear that none of the members on this side is opposed to the national security. As a matter of fact, just listen, again I say, none of this side is opposed to the national security. Rather, we want to strengthen it, rather we want to crusade against those who are fighting or weakening national security. But I am bold enough to say that I am opposed to this National Security Bill. I am afraid I am not making things clear. Sir, we are for national security, but we are opposed to the National Security Bill because it does not strengthen national security. It ultimately goes to strengthen those who want to disrupt national unity and security. I have not got much time to explain these things. Therefore, this is the approach on which I want the Bill to be discussed.

The Government in the Explanatory Memorandum say that they require this ordinance to arm the police and the other authorities with more powers. My point has been well taken up by my friend Mr. Ravindra Varma. I don't want to discuss it in detail. It is known that on many occasions, we have made it quit clear that the Government has got adequate powers to deal with the situation. There is no dearth of power. If you only allow me to mention look at the Armed Forces Punjab and Chandigarh. Special Powers Bill, 1983. It was passed by this House and it had come into effect on, I think, 7th October 1983. Now look at it. Government claims, I speak from Government's own information only. I read from one important document which has been circulated by the Home Ministry itself. It says "during theraids from 18.10.1983 to 31.3.1984, 1032 weapons, 2961 cartridges and 4 hand grandes have been recovered. If these powers are not adequate to control, there are some other powers, there are legal powers, there are some authorities for a proper exercise of these things. It is your state. The Government say that 1,797 persons have been arrested, under Arms Act. Sir, I don't want to give much more information. This is what what I say from this statement which you have made. When you have got power to arrest 1797 persons under Arms Act, what additional power do you require to arrest more than 2,000 or any number of men? Sir, if you come to Section 4 of the Arms Act even an ordinary officer can arrest any body without any warrant, just because he has got some suspicion. Now even this Act authorises the Government that if the Government feels that every Sikh is a Khalistani, then every Sikh can be arrested, because the the Act gives you this power, even if you have got a suspicion only.

He can be detained. It can be acted upon. Now the cat has come out of the bag. They do not want to arrest

(Shri Chitta Basu)

when they have got tremendous powers to arrest by virtue of the fact that they have got the slightest suspicion that they want to detain them without trial. Is it in conformity with democracy. You have got powers to arrest a person; you have got powers to try a person, but you do not do that. Now you want more powers to arrest, detain anybody for any time you like, if I may say so. Am I wrong. Therefore, I say this is undemocratic; this is obnoxious. In principle all people will oppose to this, You want that the time of furnishing the ground of detention extended by 5 days.

18.00 hrs.

We had been the victims of MISA. At that time, the government was powerful because they used to make a cyclostyled copy of the charge-sheet and send it to the officer concerned in order to fill up a blank. This has been your practice. Can you imagine that we can give you that power of preventive detention because we had been the victims of MISA? For filling up that you require another 10 days to make some counter-charges against the detainee. They are so inefficient they cannot concoct a charge within a specified period of 5 days. I Sir gives him powers to detain a person. The only thing is that you have to furnish the charge within 5 days. Now, you are not in a position to do it even after having the experience of an exercise on MISA.

We are for national security; we are for strengthening the national security; we are for dealing the extremist activities. But this is not the way to do it because the basic reason for the failure of the government has been the inefficiency in collection intelligence. Due to difference between the Punjab Police and the CRPF and lack of political will on the part of the government, they want to take advantage of this turmoil for their partisan interest. You are not bold enough to say and take action on

the growing links between these extremists and the foreign power. These are two basic reasons for which the situation in Punjab is deteriorating. Unless these things are corrected, unless these weaknesses are removed, merely by having an amendment of that nature, which is absolutely a draconian one, which is absolutely undemocratic, which is an assault on the principle of democracy, which is an attack on the civil liberty, is not going to solve the problem; we are not irresponsible to give that kind of power to those people who are power hungry and those who manage things only through wooden headed bureaucrats and the trigger happy police. For that political solution is needed. We have suggested on many occasions the manner in which the situation is to be dealt with. The matter is not merely law and order; the problem involves political issues and they should be dealt with politically. Unless that is done, this kind of an amendment is not going to help the situation now will it help normalise the situation. I oppose this Bill.

श्री हरिकेश बहादुर (गोरखपुर) :  
माननीय उपाध्यक्ष महोदय, मैं श्री सूरज  
मान के प्रस्ताव का समर्थन करने के लिए  
खड़ा हुआ हूँ और माननीय मन्त्री जो  
विधेयक लाए हैं, उसका विरोध करने के  
लिए खड़ा हुआ हूँ।

जब से पंजाब में राष्ट्रपति शासन लागू  
हुआ है, तब से सारा देश जानता है कि  
स्थिति दिन प्रति दिन बिगड़ती चली जा  
रही है। इससे स्पष्ट होता है कि हमारी  
केन्द्रीय सरकार पंजाब की स्थिति को  
सुधारने में पूरे तरीके से विफल हो चुकी है।  
अब तो जो नई सरकार बनेगी, तभी हम  
समस्या के समाधान की उम्मीद कर सकते  
हैं। क्योंकि वर्तमान सरकार से समाधान  
की कोई आशा नहीं रह गई है। लगातार

स्थिति बिगड़ने की वजह से हत्यायें हो रही हैं, ऐसा लग रहा है कि पंजाब में कोई सरकार इस समय काम नहीं कर रही है। सरकार के पास पहले से ही कानून थे, तमाम अधिनियम बनाए गए और उनका इस्तेमाल करके स्थिति को सुधारा जा सकता था, लेकिन अभी तक सही ढंग से उनका इस्तेमाल नहीं किया गया। अभी माननीय मन्त्री जी ने स्वयं कहा है कि नेशनल सिक्योरिटी एक्ट का इस्तेमाल केन्द्रीय सरकार ने नहीं किया, यदि आपने इसका इस्तेमाल ही नहीं किया तो...

SHRI P. VENKATASUBBAIAH :  
 I am speaking about the other parts of the country. So far as Punjab and Chandigarh are concerned, after the Promulgation of the Ordinance we did not use it.

श्री हरिकेश बहादुर : पंजाब के अलावा दूसरी जगहों पर इसका इस्तेमाल कर भी नहीं सकते हैं। क्योंकि आपकी सरकार राष्ट्रपति शासन लागू करें, अपनी सरकारों को बर्खास्त करें, तभी जाकर आप इसका इस्तेमाल कर सकते हैं। इसीलिए आप पंजाब में इस्तेमाल कर रहे हैं। इसके बावजूद भी स्थिति में सुधार नहीं हो सकता है। वास्तविकता यह है कि जो भी कानून आपने बनाए हैं, उसका इस्तेमाल करने वाली जो आपकी मशीनरी है, वह ठीक ढंग से काम नहीं कर रही है। आपके आदेशों का ठीक ढंग से पालन नहीं हो रहा है। आप और अधिक शक्ति अपने हाथ में लेते जायें, इस्तेमाल सही तरीके से न हो तो स्थिति में सुधार नहीं आ पाएगा। इसलिए हम यह समझते हैं कि यह जो आप नया कानून बनाने की बात कर रहे हैं, इससे स्थिति में सुधार नहीं हो पाएगा। हम नहीं

चाहते हैं कि आप इससे और अधिक शक्ति अपने हाथ में लें।

एक बात मैं और कहना चाहता हूँ। गृह मन्त्री जी आज कल वक्तव्य दे रहे हैं कि खालिस्तान नहीं बनाने दिया जाएगा। यह एक बहुत ही गम्भीर बात है, मैं समझता हूँ कि गृह मन्त्री जी को इस बात को कहने की कोई आवश्यकता नहीं थी। क्योंकि बार-बार आप कहते रहेंगे और सोचते रहेंगे कि खालिस्तान नहीं बनाया जाएगा और वे लोग खालिस्तान चाहते हैं तो यह देश के लिए बहुत दूर्भाग्यपूर्ण बात होगी। मैं बहुत लम्बे इतिहास में नहीं जाना चाहता हूँ। आजादी हासिल करने के समय पाकिस्तान के बारे में इसी प्रकार की बातें हो रही थी, जैसा कि लोग बताते हैं, लोग कहने लगे थे कि पाकिस्तान नहीं बनने दिया जाएगा। खास तौर से जब जिम्मेदार लोगों ने इस बात को कहना शुरू किया तो नतीजा यह हुआ कि बाद में पाकिस्तान बन कर रहा और काफी बड़े समाज के वर्ग का ध्यान पाकिस्तान बनने की ओर चला गया। इसलिए मेरी दृष्टि में इस बात को कहने की कोई आवश्यकता नहीं थी कि खालिस्तान नहीं बनने देंगे। क्योंकि अब भारत की जनता भारत का आगे कोई विभाजन स्वीकार करने नहीं जा रही है। इसलिए यह निहायत अनुचित है कि बार-बार इस तरह की बात गृह मन्त्री जी या सरकार के किसी उच्च पदाधिकारी द्वारा की जाए।

अभी कुछ दिनों पहले समाचार पत्रों में छपा था कि प्रधानमन्त्री जी और लोगों-वाल के बीच में बातचीत हुई थी, लेकिन बाद में पता लगा कि कोई बात नहीं हुई थी। मैं यह जानना चाहता हूँ कि यह बातचीत हुई थी या नहीं—वास्तविकता

(श्री हरिकेश बहादुर )

क्या है ? माननीय मन्त्री जी जब उत्तर दें, तो इसके बारे में स्पष्टीकरण दें। अभी प्रधान मन्त्री जी के वक्तव्य को लेकर काफी शोर-शराबा हुआ और तरह-तरह की बातें कही गईं। मैं चाहता हूँ कि जिम्मेदार लोग पंजाब के बारे में बात कहें तो बड़ी गम्भीरता के साथ कहें, क्योंकि पंजाब की स्थिति आज बहुत ही विस्फोटक हो चुकी है और सारा देश इस बात से चिन्तित है। इसलिए जो उच्च पदों पर बैठे हुए लोग हैं वे सोच समझ कर कोई बात कहें, यों ही कह कर स्थिति को बिगाड़ने से कोई लाभ होने वाला नहीं है।

आज के अखबारों में खबर छपी है और शून्य काल में उस पर चर्चा भी हुई थी कि श्री लोंगोवाल ने सम्भवतः कहा है कि सी. आर. पी. एफ. के द्वारा जो कुछ लोगों की हत्या हुई है, उसके बारे में उनको काफी नाराजगी है और वह कोई जांच करवाने जा रहे हैं। यह भी कहा है कि इसके बहुत भयंकर दुष्परिणाम सामने आयेंगे तथा इसकी बहुत ज्यादा प्रतिक्रिया होगी। यह बात आपने आप में बहुत गम्भीर है। मैं चाहता हूँ कि जिन तथ्यों को लेकर उन्होंने ऐसा वक्तव्य दिया है, उनके बारे में सरकार स्वयं जांच कराये, बल्कि न्यायिक जांच कराये। असलियत का पता लगाए कि उन्होंने क्या ऐसा कोई वक्तव्य दिया है जिसका परिणाम कुछ और हत्याओं के रूप में सामने आने वाला है। यह बहुत ही दुर्भाग्यपूर्ण और गम्भीर मामला है, इस पर तत्काल ध्यान देना चाहिए।

अन्तिम बात मैं यह कहना चाहता हूँ इस समस्या के बारे में बहुत चर्चा हो चुकी है, इसलिए इसके विस्तार में जाने की जरूरत नहीं है। हत्याओं की चर्चा की जरूरत नहीं है, बैंक डकैतियों की चर्चा की जरूरत नहीं है, केवल एक बात कहने की जरूरत है, जिसके बारे में अन्य माननीय सदस्यों ने भी कहा है, खास तौर से रविन्द्र वर्मा जी ने बहुत विस्तार से सारी बातों को कहा है और वह यह है कि इस समस्या का कोई राजनीतिक हाल ढूँढने की जरूरत है जिसके लिए प्रयास करना चाहिए। लोगों को एक बार्ता-मेज पर लाने की कोशिश करनी चाहिए।

1970 के एवार्ड के बारे में माननीय सदस्य श्री चिरंजीलाल शर्मा अभी कुछ कह रहे थे। मैं उसके बारे में सिर्फ एक बात कहना चाहता हूँ—1970 का एवार्ड स्वयं प्रधान मन्त्री जी ने दिया था। उन्होंने कहा था—चण्डीगढ़ पंजाब को दिया जाए और फाजिल्का तथा अबोहर हरियाणा को दिया जाए। उन्होंने यह भी कहा था कि यह फैसला 5 वर्षों में कार्यान्वित कर दिया जाय। मैं जानना चाहता हूँ—1970 से लेकर 1977 तक कांग्रेस की सरकार थी और प्रधान मंत्री जी ने एवार्ड दिया था, तो उन पांच सालों के अन्दर इसको कार्यान्वित क्यों नहीं किया गया? अगर यह काम उस समय कर दिया जाता तो आज जो स्थिति पैदा हो रही है, वह पैदा नहीं होती तथा इतनी बदतर न हुई होती। इसलिए साबित होता है कि सत्ता में जो लोग हैं उन्होंने ही समस्या को इतना विकराल रूप दिया है, इसलिए उनको ही इसके सुधार के लिए गम्भीरतापूर्वक विचार करके काम करना चाहिए। हम निश्चित

रूप से उनके साथ सहयोग करने को तैयार है, बशर्ते कि वे इस समस्या का समाधान करने के लिए दिमांग बनायें।

इन शब्दों के साथ मैं श्री सूरजमान जी के मोशन का समर्थन करता हूँ।

SHRI NARAYAN CHOUBEY  
(Midnapore) : Our Party also oppose this Bill lock stock and barrel.

THE MINISTER OF STATE IN  
THE MINISTRY OF ENERGY (SHRI  
ARIF MOHAMMAD KHAN) : I thought  
you are a progressive.

SHRI NARAYAN CHOUBEY : If  
I support this Bill, I become progressive.  
You have not gone to jailkhana many  
times.

SHRI P. VENKATASUBBAIAH :  
He was born after 1942.

SHRI NARAYAN CHOUBEY :  
Under the National Security  
Act, Shri Ranavtar Shastri was  
sent to jail in 1948 by the  
Government which is in power  
now. What were the charges?  
Shastriji was a student of Kashi  
Vidyapith. Kashi Vidyapith was  
born in the national struggle.  
Shastriji was a Member of CPI, a  
legal party. Shastriji was externed  
from Varansi during British days.  
And that he was an editor of a  
newspaper coming from Patna. On  
these charges he had been detained  
for more than 2 1/2 years. And I  
was detained for more than 3 year  
on some charges that I had been  
organising gorilla warfare at  
Kakdwip in West Bengal, the  
place which I have not visited in  
my life.

So, these powers can never be given  
Punjab situation is very serious but  
even then from this rostrum which is  
called Parliament, I must thank the great  
people of India and the great people of

Punjab that as yet there is no mass  
communal frenzy as was there in this  
country before partition, and this is one  
of the reasons why that great Sant  
Bhindranwale is a little bit demoralised.  
I am told he is telling that the Punjabis  
and Sikhs are coward that they are not  
killing the Hindus in Punjab so that a  
situation be created where the Sikhs in  
other States be also attacked so that  
they come to Punjab and start killing  
the Hindus in Punjab. Actually, the  
great saints of the people of Punjab,  
both Hindus and Sikhs, are still very  
much alive and because of them the  
great communal riots as Mr. Bhindran-  
wale expected to take place in Punjab  
are not taking place. Glory goes to the  
people of Punjab. But, Sir, it is your  
creation, you created this frankenstein  
and now you cannot control it. What  
for did you create this frankenstein?  
When that great saint had come to New  
Delhi with all the arms being shown  
from the top of the trucks—another  
great man was the Home Minister at  
that time—many of your people at that  
time had gone to kiss the feet of that  
great man who you are today saying is  
a villain of the piece. My friend Mr.  
Sharma blamed the Opposition Parties  
for the present situation. It is very  
nice; When there is good production of  
wheat, Central Government is responsi-  
ble, when there is good production of  
rice, Government is responsible, when  
our satellite goes to space, this Govern-  
ment is responsible, when Rakesh  
Sharma goes to space, bravo to this  
Government but when there is malady in  
Punjab, down with the Opposition. Nice  
argument ;

SHRI ARIF MOHAMMAD KHAN :  
Credit should be given where it is due.

SHRI NARAYAN CHOUBEY : And  
discredit should be given where it is  
undue. Very nice; What is exactly requir-  
ed is a political solution. I know  
perhaps you are also trying in that  
manner. Some hot-line or cold-line Mr.  
Longowal may be continuing, some  
whispering talks are going on here and  
there that perhaps you may made a  
Government along with the Akalis in

(Shri Narayan Choubey)

Punjab in the near future. All these things are being heard. Soy, Sir, we have spoken on a number of occasions that political solution is needed to this problem. My friends of the ruling party from Punjab know what our party and what the CPI (M) are doing there. Only recently our Youth Federation's rallies have been sent from Khooni Darwaza of Delhi to Hussiniwala where Shaheed-e-Aazam Bhagat Singh was cremated. Your youth rally was attacked on the way by the Sikh extremists four or five times. Our people had defended them with the help of the people of Punjab. They were both Sikhs and Hindus. My comrade Indrajit Gupta had offered that let there be a *morcha* of the Congress people along with us and if they can bring one we will bring two—one will be a Hindu and the other will be a Sikh. Again I repeat that only passing these Bills and Acts would not help. Of course you may make use of them from time to time but it is a political problem and there should be a political solution to this. I am very sorry to find that there are elements in the Congress Party who just now spoke, from Haryana, that they do not find moderates in the Akalis. Then there is no solution, to this problem. If you want to have a political solution, you ought to find the moderates. Sometimes even the moderates also must speak like extremists because they want to keep their party going on. At the same time, you cannot forget that the best tradition of Punjab is in danger. Just by the side of Punjab there is a country called Pakistan where there is no democracy and who are also bying—if you say fish in troubled water I will say, no, it is much more than that. And then there is USA also. My hon. friend suddenly found Soviet arms in Golden Temple.

(*Interruptions*)

SHRI SURAJ BHAN : It is mentioned in the Press.

SHRI NARAYAN CHOUBEY : If it is mentioned in the Press then down with the Press.

Soviet Union never supports such tendency with India. Soviet Union is our best friend and wants to keep the unity and integrity of this country. Actually it is the great global game of the US imperialism to surround this country whose name is India. Besides, Punjab, there is problem in Assam, there is problem in Ceylon. Everybody knows that and our government also knows all these games.

Now, Sir, I would like to caution you. The Punjab situation has to be tackled seriously and we must achieve success. Otherwise the Sikh communalism will give rise to Hindu communalism. We know the Hindu communalists are not sitting idle. They are working here and there. They had been successful in Panipat. The Congress (I) State Government in Haryana failed to curb this communalism there. It was curbed only on the intervention of the Central Government.

SHRI JAGDISH TYTLER (Delhi Sadar) : No, it is not right.

SHRI NARAYAN CHOUBEY : Yes, Haryana Government failed. I had been to Haryana and Panipat.

SHRI JAGDISH TYTLER : I had also been to Haryana.

SHRI NARAYAN CHOUBEY : If the Hindu Communalism is successful in organising attacks on the Sikhs in other States, that is exactly what Bhindarawale and the extremists want. That is why I say these things require political solution. By passing this Amendment and by strengthening your hands this situation is not going to be helped sufficiently. Hence we oppose it. Actually there is a demand from this platform that there should be an immediate political solution of this problem.

PROF. SAIFUDDIN SOZ : (Bara-mulla) : Mr. Deputy Speaker, Sir, with a heavy heart I speak on this problem, because I feel it.

**SHRI JAGDISH TYTLER :** His heart must be paining very severely when the House was discussing Jammu and Kashmir.

**PROF. SAIFUDDIN SOZ :** I would like to tell you the national interest is dearer to me than you, Mr. Tytler.

Sir, by discussing Punjab, I must tell you what I feel. By discussing Punjab we have lowered the prestige of the Parliament. And it is the ruling party which has brought Parliament into disrepute.

**THE MINISTER OF PARLIAMENTARY AFFAIRS, SPORTS AND WORKS AND HOUSING**  
**SHRI BUTA SINGH :** That is why members are keen to discuss Jammu and Kashmir.

**PROF. SAIFUDDIN SOZ :** You discuss it. I am open to conviction. You convince me. There is only one problem before that you want to destabilise the State Government. Discuss that. I am prepared to answer.

Sir, Punjab has been discussed so many times, but I feel Parliament's prestige has been brought to disrepute because the countymen feel that Parliament discusses it every time without finding a solution.

**MR. DEPUTY SPEAKER :** Now, we are not discussing the Punjab issue. We are discussing the Ordinance.

**PROF. SAIFUDDIN SOZ :** Since I was one of the movers of the Resolution disapproving the promulgation of this Ordinance, so I have to speak.

Sir, yesterday Shri Suraj Bhan and today Shri Ravindra Varma gave legal aspects of the problem. They said the Government has got lot of laws in their hands. Shri Suraj Bhan gave us a funny story. There was a man having swords in his hands and somebody came and slapped him. He offered another side of his

face. Then he was slapped again. Then the third man appeared on the scene. He asked why has he received slaps from that man? The answer was that his hands were full, because he had swords in his both hands. This is the situation with the present ruling party.

**MR. DEPUTY SPEAKER :** Professor, you must tell a separate story.

**PROF. SAIFUDDIN SOZ :** That is the story relevant to the situation. Actually there was no hurry in promulgation of this ordinance. On 4th the Hon. Home Minister made a statement in the Lok Sabha and on the same day the President had accorded his signature on the Ordinance, although it appeared on the 5th. That is why I say it is a contempt of Parliament. I feel we should not have participated in the discussion because the Government constitutes contempt which the Government has shown to Parliament. There was no hurry to have more laws because they have got lot of powers in their hands.

When they came forward with the Bills, the Punjab (Disturbed Area) Bill the Chandigarh (Disturbed Area) Bill, even at that time people felt that there was a lot of scope in the existing law to curb violence in Punjab, but they did not do it. I know it that you have the majority in the House and you will just now get it passed, but I feel it is a grate insult to the Parliament that every time you come with Ordinance and a subsequent Bill and you get it passed and out of all this power, you are not getting anything, you do not improve the situation. But, you can't buy the spine from the market. You have lost the spine Mr. V. N. Tewary was my colleague in the Parliamentary Consultative Committee on Education and Culture, I know what a noble man he was. I must assure you that I could not sleep that night when he was assassinated. Only 4 or 5 days before the Hindu Raksha Samiti Chief of Chandigarh was assassinated. If they draw a graph and depict violence in Punjab, I can prove

(Prof. Saifuddin Soz)

without any hesitation that the violence, has increased in Punjab ever since they promulgated the President's Rule in that State and got themselves armed with laws such as the Punjab (Disturbed Area) Bill and the Chandigarh (Disturbed Area) Bill which they have got passed here. The violence has increased in Punjab because they do not implement the decisions they are taking here, and to that extent Parliament has lost the prestige because throughout the length and breadth of this country people must be asking 'what is this Parliament which discusses Punjab every now and then. Punjab in burning. Nobody is cure of his existence ; when he leaves his home in the morning, he is not sure to coming back to his house. And outside Punjab people must be feeling that Parliament is not in a position to find any solution to the problem. To that extent, Mr. Deputy Speaker, Parliament has lost the prestige in the eyes of our countrymen.

PROF. K. K. TEWARY : (Buxar) : Do you support the fascist fury that has been unleashed in Jammu and Kashmir ?

(*Interruptions*)

PROF. SAIFUDDIN SOZ : I denounce violence everywhere, but Jammu and Kashmir is the most peaceful State in the country.

SHRI JAGDISH TYTLER : Only yesterday somebody told how peaceful they are.

(*Interruptions*)

PROF. SAIFUDDIN SOZ : That somebody has no public support. (*Interruptions*) That was in the Zero Hour today when he raised the issue, 'Why are they supporting Gulam Mohd. Shah if he is a dissident leader ? Because Congress (I) wants to destabilise the situation in Jammu and Kashmir. Jammu and Kashmir is the only State

where a woman can leave her home and walk without fear during the dead of night. Can she do it anywhere in India ? Ours is the most peaceful State you must know that.

(*Interruptions*)

MR. DEPUTY SPEAKER : Please conclude now. We are not discussing the Kashmir issue now.

(*Interruptions*)

SHRI SATYASADHAN CHAKRABORTY (Calcutta South) : I am happy that they have been told what they did in Calcutta to Farooq Abdullah.

(*Interruptions*)

PROF. SAIFUDDIN SOZ : Sir, I was telling you that they have enough of law in their hands. They are not implementing that.

Whatever the number of murders that are taking place in Punjab every day, they will report on the radio and television, They will say murders were committed by 'unidentified persons.' Have they identified people ? (*Interruptions*). Did they send those people to lock-up ? Every time you say, 'unidentified persons' whatever the amount of lay you have.

(*Interruptions*)

When I propose this, it is not for the sake of opposition. I am doing it because we want it national security to be given too most priority.

MR. DEPUTY SPEAKER : Not this way.

PROF. SAIFUDDIN SOZ : But not this way because they got themselves armed, but they have lost their nerves. They cannot control violence in Punjab.



I feel, Mr. Deputy Speaker, they have repeated on clause from the Ordinance in the Bill. It is the same here and this is known to you, and all of them. There is fear that they will haul up innocent people rather than the culprits because they have never caught hold of anybody. Every time they will say, 'unidentified persons'.

It creates a kind of fear that they will catch hold of innocent people. 14 (a) reads :

'14 A. (1) Notwithstanding anything contained in the foregoing provisions of this Act, any person in respect of whom an order of detention has been made under this Act at any time before the 3rd day of April, 1985 may be detained without obtaining the opinion of the Advisory Board for a period longer than three months, but not exceeding six months...'

That means no advice from any quarter. Anybody can be hauled up there. They do not catch the culprit who kill people. Not a single one has been caught upto this time. It is feared that they will impose this law on somebody who is innocent.

I will say one or two things more and conclude :

MR. DEPUTY SPEAKER : When I called you, I told you that we are not in a position to give more time.

PROF. SAIFUDDIN SOZ : At this critical juncture, I feel the Prime Minister should take opposition into confidence because Punjab is burning and if they take opposition into confidence they should think of Resolution of the problem and invite Akali leadership.

So far as Punjab is concerned, the down-trodden, the rickshaw puller, the taxi driver, the wage earners are in a

miserable plight. Capital is moving out of Punjab. Jammu and Kashmir is hit the hardest. The graph shows that our tourist traffic has closed down because of the trouble in Punjab. It is our supply line. Therefore, we take double interest in it. It is connected with integrity of the country. It also threatens our economic security. It is our life line during the winter season. So, therefore, our interest is double in Punjab. We want the Government to take a decision, not merely to get these laws passed but to enforce them.

Before I conclude, I must say that since I am sure that they will get this Bill passed, and since I know that the countrymen will know that Parliament's discussion does not lead to any solution; soon after I close my speech, I walk out and I request the Members of Opposition to walk out because we never want to hear the words 'Ayes have it'. They cannot have it because they are getting the law passed without any assurance to the countrymen that they will enforce it.

MR. DEPUTY SPEAKER : Shri Chandrajit Yadav.

PROF. SAIFUDDIN SOZ : I shall hear the Minister.

MR. DEPUTY SPEAKER : He has decided not to go. I have requested him to remain.

SHRI CHANDRAJIT YADAV (Azamgarh) : This National Security (Amendment) Bill has been brought because the Government feels that in Punjab and in Chandigarh Disturbed Area the extremists' activities are a matter of great concern and they feel that this Bill will give them enough power to control these activities. If it is so, we would not mind in a very special situation. Though in principle, we have always held it and everybody has held it that without proper trial nobody will be detained

(Shri Chandrjit Yadav)

because it is rather inhuman. It is against all principles. But, perhaps, there is a situation in a country where there is a kind of fear and the Government tries to acquire special power. I will request the Government that very coolly and calmly the Government must think, is there any lack of powers and the Government is not able to control the situation? Really speaking, the Government to-day got as much power as they need. There is not a lack of power. The situation is getting from bad to worse every day. Even to-day when we are discussing, already these powers are with you. You have acquired it through Ordinance.

18.35 hrs

[DR. RAJENDRA KUMARI  
BAJPAI -in the chair]

But what has happened after that Ordinance was promulgated? Even an Officer of Indian Air Force has been killed. Even people belonging to BSF have been killed. The Punjab police have been killed, leave alone the common people. Railway stations were burnt afterwards.

Therefore, the Government must seriously think over what the weaknesses are.

I am opposing this Bill only with this view that even if you get some extraordinary power through this Bill, it will not give you enough capacity because there are certain other weaknesses which you must look into.

What are those weakness? Who will implement the decisions taken? Will Punjab police and Punjab Administration implement those decisions?

At one stage, the Government thought that perhaps a popular Government is not able to take care

of the situation. Therefore, they removed their own Chief Minister. But it was more than seven months before the Chief Minister was removed that the situation worsened. After the removal of the Chief minister also, the situation has worsened much more. A Governor was sent. He was selected even at the cost of not consulting the other State Government. Perhaps, it was thought that he was an experienced bureaucrat and, therefore, he would be able to take care.

What is the result? Has it helped you? A person was appointed IG Police, Punjab, from another Cadre and a junior person, and many other persons were superseded. They knew there will be resentment. To avoid the resentment, three police officers were appointed as IG police in Punjab. What is the net result of all this? Could they take care of the situation? No.

Therefore, I say that you must see the reality of the present days. Punjab Police is totally demoralised. It is faction-ridden Police Administration at present, because of this factionalism in Punjab police, demoralisation has crept in. These officers tell their officers in the districts "Look here, a person has been imposed on our head. Let me see how he takes care of things." This kind of unprincipled action does not help.

This is a Lesson for Government. If they do things, they should not do against the rules and regulations and conduct of the Services.

Punjab police has elements which are totally in sympathy with the extremists in this movement. Has the Government been able to find those people? It is coming every day in the newspapers. One SSP of a district, certain Police Inspectors and certain other officers were found in collusion with extremists.

Has the Government been able to identify those people? How will they identify?

I am sorry to say that the Intelligence of this country has failed completely and it is creating a great sense of demoralisation in our border State. That border is the most active border where foreign forces are taking full advantage. They want to destabilise the situation in that part of the country.

The intelligence in Punjab is so poor that Government could not even know that there was such a planning going on that 35 railway stations would be either burnt or damaged overnight. The Intelligence in Punjab could not get any clue of it.

Every day you are saying that Pakistan is sending arms and giving them training and that Pakistan is doing this and that in Punjab. By saying this, you are only exposing your own weaknesses. Why are you saying that Pakistan is doing all these things in Punjab? What are you going to say to the people? How do you explain this to the people? Will you plead your ignorance of these goings on before the people? Some people being trained and secretly sent to Punjab means a very serious matter.

Therefore I say that this kind of administrative measures and tactics are not going to solve the Punjab problem. We are very much concerned about this problem. We feel it.

Shri R. S. Sparrow said that the onus is on the opposition and the opposition must take the initiative for the tripartite talks." I asked "why?" Then he said :

It is the patriotic duty of the Opposition because it a matter of national concern. Did we not do our patriotic duty? Did not the Home Minister say in this very House several times that the Tripartite Meeting was

called at the initiative of the Opposition? We did request the Prime Minister. The Home Minister has stated that as it is a national problem, Government, Opposition and the leaders of the agitation should sit together and find out a solution. We did our patriotic duty and we improved matters. We did bring down the issues to such an extent that from 45 demands they come to 10 or 12. Almost all the issues were settled except for one or two small things. The Home Minister really expressed his gratitude to the Opposition Leaders and he stated that because of them the issue was narrowed down. Did we not do our patriotic duty?

The suggestion for a second tripartite meeting came not at the initiative of the Opposition but of the Prime Minister and the Prime Minister invited the Opposition leaders. Did we not respond? We went to the Prime Minister's meeting. The Prime Minister said that there would again be a tripartite meeting and we said yes and we did cooperate and the tripartite meeting was held. Unfortunately certain incident took place there. Therefore, the situation worsened.

I am not saying all this for scoring points and I am not saying this to gain political points at the cost of national issues. If there is any blame, it is on the ruling party. I am only saying this from the very beginning because the major national issues, people's issues—water, Chandigarh, territory, etc.—should have been decided first. They have not been decided, but the religious demands became most important. The Prime Minister thought it proper to go to a Gurdwara and announce there and not in Parliament, not in a Press Conference, not by a communique, not by calling those leaders and telling them. If she wanted to score points, it is well and good. That is why you are suffering. Not only you but the country is suffering. The question today is the whole country feels concerned. Sir, Sikhs and Hindus have been living like brothers and sisters all along. But what is disturbing today is that there

(Shri Chandrajeet Singh)

is an atmosphere of suspicion, which is most unfortunate. Already a great deal of damage has been done and that has to be restored. Even if you find a solution, it will take time. But whatever damage has been done, it has to be restored. For that I will suggest that the time has come to take certain steps. Still, I will say, the Sikh masses of Punjab deserve our congratulations. I have no hesitation in congratulating the Sikh masses of Punjab. They have not been involved as yet. If there is a failure, it is the failure on the part of the administration. They have not been able to deal effectively with the extremists and violent elements in Punjab. But the Sikh masses have not gone out in thousands; they have not gone to the temples, Hindu mohallas and villages and burnt them. This has not happened. This is a very good sign and a very good feature and I think this attitude must be strengthened and encouraged. The Prime Minister seems to be concerned and rightly so, because the situation has gone out of her hands. As Prime Minister, as the leader of country or of a party, whatever it is she must consider the matter in a cool and calm manner. In my opinion, the Prime Minister must come forward and invite again the moderate leaders of Akali Dal including Sant Longowal, Shri Prakash Singh Badal, Shri Barnala and others. They should not treat them as one with extremists and religious fanatics. Akali Dal may be a party based on certain religious and fundamental issues of that kind. But still they are not for Khalistan and they are not anti-India. In my own presence, Sant Longowal stated in a Press Conference that anybody raising a demand for khalistan has nothing to do with the Akali Dal. It is an anti-national demand, I am myself a witness to that Press Conference. I once again insist that Akalis like Shri Prakash Singh Badal, Shri Barnala and Shri Balwant Singh and many others are as good patriotic Indians as we are. They have their own approach. Maybe they have their own political approach. Therefore, they must be brought into it and an approach

must be made. If any solution is found with them, well and good, if it is not found, then the Government of India must take a unilateral decision.

The question of Chandigarh, the question of transfer of a territory, the settlement between Punjab and Haryana the matter of canal, these things cannot be left for an indefinite period! they will do a great damage. Therefore, let the whole country know this is wrong and this is right. If they agree to that well and good; if they do not agree to that, you go and mobilise public opinion for that. If the Prime Minister thinks it proper to take the initiative, let her do it; it is not that we should take the initiative, because our initiative today has no meaning, because of the Government's attitude. If the Government feels that the opposition is of some help to them, we are willing to cooperate with them because we feel that it is a national issue. But if they do not listen, if the government and the opposition come to some common agreed understanding, I think, we can together face the situation. I am saying this only because Mr. Sharma and many others were also saying about it when the Prime Minister said about it the other day in a public meeting at Mandi and the some Minister had said about it just now in the House. It is not a secret. There are foreign hands; if there are foreign hands, then you will have to be more vigilant and must take care of things at home. You must see that the internal situation does not become an anarchy and get destabilised.

The Foreign Minister said yesterday that today India is surrounded by unfavourable situation. I say not unfavourable but hostile elements, hostile country. We must give a serious thought to it who is responsible for that. To say simply that one foreign country, the United States of America is responsible for it and they are doing all these things will not solve the problem. The United States of America is not happy with strong India; they are not happy since India became a Chairperson of the Non-aligned Movement:

they are not happy because we have a glorious tradition. The people of India and the government both together should raise their voice against the imperialistic design and their interference all over the world. But are we going to provide them green pasture by creating this instability and anarchic situation within our country? This is dangerous. Therefore it is much more important today that we must see that we settle our problems within our country, because these are peoples' problems. After all, water problems or the Chandigarh problem or certain villages on this side or that side, they concern directly with the people. But my anguish is that the government, instead of taking steps to solve peoples' problems, thought it proper — some people advised them perhaps wrongly; and maybe the government's own understanding is wrong — that it is a religious movement and tried to solve it thinking that movement will die down; but the extremist elements are taking advantage of it.

Many people on that side have been saying, why don't you condemn the extremist activities; why don't you condemn Bhindranwale? I think it is out of ignorance that they say. Several times, collectively, individually, political parties and the opposition leaders, they have condemned violence in Punjab. It is the opposition who demanded really stern and firm action against Bhindranwale and his colleagues who are indulging in all kinds of violent activities. We did say about it, but our saying is not enough. We can give you only our moral support. In spite of all this, if you do not act, then who is responsible for it. Therefore, I am saying let us from both sides try to find a political solution, as my colleague, Shri Ravindra Varma has said and we have been saying. Find a political solution. If they do not agree, announce it unilaterally and then go to the people and educate them, 'Look here, this is the reasonable thing which we have done and they must understand it.' After doing that, deal firmly with the extremist elements. But the question is you are not able to deal with them. People come in day light, they

come to bazaar, chowk and university and even into private houses and they kill and they go away. Nobody is able to catch. And this is creating demoralisation. Therefore, whatever is necessary to strengthen the Punjab administration, do it. We thought that after the imposition of President's Rule, after taking power into your hands, perhaps you will be able to deal with it effectively. But you have not dealt with it effectively. This is our charge. The Government today, or it seems to us that there is no Government in Punjab and the people have started saying that there is no Government in Punjab. What will happen? People are being killed even inside the Golden Temple. Is there any investigation? Can any Police Officer dare go inside the Golden Temple?

SHRI SHIVRAJ V. PATIL : Why do you not blame the killers?

SHRI CHANDRAJIT YADAV : We are blaming the killers. What am I saying? What else am I saying?

SHRI SHIVRAJ V. PATIL : You are blaming the Government.

SHRI CHANDRAJIT YADAV : I am blaming the Government because the Government is not doing anything against the killers.

SHRI SHIVRAJ V. PATIL : You cannot solve the problem in this fashion.

SHRI CHANDRAJIT YADAV : Mr. Shivraj Patil, You solve it in your fashion. You are seeing it.

SHRI SHIVRAJ V. PATIL : You agree that they are taking foreign help. You do not criticise them.

SHRI CHANDRAJIT YADAV : Madam Chairman, this attitude is responsible really for the danger to our national security.

(Shri Shivraj V. Patil)

SHRI SHIVRAJ V. PATIL : How ? Criticising the killers is dangerous to the nation ?

SHRI CHANDRAJIT YADAV : We'll, if you refuse to understand, I do not want to have an argument with you. Mr. Patil, you are a good friend of mine. But this is...

(*Interruptions*)

SHRI SHIVRAJ V. PATIL : This does not solve the problem. It creates problems.

SHRI CHANDRAJIT YADAV : If you feel that criticism is intolerable, I am not entering into an argument. If you want to say something, I want to yield and hear something. I do not expect from a Minister to go on disturbing me like this. If you want to say something, say it.

SHRI SHIVRAJ V. PATIL : My hon. friend has yielded. And, I would like to submit that he says that innocent people are being killed. He says that foreign help is received. And he does not say anything against them. He is criticising only the Government, and then he wants... the problem to be solved.

18.53 hrs.

[MR. DEPUTY SPEAKER *in Chair.*]

MR. DEPUTY SPEAKER : Please conclude now.

SHRI CHANDRAJIT YADAV : He is absent minded. I think probably he was not listening.

SHRI SHIVRAJ V. PATIL : We can see it.

SHRI CHANDRAJIT YADAV : I will send a copy of my speech to you so that you can educate yourself.

SHRI SHIVRAJ V. PATIL : The record is there. We can see.

SHRI CHANDRAJIT YADAV : Mr. Deputy-Speaker, therefore, — I am concluding my speech — I am saying that it is not only that the Government feels concerned about the situation today, but the whole country feels highly concerned about the situation in Punjab and therefore I will again repeat and say with all emphasis that the Government must find a political solution and at the same time the Government must gear up its administration effectively, must deal with the killers and people indulging in violence and restore confidence between the Sikh and the Hindu communities in Punjab and also in the whole country and should not provide any opportunity to those sources which are looking for such opportunities. With these words, I hope the Government will act.

MR. DEPUTY SPEAKER : Now the Minister will reply.

SHRI P. VENKATASUBBAIAH : I am highly obliged to the hon. Members who have participated in this debate, and much more so to Shri Suraj Bhan who has moved this Statutory Resolution.

At the outset, I may inform the hon. House that the Government do not have any disrespect to Parliament. Our Prime Minister and the Government have got the utmost respect for Parliament. Whatever we do, we certainly keep in mind the parliamentary dignity and sovereignty of this House.

What the Prime Minister has said, this morning has been clarified through a letter to the Speaker.

Government is always willing to have talks with the Akali Leadership. Time and again, it has been said by the Prime Minister as well as the Home Minister in this House.

At this juncture, I would like to salute the people of Punjab because in spite of the gravest provocations, they have maintained communal harmony.

The arguments that have been put forward by hon. Members in opposing this Bill have further convinced me that this Bill is necessary. It is very difficult to convince those who do not want to be convinced. Whatever arguments they have adduced about the explosive situation that is prevailing in Punjab and Chandigarh, about the killings, etc., it has further strengthened my belief that this type of an Act is necessary to contain the explosive situation in Punjab.

MR. DEPUTY-SPEAKER : I think, they have strengthened your hands.

SHRI P. VENKATASUBBAIAH : Yes, Shri Suraj Bhan is a very docile and sobre Member of Parliament. (*Interruptions*) I have deliberately used the word 'docile'.

MR. DEPUTY-SPEAKER : You the reason. Both Suraj Bhan and myself had worked for some time in the Postal Department.

SHRI P. VENKATASUBBAIAH : In the Postal Department it requires lot of patience and perseverance. To answer the requirement of several clientele the postal man is an embodiment of patience and perseverance.

Shri Suraj Bhan has taken exception only to the manner in which the ordinance has been promulgated.

SHRI SURAJ BHAN : I opposed the basic Act also.

SHRI P. VENKATASUBBAIAH : About the basic Act there was only a mild sort of criticism. His entire criticism was against the manner in which this Ordinance has been promulgated. In this connection, I would like to say that in promulgating the

Ordinance there is no constitutional impropriety. This has been done according to the provisions of the Constitution. He has also mentioned about the manner in which the Ordinance has been promulgated and that it had not been brought to the notice of the House when it was being promulgated. I would like to explain to the hon. House that the word 'promulgation' means 'made known to the public'. The issuance of Ordinance is made known to the Public only by publication in the Gazette of India, unlike the Bills assented to by the President which come into force on the date of assent by the President. Under the provisions of the Act, an ordinance comes into being only on its promulgation in arrangement irrespective of when it is signed by the President. So this is the constitutional position so far as the ordinance is concerned. My hon. friend should not have any objection on this.

19.00 hrs.

About the Constitutional impropriety I would inform the hon. Members that the law providing for preventive detention has been on the Indian Statute Book continuously since the coming into force of the Constitution. In pursuance of the provision of Article 22, the Preventive Detention Act 1950 was brought into force on 25th February 1950. So, there is no Constitutional impropriety by the Government in promulgating this Ordinance.

My hon. friend Shri Ravindra Varma and other friends have taken objection to promulgating this Ordinance and also they said it is infringement on the Fundamental Rights of the citizens. I will only quote the recent judgement of the Supreme Court in the case of Mr. A.K. Roy. I will only quote the relevant portion. While delivering the judgement, the hon. Judges have come to the conclusion in the following words :

"But the liberty of the individual has to be subordinated within

(SHRI P, Venkatasubhaih)

reasonable bounds to the good of the people. Therefore, acting in public interest, the Constituent Assembly made provisions in Entry 9 of the List I and Entry 3 of the List III authorising the Parliament and the State Legislature by Article 246 to pass laws of preventive detention. In view of this background and in view of the fact that the Constitution has originally conceived and enacted, recognises preventive detention as a permissible means of abridging the liberties of the people though subject to the limitations imposed by Part III".

Another important matter which they have now raised is that this ordinance or this Bill gives a Draconian power to the Government. This Ordinance if confined only to Punjab and Chandigarh. I can say it has got only a limited scope. The detention of a person for a period not exceeding six months by which time the opinion of the Advisory Board is to be obtained is no doubt a longer period than before but this provision is applicable only in certain cases and not in all cases available in the original NSA itself. That is only in the cases where it is necessary to prevent a person acting in any manner prejudicial to the security of India, the security of the State or the maintenance of public order or the maintenance of supplies and services essential to the community.

So, the amendment can be enforced only for the area declared as disturbed and if the situation in Punjab and Chandigarh normalises to the extent that these areas are no longer notified as disturbed, the NSA amendment would also not remain applicable.

Thus, it will be seen that the proposed amendment to the National Security Act is a measure only for a limited purpose that is, to help, along with the other measures, in controlling the law and order situation prevailing in Punjab.

The National Security Act itself has been used very sparingly and never against political opponents. In Punjab, particularly, only about 54 persons had been detained since the inception of the National Security Act. The authorities which were implementing it were indicating the care to be taken by the Government in avoiding reckless use of the National Security Act. Since the situation had become serious because of the wave of violence and terrorism, the said authorities have been able to use the amended provision of the National Security Act suitably and now 38 persons have been detained after the Ordinance has been promulgated,

I have already said that time and again the hon. Members have been expressing that stringent action must be taken by the Government. This attitude of some of the Members that "if so why so, if not why not", will keep the Government in a very peculiar situation. If we want to take very stringent action, they say "why" and if we do not take they say "why not". This is the situation in which we have been placed. I will explain the reasons why this action has been taken by the Government. May I tell you why the Government was prompted to take this action?

The situation in Punjab and the Union Territory of Chandigarh has been adversely affected by the activities of certain extremists and terrorists. In these circumstances, the Administration was facing a serious problem in checking the activities of these elements who have been indulging in violence and killings in this area, apart from the difficulty in detection and investigation of cases in the present situation when the witnesses are afraid to come forward to give evidence for fear of terrorist action against them. Several cases of killings of persons involved in interrogation and witnesses have taken place. Even in cases where the persons are arrested, they are able to secure bail. The fact is because a large number of cases could not be successfully prosecuted by the State Government and because the



witnesses have been turning hostile for such similar reasons, preventive detention may be the best solution. From 1-8-1981 to 31-3-1984, out of 893 cases registered and 882 accused arrested, only in eight cases have the accused been convicted by the Courts. In many of the cases the proceeding drag on for a long time and the accused in certain cases have even obtained bail. This is the situation which is prevailing in Punjab. So, in the present context of things we wanted to amend this Act and also have promulgated the Ordinance to meet this situation. It is not the intention of the Government to use it for political purpose or for any other political vindictiveness.

Sir, the Hon. Members of the Opposition have made several suggestions with regard to the solution of the Punjab problem. This matter has been discussed several times here. I don't know whether any discussion that has been made in this House has helped to solve the problem. This is what I want to know from the Hon. Member of the Opposition.

**SHRI NARAYAN CHOUBEY :**  
 You solve it. Why don't you solve it ?

**SHRI P. VENKATASUBBAIAH :**  
 We have welcomed the cooperation of the Opposition. The Prime Minister has said time and again that we want the cooperation of the Opposition. So, they should not take the attitude of willing to strike but afraid to wound. This should not be the attitude of the Opposition.

**SHRI NARAYAN CHOUHEY :**  
 This is the most uncharitable speech the Hon. Minister is making.

**SHRI P. VENKATASUBBAIAH :**  
 Sir, the national perspective has to be taken into account in this matter. We should all work for a national consensus to solve this problem. The country has got a vested interest—more so the Government of India—in maintaining law and order and peace in Punjab.

Several proposals have been made. The Prime Minister has announced time and again the steps that the Government is prepared to take with regard to the territorial and river-water disputes. The Prime Minister and the Government of India came out categorically in this regard. I don't know what more the Opposition expects from the Government.

We have taken our stand and have put the options before the Akali leadership, but every time the blame is put at the doors of the Government. I don't know why this type of attitude has been taken by some Opposition parties. I only seek their cooperation in solving this problem and also request Shri Suraj Bhan to withdraw his Resolution.

**PROF. N.G. RANGA :** We also welcomed every time the Opposition wanted a discussion on this matter. Never have we obstructed.

**श्री सूरज भान (अम्बाला) :** उपाध्यक्ष महोदय, मैं ज्यादा समय न लेते हुए कुछ बातें मैं माननीय मंत्री जी से जानना चाहता हूँ। पहली बात यह है कि आप मानते हैं कि आदरणीय राष्ट्रपति जी ने इस अध्यादेश पर 4 अप्रैल को दस्तखत किए थे ? न आपने इस बात से इन्कार ही किया है और न आपने इसको माना ही है। आप साफ क्यों नहीं कहते हैं कि आदरणीय राष्ट्रपति जी 4 अप्रैल को डिबेट से पहले ही आर्डिनेंस पर साइन कर चुके थे, तो फिर इस माननीय सदन को अन्धेरे में क्यों रखा गया ? चार अप्रैल को जब मंत्री महोदय जबाब दे रहे थे, उस वक्त सदन को कॉन्फिडेंस में क्यों नहीं लिया गया, उस समय आपको कहना चाहिए था कि हालात ऐसे हैं, आर्डिनेंस लाना चाहते हैं। तो शायद इतनी लम्बी डिबेट की आवश्यकता नहीं पड़ती। मैं आपसे जानना

(श्री सूरज भान )

चाहता हूँ आदरणीय राष्ट्रपति जी ने कब दस्नखत किए और इसको डिस्कलोज क्यों नहीं किया गया ?

दूसरा सवाल, जैसा कि मन्त्री जी ने बताया है कि इसके जारी होने से शायद अब तक 138 आदिमियों को गिरफ्तार किया गया ।

श्री पी. वेंकटसुब्बय्या : 38

श्री सूरजभान : मैं पूछना चाहता हूँ— जिस 38 आदिमियों को आर्डिनेन्स के बाद गिरफ्तार किया है, यदि आर्डिनेन्स न भी होता तो भी वे गिरफ्तार हो सकते थे। सवाल यह था कि कितने ऐसे आदिमी थे जो आर्डिनेन्स न होता, तो छूट जाते ? उनको तीन महीने, के बजाय 6 महीने, एक साल के बजाय दो साल रखना चाहते हैं, आप उनका नम्बर बतलाइये जिसको इस आर्डिनेन्स से कवर किया है ?

परसों इण्डियन एक्सप्रेस अखबार में छपा है—स्वर्ण मन्दिर के पास 12 से ज्यादा प्राइवेट मकानों पर आतंकवादियों ने कब्जा कर लिया है। उनमें से एक रिटार्ड पुलिस आफिसर का मकान भी है। सी. आर. पी. एफ. ने सब मकानों की लिस्ट पुलिस को दे दी है और पुलिस ने आज तक कोई कार्यवाही नहीं की है। उन आतंकवादियों ने साफ कहा है कि हमने इन मकानों को रखना है, इनमें हथियार जमा करना है, इनको अपना अड्डा बनाना है। इस तरह के हालात वहाँ पर हैं, आज उन्होंने 12-13 मकानों पर कब्जा किया है, कल पूरे अमृतसर पर कब्जा कर सकते हैं।

19 अप्रैल के हिन्दुस्तान टाइम्स में छपा है—

“A top secret computer controlled check of select peoples of Punjab Armed Police personnel has shown a substantive number who have had past criminal association.

Recent reports received have also revealed a substantial shortfall in the arms and ammunition held by the local police force.”

अगर आप यह मानते हैं कि वे पास्ट-क्रिमिनल्ज हैं जो आपके इन्टेलिजेन्स में आ गये हैं तो क्या आप उनके खिलाफ कोई कार्यवाही करेगे ? मैंने मांग की थी कि पंजाब पुलिस पर, मैं सबके लिए नहीं कह रहा हूँ, कुछ पर से भरोसा उठ गया है। इसलिए अगर दांड खोखली हो जाए तो एक बार जरूर दर्द होगा, लेकिन उसको फौरन निकलवा देना चाहिए, उसके बाद आराम हो जाएगा। जब तक आप ऐसा नहीं करेगे तब तक हल नहीं होगा।

जिन इलाकों में आतंकवादियों का चक्कर ज्यादा चल रहा है, कहीं रेल की पटड़ी उखाड़ते हैं, कहीं रेलवे स्टेशन को जलाते हैं, कहीं पोस्ट आफिस को जलाते हैं, बैंक को लूटते हैं, उन जिलों को आप सीधे सी. आर. पी. एफ. और बी. एस. एफ. के सुपुर्द कर दीजिए। उन पर ड्यूअल रेसॉ-सिबिलिटी मत डालिए। पंजाब पुलिस को अगर कहीं और रखना हो तो रखिये, लेकिन ऐसे जिलों को उनको सीधे तोर पर हैण्डल करने दीजिए।

आप उनसे बात करने को तैयार हैं— यह बहुत अच्छी बात है। लेकिन प्रधान मन्त्री जी कहती हैं कि बात किससे करें ? उनका यह बयान छपा है जिसको मैंने सुबह

पढ़ कर सुनाया था। इसलिए मेरा कहना है—जहां आप बात करें, साथ-साथ आतंकवादियों के साथ कड़ाई से डील करें। आप ने अपने भाषण में कहा है कि कुछ लीडर्स हैं जो मड़काव की बात कर रहे हैं। यह ठीक है कि मड़काव की बात नहीं होनी चाहिए लेकिन मुझे एक बात का अफसोस है—न आपने और न आपकी पार्टी के लोगों ने भिडरावाले के खिलाफ कुछ भी कहा है। जब तक आप भिडरावाले को गिरफ्तार नहीं करेंगे पंजाब की हालत सुधार नहीं सकेंगे। आप एशोर्स दीजिए कि आप भिडरावाले को गिरफ्तार करेंगे तभी आप समस्या का समाधान कर सकेंगे। इन शब्दों के साथ मैं कहता हूँ कि मैं अपने मोशन को वापस नहीं लेना चाहता।

MR. DEPUTY SPEAKER : The question is :

“That this House disapproves of the National Security (Amendment) Ordinance, 1984 (Ordinance No. 5 of 1984) promulgated by the President on the 5th April, 1984.”

*The motion was negatived.*

MR. DEPUTY SPEAKER : The question is :

“That the Bill to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh, 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 to 6 stand part of the Bill.”

*The motion was adopted.*

*Clauses 2 to 6 were added to the Bill.*

MR. DEPUTY SPEAKER : The question is :

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

*The motion was adopted.*

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

MR. DEPUTY SPEAKER : The Minister may now move that the Bill be passed.

SHRI P. VENKATASUBBAIAH : I beg to move

“That the Bill be passed.”

MR. RAMAVATAR SHASTRI : I want to speak.

MR. DEPUTY SPEAKER : Your party man has already participated and it is the third reading.

SHRI RAMAVATAR SHASTRI : I have got the right to speak. I was detained for two years.

MR. DEPUTY SPEAKER : You do not have the right. Your party man Shri Choubey has already spoken. You can have two minutes. Please finish it. You see the time also.

SHRI RAMAVATAR SHASTRI : I was detained for two years. Therefore, I want to speak.

SHRI SATYASADHAN CHAKRABORTY : It is an important point. He is going to contradict what the Minister has stated. They never apply the Preventive Detention against political people. But here is an hon. Member and that this has been done,

MR. DEPUTY SPEAKER : How do you know what he is going to say? Please sit down.

Motion moved :

That the Bill be passed.

Shri Ramavatar Shastri, please be as brief as possible. Please sit down and read it.

श्री रामावतार शास्त्री (पटना) :  
उपाध्यक्ष जी, मैं राष्ट्रीय सुरक्षा (सशोधन) विधेयक, 1984 का इसके तीसरे वाचन में तीव्र विरोध करते हुए निम्न बातों का उल्लेख करना आवश्यक समझता हूँ।

यह ठीक है कि पंजाब और चड़ीगढ़ के क्षुब्ध क्षेत्रों में उग्रवादियों और आतंकवादियों की गतिविधियां गंभीर चिन्ता का विषय बनी हुई हैं। वे तत्व हिंसात्मक कार्य करते हैं और आतंकवाद का रास्ता अपनाते हैं। उनकी इस राष्ट्र विरोधी एवं जन विरोधी कार्यवाहियों का, उनके खालिस्तान के नारे का, पंजाब की शान्ति व्यवस्था को भंग करने के उनके नपाक इरादे का कोई भी जनतंत्र प्रेमी, देश की एकता की आंख की पुतली की तरह रक्षा करने वाला व्यक्ति, धर्म-निरपेक्षता की नीति में विश्वास करने वाले लोग, पंजाब में चल रही हिंसक घटनाओं का कोई भी विवेकशील व्यक्ति समर्थन नहीं कर सकता। मैं भी वहां की पागलपन एवं हिंसक कार्यवाहियों का जोरदार विरोध करता हूँ।

सरकार के पास इस प्रकार की द्रोही कार्यवाहियों को रोकने के लिए एक दर्जन से अधिक कानून हैं। उनके बावजूद इन्दिरा जी की सरकार ने सन 1988 में राष्ट्रीय

सुरक्षा कानून जैसा काला कानून बनाया। उस समय भी सभी विरोधी दलों ने उस काले कानून का जम कर विरोध किया था और पग-पग पर सरकार के नपाक इरादे का सामना किया था। कालान्तर में उस काले कानून का इस्तेमाल देशद्रोहियों एवं भारत की एकता को तोड़ने वालों, तस्करों, सम्प्रदायवासियों एवं दूसरे समाज विरोधी तत्वों के विरोध में इस्तेमाल नहीं कर मुख्यतः विरोधी राजनीतिक दलों के कार्यकर्ताओं, ट्रेड यूनियन कार्यकर्ताओं एवं दूसरे जनवादी तत्वों के खिलाफ किया गया और बहुतों को उस काले कानून के अन्तर्गत महीनों जेल के सीखेंचों में बन्द रखा गया। मैं जानना चाहूंगा कि आज ऐसे कितने लोग जेलों की काल कोठरी में बन्द है। नक्सलवाद के नाम पर कितने नौजवानों एवं अपनी रोजी रोटी, कानूनी मजदूरी के लिए तथा सामाजिक उत्पादन के विरुद्ध लड़ने वाले खेत मजदूरों, हरिजनों, आदिवासियों को राष्ट्रीय सुरक्षा कानून का निशाना बनाया गया है।

इतने ढंगनात्मक एवं काले कानूनों के बावजूद पंजाब और चड़ीगढ़ के उग्रवादियों एवं हिंसक तत्वों को दबाने के लिए राष्ट्रीय सुरक्षा कानून में वर्तमान कानून बनाने की आवश्यकता क्या है? अगर सरकार सच-मुच में उन तत्वों को समाप्त करना चाहती है तो उसके पास कानूनों की कमी नहीं है।

MR. DEPUTY SPEAKER : It has been already discussed. You are a very Senior Member of the House. You know the rules. It is now third reading. You should not raise the entire subject again. You must raise new points, you insist on going by the Rules you must raise new points. Do you know this rule? There is a limit for everything.

(Interrupt ons)

श्री रामावतार शास्त्री : उस संशोधन को लाए बगैर भी सरकार पंजाबकी स्थिति पर काबू पा सकती है। पर ऐसा करने के लिए साधारण कानूनों के इस्तेमाल के साथ-साथ पंजाब की समस्याओं का राजनीतिक हल निकालना होगा जिससे सरकार अब तक कतराती है।

MR. DEPUTY SPEAKER : You can only raise new points now.

SHRI RAMAVATAR SHASTRI : Let me speak. I have got the right to speak.

MR. DEPUTY SPEAKER : You must raise new points. The hon. Minister has already discussed all those points. It is not for the satisfaction of any of the Members of House if you read the same points again and again. What you do must be according to the Rules.

SHRI RAMAVATAR SHASTRI : Please hear this ground of detention.

MR. DEPUTY SPEAKER : Who is going reply to all this ?

SHRI RAMAVATAR SHASTRI : Let it be recorded.

MR. DEPUTY SPEAKER : You want just for the sake of recording.

श्री रामावतार शास्त्री : इस दूतमुल नीति को छोड़कर फौरन राजनीतिक हल निकालने की आवश्यकता है ताकि देशद्रोहियों एवं उग्रवादियों को जनता से अलग-अलग किया जा सके और पंजाब में शान्ति कायम की जा सके।

मुझे भय है कि इस संशोधित कानून का उग्रवादियों के विरुद्ध इस्तेमाल में लाए

जाने के बजाए जनतात्रिक आंदोलनों को दबाने में भी किया जाएगा।

नजरबन्दी के ग्राउन्ड भी ठीक से नहीं दिए जाते। मैं स्वयं अपना उदाहरण पेश करना चाहता हूँ। सन् 1948 की बात है। बिहार में डा. श्री कृष्णसिंह के मुख्यमंत्रित्व में कांग्रेस की सरकार राज कर रही थी। उस सरकार ने कम्युनिष्ट आन्दोलन को दबाने के लिए बिहार में टिनेंस आफ पब्लिक आर्डर एक्ट बनाया। उसके अधीन मुझ पर मुकदमा चालाए बगैर अप्रैल 1948 से मार्च 1950 तक करीब दो साल नजरबन्द रखा गया। डिटेन्शन का ग्राउंड इस प्रकार था—

“A former student of Kashi Vidya-pith, expelled from Banaras a member of the Communist Party of India and an editor of the Newspaper “Janas-hark”.

MR. DEPUTY SPEAKER : All these things are not relevant.

SHRI RAMAVATAR SHASTRI : They are relevant.

इसका अर्थ था कि राष्ट्रपिता महात्मा गांधी के कर कमलों द्वारा स्थापित श्री काशी विद्या पीठ का छात्र होना, अंग्रेजी सरकार द्वारा 1941 में बनारस से निष्कासित कर बिहार में नजरबन्द किया जाना, कानूनी पार्टी का सदस्य होना और एक दैनिक समाचार पत्र का संपादक होना कांग्रेस की सरकार की दृष्टि में अपराध था। इस ग्राउंड पर मुझे दो वर्षों तक जेलों में रहना पड़ा। सलाहकार समिति पटना हाईकोर्ट और उस समय के फेडरल कोर्ट ने भी जिसका इजलास संसद् के वर्तमान पुस्तकालय भवन में बैठता था, इस

सचर ग्राउंड को गलत नहीं बताकर मेरे हेसियत कार्पस के आवेदन पत्रों को बराबर खारिज कर दिया। अतः मैं इस प्रकार के जनतंत्रविरोधी कानून का समर्थन कदापि नहीं कर सकता।

MR. DEPUTY SPEAKER : You Please refer to Rule 94.

The question is :

“That the Bill be passed.”

*The motion was adopted*

MR. DEPUTY SPEAKER : There is a small Bill to be taken up. But with the permission of the Minister of Parliamentary Affairs, we will take it up tomorrow.

The House stands adjourned till Eleven O Clock tomorrow.

19.28 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, April 26, 1984/Vaisakha 6, 1906 (Saka).*