

harassed and strauded in New Delhi due to the recent decision to step recruitment through the agencies by the foreign countries. It is also reported that Middle-East countries are stopping recruitment from India due to this harassment, difficulties and bureaucratic meddling. Thsse and few other issues are causing great concern to all of us.

It is so tragic that these trained personnell have to face such difficulties though they have No Objection Certificates from their Governments or Departments, The recent unkind decision to stop the recruitment or selection of nurses and para-medical personnel has a demaging effect. This also has created great ill-feeling the disaffection and prejudicial feelings.

Parliament has passed a Bill curb malpractices in the recruitment of personnel for foreign countries. I appeal that it should be put to effect rather than to pick on the nurses and para-medical personnel alone, that too from Kerala. We are retaining our manpower and sutting up the avenues to go outside by this action and are losing valuable foreign exchange which otherwise could have been earned.

Therefore, I urge upon the Government to liberalise the procedure of selection/recruitment of manpower and allow these selected nurses and para-medical personnel by the foreign agency to go without further harassment and misery and not to have any discriminatory measure against persons intending to go abroad for job.

14.25 hrs.

**STATUTORY RESOLUTION RE :  
 DISAPPROVAL OF PUNJAB  
 AREAS ORDINANDE, 1983,  
 PUNJAB DISTRIBUTED  
 AREAS BILL,**

**STATUTORY RESOLUTION RE :  
 DISAPPROVAL OF CHANDIGARH  
 DISTURBED AREAS ORDINANCE,  
 1983,**

**CHANDIGARH DISTURBED  
 AREAS BILL,**

**STATUTORY RESOLUTION RE :  
 DISAPPROVAL OF ARMED FORCES  
 (PUNJAB AND CHANDIGARH)  
 SPECIAL POWERS ORDINANCE. 1983  
 AND  
 ARMED FORCES (PUNJAB AND  
 CHANDIGARH) SPECIAL  
 POWERS BILL**

MR. DEPUTY-SPEAKER : We go to the next item. We are taking up Item Nos. 11 to 16 together and we have had an elaborate discussion yesterday and four were allotted for yesterday's discussion. But we took six hours. Now the time allotted is about three hours. We have to take up at 4 O'Clock the special discussion on 193. Therefore, I would very much request Hon. Members to be brief in their speeches so that the Minister can reply and also we can complete this discussion on Punjab at a 4 O'Clock.

SHRI SURAJ BHAN (Ambala) : At least the three hours should not be reduced.

MR. DEPUTY-SPEAKER : It will not be reduced,

SHRI K.A. RAJAN (Trichur) ; Sir : I beg to move :

"This House disapproves of the Punjab Distributed Areas Ordinance, 1983 (Ordinance No. 5 of 1983) ; promulgated by the President on the 7th October, 1983."

I am moving this Resoiution for disapproval of the Ordinance not because of what the wordings of the Ordinance are but because of the approach and attitude behind bringing such an Ordinance, specially in a matter like Punjab. The Government is just in a state of confrontation instead of settling the issues at a tripartite level. The issue was raised earlier also several times, and with the cooperation of the Opposition parties, the major issues

regarding the religious aspect of the question have been settled already ; only certain issues connected with territorial problems are there. Unfortunately, instead of negotiating and settling them, they are in a state of confrontation. Especially in such a situation where the Punjab is a border State — and you know the latest developments that are taking place around Punjab ; in Pakistan the armament race is on—the problem has to be tackled with all seriousness instead of just creating problems and giving room for the activities of the extremists to increase. Even after the promulgation of this Ordinance, if you go through the various developments and see the incidents that have taken place in Punjab, you will find that this Ordinance has not helped much ; that can be seen from the various incidents happening in Punjab. If the Government thinks that in this way they can solve the problem, they are having a wrong idea of the whole thing. In the debate that took place yesterday, a viewpoint has been very well expressed that taking the importance of the situation and the area in which we are handling the problem, we cannot resort to only Ordinances and confrontations but we have to resort to serious thinking, serious talks, and see that the issues are settled. That is why I am moving this Resolution for disapproval of the Ordinance ; I strongly disapprove of this.

MR. DEPUTY-SPEAKER : Resolution moved :

“This House disapproved of the Punjab Disturbed Areas Ordinance 1983 (Ordinance No. 5 of 1983) promulgated by the President on the 7th October, 1983”.

The Minister of Home Affairs (SHRI P.C. SETHI) : Sir, I beg to move :

“That the Bill to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Punjab, be taken into consideration.”

MR. DEPUTY-SPEAKER : Motion moved :

“That the Bill to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Punjab, be taken into consideration.”

SHRI RAMAVTAR SHASTRI (Patna : Sir, I beg to move :

“That the Bill the circulated for the purpose of eliciting opinion thereon by the 1st March, 1984.” (1)

SHRI P.K. KODIYAN (Adoor) : Sir, I beg to move :

“This House disapproves of the Chandigarh Disturbed Areas Ordinance, 1983 (Ordinance No. 6 of 1983) promulgated by the President on the 7th October, 1983.”

MR. DEPUTY-SPEAKER : Resolution moved :

“This House disapproves of the Chandigarh Disturbed Areas Ordinance, 1983 (Ordinance No. 6 of 1983) promulgated by the President on the 7th October, 1983.”

The Minister of Home Affairs (SHRI P.C. SETHI) : I beg to move :

“That the Bill to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Chandigarh, be taken into consideration.”

MR. DEPUTY-SPEAKER : Motion moved :

“That the Bill to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Chandigarh, be taken into consideration.”

SHRI RAMAVTAR SHASTRI : Sir,  
I beg to move :

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st March, 1984.” (1)

MR. DEPUTY-SPEAKER : Mr. Indrajit Gupta.

SHRI INDRAJIT GUPTA (Bashirhat) : Have I just to move the Resolution or have I speak also ?

MR. DEPUTY-SPEAKER : You may speak if you want.

SHRI INDRAJIT GUPTA : Speak on the Bill also ?

MR. DEPUTY-SPEAKER : You can move your Resolution and speak on that.

SHRI INDRAJIT GUPTA : Then I can speak again on the Bill ?

MR. DEPUTY-SPEAKER : How can you speak again ? If you want to participate, you need not speak now. I will call you when we take up the discussion.

SHRI INDERJIT GUPTA : I can speak now also.

MR. DEPUTY-SPEAKER : You can speak now also. No objection. You will have the right of reply. You need not speak now.

SHRI INDRAJIT GUPTA : This is not my reply. I am moving. Reply comes later on. But I will bear in mind your observation that we should be as possible.

I beg to move :

“This House disapproves of the Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983 (Ordinance No. 9 of 1983) promulgated by the President on the 15th October, 1983.”

Actually I am opposed to all these three ordinances for the simple reason

which has been, I think, elaborated by many speakers in the last two days' debate. That is that the purpose of these ordinances, it is stated, is to arm the authorities with additional powers to deal with the situation which has arisen. In my opinion, as I have said earlier also, these powers which have been given to the authorities—the Police as well as the Army, are not going to solve any problem at all. I must first say that these ordinances and the consequent Bills are flowing from the state of President's rule which has been declared in Punjab. You will excuse me and the hon. Minister will excuse me if I again refer briefly, because I have heard his reply yesterday and I am not at all satisfied with his argument, about what I have said about the highly, I should say, improper way in which this proclamation of President's rule was made in Punjab. The reply given to that was to quote one other example or a precedent, namely, the regisation of Shri Kamla-pati Tripathi Ministry in UP consequent to the armed revolt of the UP PAC which had taken place at that time. Well, Sir, two wrongs do not make a right. I cannot forget for a minute that under Art. 356 of the Constitution, it is expressly laid down that the provision for president's rule can only be invoked in the case of a failure of the constitutional machinery in the State. That means that there has to be a constitutional break down. It can come in many ways. It can be that the Party which is in power in the legislature of that State loses its majority. It can be if there is a break down of the law and order and the Governor reports to the centre that there is a break down of law and order. All these are instances of how a constitutional break down is identified leading to the invoking of this Art. 356. Now I should like the Minister when he replies this time to please answer to the question what was the constitutional break down in Punjab. The Ministry had not lost its majority. Only the Chief Minister decided for whatever reason to resign. But the Party retained its majority and a very comfortable majority in the Assembly. As far as break down of law law order is concerned, nobody, neither the

Chief Minister in his letter to the Governor nor the Governor in his letter to Rashtrapati, has anywhere clearly said that there is a break down of law and order. That is why I have raised this point and by quoting the example of what had happened in UP at the time of the PAC revolt the argument has not been answered. This was definitely a political move which is not countenanced within the ambit of Art. 356. They had a majority. They could have called a meeting of the legislature party and asked them to elect some other Chief Minister. That is the way the constitutional provisions could have been safeguarded and it could have been ensured that the continuity remains. The Chief Minister may decide to resign but that is not ground for them to say that now there is to break down and therefore, there must be President's rule. So I am not satisfied with the reply given. I would like him to explain this position more. The Governor has only said that in view of the Party's strength in the House and the position of the Opposition, there is no point in my calling the leader of any other Party and asking him if he can form his Ministry. That is too  $\frac{2}{2}$  a but what was there to prevent the majority from electing a new leader as Chief Minister and carrying on?

Then, you must say that in spite of having a majority there, you are not able to maintain law and order. Say that. You have not said that also. So, Sir, this point has gone, unanswered, in my opinion and, I hope, he will deal with it if he can.

Then, Sir, Shri Sontosh Mohan Dev had sought to reply to another point of mine which was regarding the investing of the present administration with these sweeping draconian powers. I have said that there is a tremendous amount of tension—communal tension—in the Punjab and one has to be very careful. How will you use the police and armed personnel belonging to one community against the people belonging to another community? Mr. Sontosh Mohan Dev then said that where law breakers are concerned, where terrorists and killers are concerned, there is no question of this community or that community. That sounds very good. But, as a matter of fact, General Spa-

row had earlier said that, during the regime of the Akali party in the Punjab, they had infiltrated their people into the police forces, into the Administration. And, if what he has said is true, that is the point I was trying to make about this administration, particularly, the police administration and some of the highest officials. Who are those people who are the members of your party who know quite a lot about the Punjab and who from that side said that there are people who have been infiltrated into the Administration by the Akalis, during the period of their ministry? These are the people whom you are investing with these powers of arresting the people without a warrant and shooting down the people and so on and so forth. Is it a practical proposition? This is what I had meant. And then the Army is also being brought into the picture. I do not think it is very good for the morale of the Army at all that they should be employed for this purpose. In all these cases particularly, as far as we can see, mainly these persons are young men who are riding on motor cycle—killers on motor cycles—and it is very difficult to apprehend them. They will be moving about—mobile all the time. So, the army and the police are to be brought into fray in order to combat these young men riding on motor cycles. I am not surprised that nothing very spectacular has happened as a result. These people will not be apprehended that way. They cannot be caught. I would like Mr. Sethi to consider this point that whenever there is any possibility of any negotiation or any talk is mooted for any settlement that may take place—it may be a bipartite or tripartite, I am not concerned with that, at the moment—then, those extremists or terrorists get most agitated, they do not want these things to take place; they do not want settlement; they want this kind of a situation to continue—this anarchy and chaos where they go about doing anything they like. Their mentor and their guru—I advisedly say so—Sant Bhindranwale is the man who is dead-set against any settlement or any kind of negotiation and now, they have successfully provoked the Government of India into a collision where they have also, for all practical purposes, given up the path of any kind



of negotiation and settlement and, where they have also taken to the path of confrontation, then, what is the meaning of these ordinances and those Bills? That way, we are also not going to have any attempt at negotiations and talks. We are now going to rely on the police and the armed forces to put down these people. This is exactly what these extremists or the terrorists want—not a consensus but a confrontation they want—and, I am sorry to say that the Government fallen into the trap of Bhindranwale. If there is a possibility of any talks or an attempt at a negotiated settlement, these people have become panicky because that will be the end of their game. They know it and they want that permanent attitude of confrontation to continue where they can create anarchy and chaos and you are helping them, Mr. Sethi, by this latest step that you have taken. You have said nothing in your speech yesterday as to what is the perspective for the future. You have held out no kind of prospect of any settlement at all. It was a blind-alley. That was what I saw in your speech. This is something which they will welcome—these extremists and terrorists will welcome that. The strangest thing of all this is that neither the Home Minister nor any of the hon. Members on that side of the House who spoke have a word to say about Mr. Bhindranwale.

Why? I do not know why his name is not mentioned. May be because you fear that your name will be put on the hit list.

AN. HON. MEMBER : Mr. Bhatia did mention.

SHRI INDRAJIT GUPTA : I do not know. Mr. Bhatia gave only two suggestions for solution. One was that there should be some kind of a committee to settle the matter about objectionable things written in the scriptures of Nirankaris. The second was that the Opposition should ask the Akalis to withdraw their morcha which we are doing but do you think on our demand they will agree and withdraw the morcha and turn out the absconders who are hiding in the holy places. Mr. Bhatia did not utter a word

about Bhindranwale. You also never uttered a word about Bhindranwale who is your own creation, a Frankenstein monster which you have reared and now you cannot control the same and you want the Army and the police to go into action against these boys riding motorcycles and indulging in acts of shooting.

I may tell you that you are absolutely going on a wrong tract. These bills are no substitute for a proper settlement of Punjab. In fact, they are only stabilising a situation of confrontation which the extremist section of the Akalis wants. So, I think, these bills will be counter-productive. They are not going to achieve the aims which have been set out here and there is no other way except to try, try and go on trying repeatedly even if you fail once, twice or thrice you must go on trying to bring about a settlement. There is no other way to save the State of Punjab and also safeguard the Hindu-Sikh unity. If Hindu-Sikh unity is not protected then that will be the end of the State of Punjab. It is one of the proudest possessions of our secular country. I agree with an hon. Member when he said that Panjab is should be congratulated because they have more or less managed to prevent this kind of Hindu-Sikh riots taking place. But do you think what is happening in the minds of Hindus? Why don't you ask the Hindus who live in Punjab whether they feel quite safe and secure? Do they? How can they. Then what about the repercussion which is taking place across the border. In Haryana incidents have taken place where Sikhs have been attacked, their shops and restaurants have been attacked. Luckily it did not spread very much.

So, I want to say that every day's delay is going to make the situation worse. It will help the extremists on the one side and on the other it will fan the flames of discord among Hindus and Sikhs. Gen. Zia-ul-Haq sitting 30 miles across the border must be enjoying the spectacle because Pakistani radio and press are giving it a big boost.

SHRI P.C. SETHI : Ask Mr. Swamy whether he is enjoying!

**SHRI INDRAJIT GUPTA :** He may be your adviser but not my adviser. He is supposed to be a big fighter against your Government but he is close to you on many things. As far as Pakistan and China are concerned he seems to be very much in your confidence. Anyway he will speak for himself. So, what I am saying is that these Ordinance and the consequent bills should not be supported in the absence of any specific and positive moves for a settlement. I can concede that these can be supplementary in way to any well-defined policy which leads towards efforts at a negotiated settlement.

But in the absence of those settlement attempts on which he has close the door—he said, nothing will be done till they call off their movement and that in the absence of that—simply these Bills which are relying on drastic and draconian powers including the power to shoot down anybody will not help, because, there is no safeguard. For the citizen today there is no safeguard at all. You may be shot down if you go to the Punjab and nobody is there to question it or to ask about it or to appeal against it or even to ask for compensation for you. So, what is the idea? What is this meant to do? Do you think it will strike terror in the minds and hearts of the extremists and terrorists? Not at all. Because, your Administration and your Police is also riddled with people who are soft towards them or who are too frightened to do anything. Have you not had an experience in Assam just now? How difficult it was for you to get Judges from other States to go to Assam to serve on the tribunal there? With extreme difficulty, by offering all kinds of incentives and so on you just managed to get a few Judges—not the number that you actually required. You have not been able to set up the number of tribunals that you wanted to set up simply because Judges are not forthcoming because of fear of their lives. They are also human beings; they have got their families. And one can assume what is the condition of Judges in the Punjab. Suppose your Police and Military manage to apprehend some of these well known terrorists and extremists, if

they are brought to court to be punished, to be tried, which Judge will have the courage to convict them? He will be immediately put on the 'hit list' of Mr. Bhindranwale. It has happen already. People who should have been convicted and put in jail where released by the Magistrates and the judges. Obviously because they are under this fear of coercion.

So, that is why I am saying that this kind of an administration is not first of all in a position of competence to properly carry out the powers which you are trying to give. And secondly it is only leading to a worse situation of confrontation which will lead to worse Hindu-Sikh relations and spoil the whole harmony of the Punjab which is its tradition. That is what I have to say, Sir.

I finally only say one thing. I have been thinking that some sort of a healing touch is required. I don't know who is in a position to give that healing touch. Government certainly has abandoned that path for the time being. I don't know what will do later on. There is no indication here for any kind of effort at a reconciliation. Yes, you take strong measures also if you really can; but I think you cannot. If you can take strong measures well and good. But it must be accompanied by other measures also, to bring about a settlement. You are doing only one thing, one-sided thing. I will make one suggestion. I don't know whether it is much use practically, but I think, it might improve the atmosphere to some extent and through the Home Minister I am appealing to the Prime Minister also, that an early meeting should be concerned of National Integration Council. The National integration Council has not met for a long, long time. Why was it constituted you know and I know very well. I don't say they have got any 'magic wand' with which they can solve the problem. Not that. But I think at the present moment with Punjab and then Assam and all these things going on in our country, an early meeting of the National Integration Council would help very much to bring about a better atmosphere, a

calmer atmosphere, an atmosphere of reconciliation and unity which might help us to work out more specific initiatives in the Punjab and in other places also. So, I would appeal to him to get a meeting of the National Integration Council called, where amiment leaders from different walks of life, different parties, different schools of thought, are there, they are committed to the single ideal of national integration, which is very much under threat now in different ways. And, let the National Integration Council apply some healing touch of its own and try to create an atmosphere which will be better. Because I am sorry to say—this is my final word—that I thought that when extremists and terrorists on the one side want all those Governments to avoid any negotiation and settlement at least the Government would not fall into that trap. But the Government has fallen headlong into that very trap and they have taken to the very path which the terrorists and extremists want. You should try for negotiation and if they refuse once, twice, three times, expose them before the public opinion in the country. You yourself said that the question of territorial disputes and the sharing of the waters are the only two substantial issues which are remaining and because of these two, the whole of the Punjab will go up in flames like this. Is it a reasonable or a logical thing to say? Therefore I would ask the Government to reconsider their whole position, not waste further time, not to play ducks and drakes with the fate of the Punjab for some political purposes of their own, because they will not be able to get political advantage out of it. The way the situation is going, I think it will go out of their control. I would appeal through you also. Sir, that it is timely now for the National Integration Council to be called to consider the whole situation in the country and give some kind of a lead to the people.

MR. DEPUTY-SPEAKER : Resolution moved :

“This House disapproves of the Armed Forces (Punjab and Chandigarh) Special Powers Ordinance,

1983 (Ordinance No. 9 of 1983) promulgated by the President on the 15th October, 1983.”

14:52 hrs'

SHRI R.S. SPASROW IN THE CHAIR

MR. CHAIRMAN : Mr. Minister, you may be now move the Bill listed at Item No. 16 of List of Bussiness.

THE MINISTER OF THE HOME AFFAIRS (SHRI P.C. SETHI); I beg to move :

“That the Bill to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Punjab and the Union Territory of Chandigarh, be taken into consideration.”

MR. CHAIRMAN : Motion moved :

“That the Bill to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Punjab and the Union Territory of Chandigarh, be taken into consideration.”

SHRI RAMAVATAR SHASTRI : I beg to move :

“That the bill be circulated for the purpose of eliciting opinion thereon by the 1st March, 1983.” (I)

SHRI SOMNATH CHATTERJEE

(Jadavpur) : Mr. Chairman, Sir, we are now dealing with the three important Bills. Although we had some discussions on the Punjab question yesterday, now we are going into these Bills which are important in the present context. Sir, this Bill is a clear confession on the part of the Ruling Party that they are unable to govern and it is no longer safe to leave the powers in their hands. The Ruling Party promised to the people that it will provide the Government that works, but we find that this Government, if at all works works in creating divisions amongst the people and multiplying their privations and in the deepening of the economic crisis.

Sir, we have seen how their Chief Minister has been more busy with

containing the dissensions in his own party ranks than dealing with the situation which was prevailing in his State. Sir, it is a clear confession that he is a person unable to govern the State. Now under what mechanism and magic as soon as the Central Government takes power which is controlled by the same political party, they will be able to control the situation? This is totally unacceptable. An Mr. Indrajit Gupta raised a pertinent point. Can you take recourse to Constitutional provisions just to suit your party purposes and party ends? There is no talk, no allegation of break-down of Constitutional machinery. One Chief Minister resigns. Now the majority party should be asked to elect a new leader. If the majority party fails to elect a new leader to take up the responsibility, the political party if it refuses to take the responsibility to govern them will be the State, then how one can talk of break down of the Constitutional machinery? But that was not done, that process was not taken recourse to.

A formality was asked to be completed. Two letters obviously had been sent from Delhi—one written by the Chief Minister and one by the Governor—to Chandigarh and signatures obtained. Lo and behold, there is a President's Rule. Now what do you expect?

**SHRI P.C. SETHI :** This is your own imagination.

**SHRI SOMNATH CHATTERJEE :** If they think they can take the people for a ride indefinitely, I would say they cannot. You may think whatever you like.

Now, Sir, there was no constitutional breakdown. If this party is unable to govern or is not in a condition to govern then why do you keep the Assembly alive? Why did you dissolve the Assembly in Assam? What are the standards you apply? A political party is hopelessly confessing its inability to govern, the State, the State where they claim to have their preponderant majority. Now what magical solution they will have in future? How this Party will evolve a great leader in the future that you want to keep the Assembly alive? Sir, this

is the way the Constitution is being trampled upon and misused year after year. It is not the first Occasion. The result of it we have seen. The result of this Government's functioning is that this country is tearing apart. Casteism, communalism and secessionism have raised their ugly head resulting in sowing distrust among the people. Even the integrity of the country is at stake. Sir, we have to spend hours and hours in this House trying to find a solution, but this Government is sitting quiet, when one part of the country is burning.

Sir, we find that this Government is leading the country and its people from on crisis to another without solving a single basic problem and it drifting as a rudderless ship in an uncharted sea and it is trying to deal with the issues as they arise on an ad-hoc basis. There is no proper formulation of principles even. Can you deal with Punjab question on an ad-hoc basis by such ad-hoc legislations that you have brought in? Who is responsible for the explosive situation in Punjab where a Government according to the Constitution cannot function? Why for years the problems, are not settled across the table? Why they have been allowed to linger on and gather momentum and grow in intensity? Why there is so much insensate killing? Why there is so much of distrust among the communities in that State where the people have lived together in complete harmony and we sincerely hope that they will continue to do so? Sir, we are concerned about it.

The trouble is—as was evident yesterday from the speech of the Punjab Congress (I) President, Mr. Bhatia, that they are more concerned about their narrow political interests than solving the basic problems of Punjab. That is why you have closed to doors of negotiations and discussions. And, Sir, possible electoral gains and propping up a discredited party Government that has been the guiding factor so far. Instead of the spirit of reconciliation and harmony, which should have been brought into being, draconian powers have been taken to teach the people of Punjab a

lesson and you arrogate these types of draconian powers and have conferred them on the police people, policemen and army of every description to be used in their subjective satisfaction. I am sure you are shuddering what ominous possibilities of such conferment of power there are. Whether you use it indiscriminately or not, it does not matter. You are conferring power on people with no accountability. They cannot be brought before any courts of law, before any tribunal, if they deliberately kill somebody. Taking recourse to this Special Powers Act, a policeman can settle scores with anybody. Now, Sir, he may say "Well I have exercised my power under this Act" and he cannot be brought up before a court of law. No accountability. Government will not own any responsibility for it. Even the Government cannot file a prosecution against him. As the prosecutor, Government cannot prosecute a policeman or an Army personnel who does it, because complete immunity has been provided.

We find today that the State of Punjab, full of valiant and patriotic people, is faced with hordes of Army and Police people who are being given unchecked, unregulated and uncontrolled power, unfortunately even licence to kill.

As Mr. Indrajit Gupta rightly said, what was and what is needed, is a healing touch; but instead of providing it, you are showing them clenched fists. Is this the way you are going to solve the problem? When statemanship is needed, the people there are being treated with arrogance of usurped power.

What are the provisions of the Bill? When we go through them, we do not find any difference from the days of Emergency. We cannot forget, it is not easy to forget, those blackest days for our country when the lamp of democracy was extinguished; and the right to life and liberty became matters of maternal dispensation. We cannot forget the Attorney General of India arguing before the Supreme Court that in this country of ours, where we are supposed to be having a parliamentary system of Government, under a democratic Cons-

titution, there is no right to life so far as the people of this country are concerned. That was solemnly argued to justify wrongful detention. It is the same type of power which you are conferring, absolute, unchecked, unregulated power even to kill. The answer cannot be : since the ordinance came into force, on how many occasions it has been used ?

You are creating a mental attitude. As everybody admitted, events have not come to an end. Such incidents are still taking place. We have been told of about 4,000 or more arrests. And some of them, or lots of them appear to be of anti-social elements. I request the hon. Minister to tell this House as to whether without these powers, these arrest could have been made, or not.

**SHRI INDERAJIT GUPTA :** The National Security Act is there.

**SHRI SOMNATH CHATTERJEE :** If the ordinary laws of the country permitted such arrests, why is this power being conferred on the Police or Army? Is it to create a mental situation, to strike terror? But has he struck terror in the minds of those who are terrorizing others? That has not happened. So, in principle, we are opposed to this. Don't play with the ordinary laws and the ordinary constitutional set-up of this country, for your political purposes.

So, we are against this, on principle.

This Government, it seems, function under the ordinary laws, nor in a common ordinary, normal constitutional set-up. It wants to be always armed with draconian powers, unregulated powers. As we have seen, it has taken draconian powers against the workers in the form of ESMA, against political opponents in the form of NSA; and now it has taken this power against the people of Punjab, as if this Government is on a perpetual *jihad* against the people of this country.

Nobody wants the situation which is prevalent in Punjab to continue. We strongly condemn the violent incidents

that are, or were taking place there. But what is the solution ?

On how many occasions, this law had been taken recourse to specially, this Special Provisions Act ? We would like to know whether by the application of these Ordinances violence has been contained or not. When we find that it is essentially a political problem, why such sweeping powers should be taken and conferred on the law enforcement machinery which in our country should be kept on leash than let loose ? That is the position in our country. I oppose this on the ground also that there will be no accountability for the misuse. Power has been conferred on the police and in a manner that they can become trigger happy, which will be very serious and dangerous. Mr. Indrajit Gupta had correctly given this warning against the involvement of the army in such matters, sensitive matters, when we are very happy and proud of the great role played by the Sikhs in the army. Why are you involving them and for whom ? Therefore, such drastic and draconian power is conferred on them for the purpose of so called solving civil problems. It is opening a dangerous road. We want firm action to be taken by the government against the extremists. But, at the same time, we want to emphasise that unless negotiations and discussions are started and are held continuously, merely showing your bayonet or your rifle or this law will not solve the problem as during the last 7 weeks it has not helped in solving them problem at all. We also want to know about it so that the people of the country may also know about it. We want that a White Paper should be published on the activities of the extremists so that they can be identified. It is essential that communal elements which are there should be thoroughly exposed at the people should be made aware of those elements. We feel that there should be a mobilisation of the right thinking people and the left democratic forces which can deal with the situation. Provided the government has the political and administrative will, you cannot deal with the extremists in the State of Punjab, as had been pointed out by Mr. Indrajit Gupta—I do not wish to repeat it again—by merely

passing such a legislation, which they can do because they have a majority. Therefore, in the cause of restoring peace in Punjab, it is necessary for the Central Government to resume the dialogue with the Akalis on the basis of the consensus worked out at the earlier conference of the government, the Akali and other opposition party representative ; secondly, the Central Government should rely on the democratic political parties and mass organisations rather than resorting to the use of the administrative and police methods to bring the State back to normalcy ; and it should organise with full cooperation from the opposition parties, a mass political campaign against Sikhs and Hindu extremists.

We again urge upon the government to hold negotiations with the Akalis and see that the extremists are isolated and that alone will contain the extremists activities. On these grounds, I oppose these Bills.

श्री मूलचन्द डागा (पाली) : सभापति जी, कल सदन में इस विषय पर बहुत बड़ी चर्चा हो चुकी है और सदन में पंजाब और चण्डीगढ़ के हालात को देखते हुए पंजाब में राष्ट्रपति शासन लागू करने के केन्द्रीय सरकार के निर्णय का समर्थन कर दिया। उस निर्णय के बाद फिर उसी बात को बार-बार पीटना कोई महत्व नहीं रखता है। जब सदन एक निर्णय ले लेता है, तो फिर बार-बार दवा का नाम लेने से रोग नहीं जाता है। एक दवा हमने की कि राष्ट्रपति शासन लागू कर दिया। लेकिन दवा का खाली नाम लेने से काम नहीं चलेगा, दवा को खाना पड़ेगा और दवा देनी पड़ेगी और परहेज भी रखना पड़ेगा अगर कोई बीमारी हो गई है तो।

अगर मुल्क का कोई हिस्सा बीमार हो गया है तो उसके लिए सारे मुल्क को दवा देनी पड़ेगी, उसे बीमारी से मुक्त करने के लिए। यह पार्टी के हित का सवाल नहीं है। कांग्रेस अपनी पार्टी का हित नहीं देखती

है। यह देश का सवाल है, यह इस देश की 70 करोड़ जनता का सवाल है। हम पृथक्तावादी और आतंकवादी ताकतों को प्रोत्साहन नहीं देना चाहते।

मैं बार-बार आप से इस बात के लिए माफी मांगते हुए कहता हूँ कि जो विरोधी दल वाले सज्जन यहां बैठे हैं उनमें इतनी ताकत होनी चाहिए कि आप ऐसे लोगों की निन्दा करें। अभी भी सरकार के दरवाजे खुले हैं। क्या आपने कभी आतंकवादियों को कहा है कि वे ऐसे काम न करें? वे लोग खुलेआम निरंकारियों को मार रहे हैं जैसे कि निरंकारियों को मारने का उनके पास लाइसेंस हो। वहां इतने निदोष व्यक्ति मारे गए, उनके लिए आपने कभी आंसू नहीं बहाए। चलते-चलते, यात्रा करते-करते सैकड़ों, हजारों लोग मार दिए गए। उन्होंने यहां तक किया कि गाड़ियों को रोक दिया। सरकार ने निर्णय लिया कि हम गाड़ियां नहीं चलायेंगे। उन्होंने समझा कि सरकार कमजोर हो गई है और सरकार की उदारता को कमजोरी समझने की भूल की। सरकार की उदारता को आप कमजोरी समझ लें और यह सोचें कि आप जो काम कर रहे हैं वह बहुत बहादुरी का काम कर रहे हैं तो इस प्रकार के कानून बनाना आवश्यक हो जाता है। अब आप हमें यह कहने लगे हैं कि हम इस प्रकार के कानूनों क्यों बनाते हैं? आप अपने लोगों को ही कहिए, जिन्होंने कि इन कानूनों की सराहना की है। मैं आपको बताना चाहता हूँ कि आपके लोकदल के महारथियों ने और भारतीय जनता पार्टी के महारथियों ने क्या कहा है—

“Mr. B.D. Singhr, Chief Whip of Lok Dal Parliamentary Party, Mr. Satpal Malik, Secretary, and Mr. Ghayoor Ali Khan, said that if the Centre was sincere, it was high time it dealt with the activities of the secessionist elements with a firm hand.”

इन्होंने तारीफ की है कि हमने अच्छा

काम किया है यह भी कहा है। कि हमारे गृह मंत्री और हमारा शासन कड़ाई से काम लेगा। अब इसकी परीक्षा है और राष्ट्रपति शासन की परीक्षा है।

श्री बोलतराम सारण (चुरू): क्या यह एमजेंसी नहीं है।

श्री भूलचन्द डागा : एमजेंसी नहीं लगी है। यह बात तो आपके सेक्रेटरी कह रहे हैं, मैं नहीं कह रहा हूँ। मैं यह गृह मंत्री जी का बयान नहीं पढ़ रहा हूँ।

“Prof. Balraj Madhok and Mr. Ramgopal Shalwale, both former MPs, welcomed the imposition of President's rule in Punjab and said that the direct responsibility for setting things right in the State now devolved on the Centre.”

हम तो कर रहे हैं उनके कहे के अनुसार और आप कह रहे हैं कि कांग्रेस अपने राजनीतिक उद्देश्य से कर रही है। यह अपनी सरकार का सवाल नहीं है, यह सवाल देश को बचाने का है, इन आतंकवादी ताकतों से इन पृथक्तावादी ताकतों से जो देश को कमजोर करना चाहती हैं। यह आपने कहा है, हमने नहीं कहा है—

“They are playing the game of Pakistan and its in aents India and they are the enemies of the Khalsa Panth conceived by Guru Govind Singh.” Mr. Madhok and Mr. Shalwale Said.”

उसको भूलिए मत। अपने नेताओं का तो आदर करो, हमारा आदर करने का सवाल नहीं है। उन नेताओं के शब्द आप भूल जाते हैं। गृह मंत्री उन्हीं बातों की अनुपालना कर रहे हैं। जब दबा देने लगे तो कहते हैं कि दबा कड़वी है। कड़वी है तो एक-दो खुराकों में ठीक हो जाओ, हम उसको बन्द कर देंगे। टेम्परेरी ही तो रखा है। इतने महीने हो गए, कितने निर्दोष लोग मारे गए। पंजाब जल रहा था। जब आग



बुझाने लगे तो कहते हैं मत बुझाओ। बात यहाँ तक पहुँच गई कि ये खलिस्तान की माँग करने लगे। जब इंडियन एक्सप्रेस ने इनका इंटरव्यू लिया—This has appeared in Indian Express dated 6th November, 1983—

“The Government says some terrorists are hiding in the Guru Nanak Niwas. What will be your reaction if the police or any paramilitary force enters the Guru Nanak Niwas ?

Time will tell. But I repeat what I said six months ago : If the police enter the Golden Temple, it will serve as the first stone of the foundation of Khalistan.”

आप क्या बात कर रहे हैं। उधर बैठने वालों को कभी अपनी गर्दन नीची भी करना चाहिए। ऐसे ही बहस करते हैं जब राष्ट्रपति का शासन लागू हो गया तो सबने उसका स्वागत किया और बहुमत से किया। कल आपमें डिबीजन माँगने की हिम्मत नहीं थी। आज तो 5-6 आदमी रह गए हैं, कल तो बहुत लोग थे। आपने इसको मान लिया है। हम यह नहीं कहते कि इसको हम लम्बे समय तक रखेंगे।

आप कहते हैं कि डायलाग करो। सेठी जी कहते हैं कि हमारे दरवाजे खुले हैं। The door once open is always open. हमने कब दरवाजे बन्द किए। दरवाजा खुला है—आओ। लेकिन टेरिस्ट का समर्थन करने के लिए नहीं। कल किसी ने यह नहीं कहा कि निर्दोश लोगों को गाड़ी से उतार कर मारा गया।

इस बिल को पढ़िए। इसमें तो बहुत मामूली सी बातें हैं। मैं कहना चाहता हूँ कि जब सख्त कदम उठा लिए तो आप इनकी बातों में आकर पीछे मत हटाइए। अगर कदम पीछे हटा लिए तो सरकार बदनाम हो

जाएगी। हिन्दुस्तान की धरती पर आतंकवादी और पृथक्तावादी ताकतों का सदा के लिए खात्मा हो जाना चाहिए।

आसाम के बारे में भी कहते थे कि यह कर देंगे, वह कर देंगे, वहाँ पर भी अब कुछ शांति है। बताए कि पंजाब में हथियार कहाँ से आते हैं। बिना लाइसेंस के हथियार कहाँ से आते हैं। आपके नेताओं ने कहा है। आपके नेता श्री चरण सिंह जी के लिए तो पुलिस का पहारा हमारी सरकार ने लगा रखा है। यह बात मैं आपको बताना चाहता हूँ। इसलिए नहीं कि सिक्ख या पंजाबी गलत हैं। वहाँ पर तो कुछ आतंकवादी हैं जिन्होंने समझा है कि हम तो खालिस्तान लेकर रहेंगे। जगह-जगह इस बात का प्रचार किया जा रहा है कि पंजाब जल रहा है तो उसको बुझाने के लिए यहाँ से सलाहकार भेजे गए। यहाँ से सलाहकार क्यों भेजे गए क्योंकि यह कानून है, नियम है इसलिए यह कोई गलत काम नहीं किया है। यह संविधान का आधार है। गुरु नानक जिसको हिन्दुस्तान का ही नहीं बल्कि संसार का गुरु आज माना जा रहा है, उनका यह सवाल नहीं था कि हमारे मानने वाले लोग इस प्रकार की बातें करेंगे। अब सवाल यह नहीं है कि हम पंजाबियों के खिलाफ हैं, हम लोग तो आतंकवादियों और पृथक्तावादी के खिलाफ हैं। जब आपने बिल पेश कर दिया तो जिम्मेदारी आपकी है। समझौता करते-करते समझौता नहीं हो सकता। बार-बार बुलाकर घिनी-पिपी बातें करते-करते थक गए। चण्डीगढ़ के बारे में हमने कहा कि इस मामले को भी तय किया जाए। लेकिन क्या हिन्दुस्तान में सिर्फ पंजाब है, हरियाणा नहीं है राजस्थान नहीं है या दूसरे प्रदेश नहीं हैं। लेकिन जब आपका बिल आ गया, एकट आ गया जिसके द्वारा कदम उठाए जा रहे हैं तो आपने बातें करनी शुरू

कर दीं। अखबार वाले क्या लिखते हैं, यह भी मैं आपको बता देना चाहता हूं।

“The stake in Punjab is extremely high—the country's security. The Centre should spare no effort and shirk no decision, however unpleasant, if it is to restore respect for authority.”

जो सिपाही लड़ाई में लड़ता है, वह भी बहादुर है इसलिए आपको आतंकवादियों से लड़ना है। अब दया का दृष्टिकोण नहीं होना चाहिए दया जब होगी जब देश में शांति कायम होगी। एक-एक आतंकवादी को निकाल दिया जाए। आप यह भी घोषणा कर दीजिए कि जब भी विरोध पक्ष के लोग आतंकवादियों के बारे में बतायेंगे तो उन्हें इनाम दिया जायेगा। आप इन देश-भक्तों के लिए इनाम घोषित कर दो। यह काम 15 अगस्त के दिन होना चाहिए।

मैं चाहता हूं कि देश में शांति कायम होनी चाहिए। जब आपने हाऊस में बिल पारित कर दिया है तो दबा मत दो। यह नहीं होना चाहिए मलेरिया के लिए सिर्फ कुनैन की गोली दे दी। अगर इंजेक्शन देने की आवश्यकता हो तो वह भी दिया जाना चाहिए। ये जो बड़े-बड़े देश भक्त हैं, अगर ये आतंकवादियों का नाम बता देंगे, उनको शांत कर देंगे तो इनको आवश्यक ही पुरस्कृत किया जाना चाहिए।

अखबार वालों की टिप्पणी क्या है, इसके बारे में मैं आपको पढ़कर सुना देता हूं। इससे आपको कुछ जानकारी मिल जाएगी।

“The fact is that the Centre has so far bent over backwards in handling the Akali agitation with kid gloves. The present carckdown is an inevitable corollary to a state of runaway violence.”

आप कहते हैं कि हमें समझौता करना है, हमने कब मना किया है। श्री इन्द्रजीत गुप्त के सभापतित्व में मीटिंग बुलाओं और वहां एक सौल्यूशन निकालो और मिल कर भिड़रांवाला से कहो कि दस्तखत करो। आपको मजबूती के साथ इस काम को करना चाहिए। लेकिन वे तो कभी खालिस्तान की बात करते हैं, कभी जो रेजोल्यूशन था उसको उठाते हैं। बैंको को भी लूट रहे हैं। तीन लाख रुपया स्टेट बैंक का लूट लिया है। दूसरे बैंक का चालीस हजार लूट लिया है।

श्री इन्द्रजीत गुप्त : बैंक तो दिल्ली में भी लूटे जा रही हैं।

श्री मूल चन्द डागा : यह देश की सम्पत्ति है जो लूटी जा रही है। आपको भी थोड़ा दर्द होना चाहिए जब ऐसा होता है।

देश के हालत को देखते हुए जो बिल पेश किए गए हैं मैं समझता हूं कि उनका हमें एक स्वर से समर्थन करना चाहिये, उनको पास करना चाहिये। उधर के बैठने वालों को भी बोलने की इन पर जरूरत नहीं होनी चाहिए और न इधर बैठने वालों को। थोड़े दिन रुको। अगर थोड़े दिन में शान्ति कायम हो जाती है—

डा० सुब्राह्मण्यम स्वामी (बम्बई उत्तर पूर्व) : आपको गवर्नमेंट गिर जाएगी।

श्री मूलचन्द डागा : हम देश को गिराना नहीं चाहते हैं। हम आपकी भी सोचते हैं। हमारा उद्देश्य यह है और हमारे दिमाग में यह है कि देश बड़ा है। यह हमारी या आपकी पार्टी का सवाल नहीं है। यह देश का सवाल है। हमारी पार्टी राज करे या न करे, रहे या न रहे, देश में शान्ति रहनी चाहिए। इसमें आपका भी कोओप्रेशन रहे तो आपका स्वागत है और न रहे तो भी स्वागत है।

स्वामी इन्द्रवेश (रोहतक) : पंजाब की समस्या सारे देश की समस्या है। देश का

कोई हिस्सा नहीं जो इस समस्या से चिन्तित न हो। दो महीने पहले मुझे यूरोप जाने का मौका मिला। अमरीका आदि में जो भी भारतीय वहां मुझे मिले सभी ने पंजाब के बारे में और पंजाब के भविष्य के बारे में पूछा मैं समझता हूं कि पहले दो सालों में सरकार की जो नीतियां रही हैं पंजाब के बारे में ने पूरी तरह से फैंल रही हैं और आज जो पंजाब की स्थिति है उसका मुख्य कारण हमारी जो केन्द्र की सरकार है इसकी तुष्टीकरण की नीति है। जिस समय आदरणीय चौधरी चरण सिंह जी ने सरकार को यह कहा कि बाहर से ट्रेनिंग ले कर लोग आ रहे हैं। और पंजाब की शान्ति भंग हो रही है तो सरकार मानने को बिल्कुल तैयार नहीं थी। सरकार की सारी एजेंसियों और सरकार का पूरा तन्त्र एक तरह से सोता रहा और पंजाब में सम्प्रदायिकता का जो जहर है वह फैलता गया। हमने बहुत पहले कहा था कि केन्द्र की सरकार पंजाब में सरकार को चलने नहीं देना चाहती। वही हुआ। पंजाब के मुख्य मंत्री ने एक बार नहीं बल्कि पचासों बार कहा था कि मैं एक दिन में सारे उग्रवादियों को पकड़ सकता हूं लेकिन मुझे स्वीकृति नहीं मिल रही है। केन्द्र की तरफ देख कर मुख्य मंत्री अपने को असहाय मान कर, असमर्थ मान-कर कोई कदम नहीं उठा सकता है। केन्द्र की जैसी नीयत थी वैसे वहां एक वातावरण बनता गया, बनता गया। हालत यह हो गई कि एक वस अमृतसर से दिल्ली के लिए रात के बारह बजे चलती है। जंगल में रोक कर उग्रवादी बस में से लाइन बनवाते हैं कि सिख लाइन में, मुसलमान एक एक लाइन में और हिन्दू एक लाइन में खड़े हो जाएं, और लाइनें बना करके गोली मार दी जाती है। यह सारा काण्ड होने के बाद सरकार को मालूम पड़ा कि वहां क्या हालत हो रही है।

अभी हमारे साथी गृह मंत्री जी को उपदेश दे रहे थे कि अब आप लड़ाई के मैदान

में जा रहे हैं, मोर्चे पर जा रहे हैं, अब आपको ढील नहीं करना चाहिए। इसकार मतलब यह हुआ कि पिछले 2 महीने में गैर-जिम्मेदारी से चलते रहे कोई जिम्मेदारी नहीं समझी और आज पहली बार उपदेश के बाद मोर्चे पर जायेंगे पता नहीं क्या करेंगे? यह जो मनोवृत्ति है। मैं समझता हूं, यहां कितनी बार बहस हुई और उसमें लोक दल की तरफ से यह मांग हुई, चौधरी चरण सिंह ने यह कहा कि जब सरकार यह कह रही है कि गुरुद्वारों में अपराधी छिपे हुए हैं तो पुलिस को गुरुद्वारों में जा करके तलाशी लेनी चाहिए। यह कोई गलत बात नहीं थी। देश का कोई कानून ऐसा नहीं है जो पुलिस को रोक सके। इसके बजाय कि यह जो राष्ट्र के हित में सुझाव दिया गया इसके ऊपर कोई आचारण होता, हमारी प्रधान मंत्री पंजाब में गई और लोगों में जा करके सभा में यह कहा कि अपोजीशन के लोग यह जो चाहते हैं कि पुलिस गुरुद्वारों में घुस जाय, लेकिन हम बिल्कुल नहीं घुसने वाले हैं। जब आपकी मनोवृत्ति हो आप कह रहे हैं कि हमारे सामने राष्ट्र मुख्य है, जब बोट बोटोरने के लिए किसी की भावना का लाभ उठायेंगे उस चक्कर में आप कोई फैसला ही न लेना चाहें, कोई कानून न लागू करना चाहें, यह कहां तक उचित है?

मैंने विदेशों में देखा, कई नौजवान सरदार मुझ से मिले उन्होंने कहा स्वामी जी, हहने यह सुना है कि हिन्दुस्तान में सरदारों की दाढ़ी काटी जा रही है। तो मुझे इतना आश्चर्य हुआ कि सारी दुनिया में जो प्रचार हुआ है सरकार उसमें फेल हो गई। हालांकि पंजाब की हालत यह है, मैं किसी एक सम्प्रदाय की बात नहीं कह रहा हूं, लेकिन पंजाब के जब आंकड़े देखते हैं तो पाते हैं कि वहां किसी सिख पर जुल्म नहीं हुआ है, हुआ है, बल्कि जुल्म हिन्दुओं

पर हो रहा है। लेकिन सरकार कोई व्यवस्था नहीं कर पा रही है।

अभी 4 दिन में पंजाब में हो कर आया हूं, राष्ट्रपति शासन लागू होने के बाद वहां कोई फर्क नहीं दिखाई दे रहा है। उसी तरह से मंडर हो रहे हैं, रेलें टकराया जा रही हैं, बैंक-लूटे जा रहे हैं। जिस आयोग्य प्रशासन के कारण पहले सरकार नहीं चल सकी, पंजाब में कोई व्यवस्था नहीं बनी, आज भी वही आयोग्य प्रशासन गवर्नर राज में भी फेल होता जा रहा है। तो ऐसी स्थिति में आप और ज्यादा पुलिस को अधिकार दे कर के कैसे सफल हो जायेंगे? मैं समझता हूं सरकार में संकल्प शक्ति की कमी है, कोई बात लागू नहीं कर पा रही, फैसला नहीं ले पा रही है और तुष्टिकरण की नीति पर इसको खुश किया जाय, उसको खुश किया जाय यह हालात बने हुए हैं। ऐसी स्थिति में मुझे यह बिल्कुल विश्वास नहीं है कि यह जो सवा महीने से गवर्नर राज चल रहा है, यहां पर उसका अनुमोदन कर देंगे, तो वहां कोई व्यवस्था लागू हो सकेगी। ऐसी स्थिति में और ज्यादा अन्याय होंगे, होते जा रहे हैं। मैं यह समझता हूं सरकार पंजाब के मसले पर और देश के कई कोनों में फेल होती जा रही है। जैसे विधान सभा को आपने स्थगित किया है, जब कि वह भंग होनी चाहिए और दोबारा आपको जनता के बीच में जाना चाहिए यह पता करने के लिए कि लोग क्या चाहते हैं, आपको किस दृष्टि से देख रहे हैं। और दिल्ली में बैठ कर आप पंजाब पर जो शासन थोपना चाहते हैं वह शासन चल नहीं सकता। आप हर तरह से फेल हो चुके हैं। मैं रोज देखता हूं, आप बोलते हैं कि एक पानी का मसला है, कुछ इलाकों का मसाला है। हरियाणा के साथ लगातार अन्याय किया जा रहा है।

प्रधान मंत्री ने अवाई दिया कि फाजिल्का और अबोहर हरियाणा को दिए जायेंगे और

चण्डीगढ़ पंजाब को दिया जायेगा। लेकिन उस समय, मुझे याद है, मुझे जेल जाने का मौका मिला था, कि कितने लोगों को गोलियों लगीं। बहुत ज्यादा लोगों में गुस्सा हुआ। इतने बड़े नुकसान के बाद सरकार ने उस फैसले को लागू नहीं किया, उसे लम्बा कर दिया और स्थगित कर दिया। आज वही मसला सिरदर्द है। अगर आप फैसले को लागू नहीं करेंगे और वह फाइलों में ही पड़ा रहेगा तो देश कैसे चलेगा?

पानी का मसला है। हरियाणा की घरती बिना पानी के प्यासी है। राजस्थान का पानी भी इसी तरह से रुका हुआ है। करोड़ों रुपए की पक्की नहर हरियाणा में बन गई, पंजाब के लिए भी पैसा दे दिया। दो साल हुए सरकार ने घोषणा की थी कि पानी आ जाएगा, लेकिन अभी तक काम शुरू नहीं हुआ। यह सरकार कोई भी फैसला नहीं लेना चाहती। जब कोई आन्दोलन शुरू करते हैं तो आप लम्बा टाल देते हैं। इस काम लटकाऊ नीति के कारण देश का आत्मविश्वास ढीला पड़ता जा रहा है। ईमानदार आदमी समझते हैं कि सरकार ने कोई फैसला लेना नहीं, कुछ करना नहीं और इन्साफ यहां मिलना नहीं। ऐसे वातावरण में पुलिस को ताकत देकर, बन्दूक के सहारे राज्य करने का काम सफल नहीं होगा।

पिछले सवा महीने में हमें दिखाई दे रहा है कि किस तरह से गवर्नर राज्य फेल हो रहा है। उसका कारण यह है कि यहां से सलाहकार भेजे जा रहे हैं और रास्ता बताया जा रहा है। पहले देखते हैं कि गर्दन कितनी मोटी है, फिर फांसी देते हैं। पूर्वाग्रह से आप काम कर रहे हैं, तो इस तरह से कोई प्रदेश चल नहीं सकता।

पिछले 2 साल में पंजाब में हुआ है, उसकी सारी जिम्मेदारी सरकार की है। सरकार कहीं आकालियों के सामने घुटने टेकती है। मुझे आश्चर्य हुआ कि पिछले चुनाव के समय कई हवाई जहाज हमारे लाहौर में चले गए। सरकार ने फैसला किया कि कोई हथियार तलवार लेकर एयरोप्लेन में नहीं जाएगा, लेकिन दिल्ली का चुनाव जीतने के लिए प्रधान मंत्री गुरुद्वारे में गई और उन्होंने चुनाव से पहले घोषणा की कि कोई बात नहीं है, तलवार लेकर एयरोप्लेन में आप सफर कर सकते हैं।

श्री प्रकाश चन्द्र सेठी : कृपाण और तलवार में फर्क है।

स्वामी इन्द्रवेश : मैं समझता हूँ कि इन दोनों को ही अगर पेट में धुसेड़ जाए तो आदमी मर सकता है। जो भी घातक अस्त्र है, वह नहीं होने चाहिए। यदि सेठी साहब ऐसा कुछ नहीं मानते हों कि कृपाण नहीं मार सकेगी, तलवार मार देगी तो हो सकता कि उनकी बात ठीक हो जायेगी।

श्री अटल बिहारी वाजपेयी (नई दिल्ली) : सेठी जी बात से ही मर जाते हैं।

स्वामी इन्द्रवेश : यह सारा तुष्टीकरण की नीति के अंतर्गत काम चल रहा है। पूरे देश के लोग आश्चर्य कर रहे हैं कि देश इस तरह से कैसे चलेगा ?

खालिस्तान की आवाज, चाहे 2 फीसदी लोग ही उठा रहे हों, लेकिन वह आवाज उठ रही है और उनमें जनून पैदा हो गया है। यह देश के लिए बहुत बड़ा खतरा है। पिछले दो सालों में आपस में वैमनस्य बहुत बढ़ गया है।

लोग एक दूसरे को देख कर शंकित होते हैं। सरकार की नीति कमजोरी के कारण ही यह स्थिति पैदा हुई है। वह हर बात को दृष्टि इस से देखती है कि किस प्रकार उसे किसी वर्ग विशेष के वोट मिलेंगे। इस तरह यह देश चलने वाला नहीं है। जहाँ तक चौधरी चरण सिंह का सम्बन्ध है, उन्होंने सब से आगे बढ़ कर राष्ट्रीयता की बात कही। लेकिन सरकार ने राजनैतिक लाभ उठाने का प्रयास किया और कहा कि हम गुरुद्वारों के अन्दर नहीं जाएंगे। आज पंजाब की समस्या एक बहुत बड़ी राष्ट्रीय समस्या बन गई है। यदि सरकार इसे गम्भीरता से नहीं लेगी, तो इसका परिणाम यह होगा कि लोगों में और ज्यादा विषमता बढ़ेगी। आज सरकार कहती है कि पंजाब की घटनाओं में बाहरी ताकतों का हाथ है। इस बात को ध्यान में रख कर यदि उसने शुरू से ही उचित प्रबन्ध किया होता, तो यह स्थिति पैदा न होती।

जहाँ तक भिड़रावाले का सम्बन्ध है, पंजाब में एक तरफ तो पुलिस बंदूक ताने घूम रही है, पुलिस खेतों में से हो कर भाग रही है और वाहनों को सड़कों पर हर दस मील पर रोका जाता है और उनकी जांच की जाती है। और दूसरी तरफ वह विप्लापन फैलाने वालों के खिलाफ कोई एक्शन नहीं ले रही है, बल्कि साधारण आदमियों को पकड़ रही है, उन्हें डरा रही है और उनमें अतंक पैदा कर रही है। जब पुलिस ने किसी की जीप की रोक ली, तो भिड़रावाले ने घोषणा की कि या तो जीप लौटा दीजिए, नहीं तो मैं पांच हजार हिन्दुओं का कत्ल करवा दूंगा। इतनी गैर-जिम्मेदारी की बात कहने वाले व्यक्ति के बारे में घोषणा की जाती है कि उसके विरुद्ध वारन्ट जारी हो गए हैं, अगर उसे महीनों के बाद गिरफ्तार किया

जाता है, जबकि एक लाख लोग इकट्ठे होते हैं, उसे गिरफ्तार करने के बाद रेस्ट हाउस में ले जाया जाता है और फिर छोड़ दिया जाता है।

पंजाब में जो बड़ी "वनर्री राज्य लागू किया गया है, उसकी स्थिति तो पानी के बुलबुले की तरह है—यह तो कच्चे घागे में बाँधने वाली बात है। सरकार को स्पष्ट कर देना चाहिए कि इस देश के सब नागरिक बराबर हैं, लोगों के लिए समान कानून है और कानून की दृष्टि में सब बराबर हैं। लोगों की भावनाओं का सम्मान होना चाहिए, लेकिन चाहे कोई धर्मस्थान हो, कानून के लिए अछूता नहीं होना चाहिए। एक तरफ सरकार कहती है कि हत्यारे और अपराधी धर्मस्थानों में बैठे हुए हैं और दूसरी तरफ वह कहती है कि हम वहाँ बिल्कुल नहीं जाएंगे। इसमें साफ प्रकट होता है कि सरकार पूरी तरह फेल हो चुकी है और अपनी असफलता को छिपाने के लिए पुलिस और फौज की सहायता ले रही है। इसका परिणाम यह होगा कि देश में और खून-खराब बढ़ेगा और हालात बिगड़ेंगे।

मेरा विचार है कि सरकार को विधान सभा को भंग कर देना चाहिए और लोगों को फिर से मत प्रकट करने का अवसर देना चाहिए। पानी, बिजली और इलाकों के ठीक बंटवारे की समस्या को प्रजातांत्रिक ढंग से और वर्तमान कानून के अन्तर्गत ही हल किया जाना चाहिए। पहले भी इस बारे में समझौता हो चुका है, जिसपर राजस्थान, हरियाणा और पंजाब के मुख्य मंत्रियों तथा प्रधान के मंत्री ने हस्ताक्षर किए थे। उस समझौते को कार्यान्वित करने के बजाए उसे लटकाए रखा जा रहा है। कहा जाता है कि इस समस्या के समाधान के लिए कोई और कमेटी बनेगी। क्या वह कमेटी

किसी जादू से इस समस्या को हल कर देगी? आखिर एक दिन इस समझौते को लागू करना ही पड़ेगा हम 11 बरसों से यह बात कहते आ रहे हैं। अब सरकार कहती है, कि हम कुछ करने जा रहे हैं। मुझे इसकी आशा नहीं है, क्योंकि पिछला अनुभव यह रहा है कि हर व्यवस्था उसके हाथ में आते ही फेल हो चुकी है। यह नीयत का दोष है और सरकार की आयोग्यता इसमें आड़े आ रही है। जो कुछ हम दो साल से कहते आ रहे हैं, वह भी भाषा अब सरकार बोल रही है। यदि दो साल पहले उसने हमारी बात मान ली होती तो वर्तमान स्थिति सामन्य न आती। लेकिन इस सरकार का प्रशासन ढीला है, भ्रष्टाचार बहुत ज्यादा है, पैसे से सब कुछ बिक रहा है। ऐसी हालत में वह किस तरह राष्ट्र को चलाएगी और देश को आगे बढ़ाएगी? सरकार को इस बारे में सावधानी से सोचना चाहिए और पुलिस के हाथ में इतनी ताकत नहीं देनी चाहिए कि आम आदमियों को उत्पीड़ित किया जा सके।

MR. CHAIRMAN. Before I call the next speaker. I have been noticing that there is a lot of repetition. The points are made and the same points people are repeating. That does not help. I would wish to recommend to hon. Members to very kindly make cogent points certainly but not keep on repeating the same points.

In most of the cases, that is noticeable. Kindly have it that way. Shri Virdhi Chandra Jain.

श्री वृद्धि चन्द्र जैन (बाड़मेर) : सभापति महोदय, अभी जो विधेयक प्रस्तुत किए गए हैं उनका समर्थन करते हुए मैं अपने विचार सदन के समक्ष प्रस्तुत करना चाहता हूँ। पंजाब की समस्या पर पहले भी हमने विचार किया था, अभी भी विचार कर रहे हैं और लगातार पिछले तीन दिनों से इस विषय पर चर्चा चल रही है।

THE MINISTER OF PARLIAMENTARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGH) : Mr. Chairman, Sir, I think it is only possible for us to pass this legislation if we finish with the discussion positively by 4-30 P.M. We shall take up discussion under 193 at 4-30 P.M. I have requested my colleagues from our side—there are many of them—not to take part so that we complete the discussion by 4-30 P.M. After that, we shall take up the discussion under 193.

MR. CHAIRMAN : I think what the Hon. Minister has said has a lot of value. We have all yesterday taken part in the debate in one form or the other. Of course, if I may repeat, those who are the speakers who are in the stage of speaking not to keep on repeating the same point but they may be is workable. Now, Shri Jain.

श्री बृद्धि चन्द्र जैन : पिछले अधिवेशन में जितने भी भाषण पंजाब के विषय में हुए थे, अपांजीशन की ओर से, उनको मैं लातार सुनता रहा था। उन सभी भाषणों में इस बात पर बल दिया गया था कि पंजाब में राष्ट्रपति शासन लागू होना चाहिए लेकिन अब जबकि वहां पर राष्ट्रपति शासन कायम कर दिया गया है तब उसका विरोध किया जा रहा है। (व्यवधान) राष्ट्रपति शासन लागू करने के बाद केन्द्रीय सरकार द्वारा जो भी कदम उठाए जा रहे हैं, जो भी आवश्यक विधेयक यहां पर प्रस्तुत किए गए हैं वह उग्रवादी तत्वों, जातिवादी और आतंकवादी तत्वों को समाप्त करने के लिए उठाए गए हैं और इन कदमों की हम सराहना करते हैं। हम चाहते हैं कि वहां पर जो भी आतंकवादी शक्तियां हैं उनको समाप्त करने के लिए ठोस कदम उठाए जायें। अभी तक इस सम्बन्ध में जो भी कदम उठाए गए हैं वह भी उसने प्रभावशाली नहीं हैं इसलिए इनको और भी अधिक प्रभावशाली बनाकर उन उग्रवादी शक्तियों को समाप्त करने का कार्य होना चाहिए। जो अकाली हैं वे भी कहते हैं कि उग्रवादियों का कार्य ठीक नहीं है परन्तु जब उनका कार्य ठीक नहीं है तो वे उनकी पूरी तरह

से निन्दा क्यों नहीं करते हैं? वे उनकी भत्सना क्यों नहीं करते हैं? यदि वे उन उग्रवादियों की निन्दा करें और जो उग्रवादी होली प्लेसेज में निवास कर रहे हैं उनको वहां से निकाल दें तो यह स्थिति सुधर सकती है और वार्तालाप भी सफल हो सकती है। इस लिये कोई भी आदमी या कोई भी पार्टी यह नहीं चाहती है कि अकालियों और सरकार के बीच में टाक्स न हों। टाक्स जरूर होनी चाहिये, लेकिन जो मसले हरियाणा और पंजाब के बीच में हैं वे तो हरियाणा और पंजाब दोनों के ही बीच में होंगे। इसी तरह से जो मसले राजस्थान और पंजाब के बीच में हैं उस में राजस्थान के मुख्य मंत्री शामिल होंगे और वहां के अपोजीशन लीडर भी शामिल होंगे उनके बिना ये मसले हल नहीं हो सकते हैं। इस लिये जो मसले हैं उनके बारे में जब यह रख दिया गया कि टिब्यूनल के द्वारा हल कर दिये जायें तो इसमें आपत्ति क्यों है? इसमें यह भी हो सकता है कि टिब्यूनल में सुप्रीम कोर्ट के जज भी मेम्बर हो सकते हैं। इसका अर्थ यह है कि मसलों को अच्छी तरह से सुलझाया जा सकता है और सुलझाने का प्रयास किया जाना चाहिये।

अभी गुप्ता जी ने नेशनल इन्टीग्रेशन कान्सिल के बारे में सुझाव दिया है मैं भी उस सुझाव का समर्थन करता हूँ। नेशनल इन्टीग्रेशन कान्सिल की बैठक जरूर बुलाई जानी चाहिये, इस तरह की मीटिंग बुलाने से वातावरण बनता है, उस में सभी विचारों के व्यक्ति मिलते हैं, बड़े-बड़े आदमी मिलते हैं तो हम किसी न किसी नतीजे पर जरूर पहुंचेंगे और एक सही रास्ता निकाल कर निर्णय होगा। इस सम्बन्ध में प्रधान मंत्री जी को पूरी तरह से ठोस कदम उठाना चाहिये और इस तरह की बैठक बुला कर एक अच्छा वातावरण बनाने का प्रयास करना चाहिये। हमें यह भी चाहिये कि हम सख्त कदम उठावें, साथ ही साथ यह लक्ष्य भी रखना चाहिये कि बातचीत कर के इस महत्वपूर्ण मसले को सुलझाने की कोशिश करें।



हमें जो सूचना मिली है और जिस प्रकार के बयान आये हैं उन में इन आतंकवादियों के जो ट्रेनिंग कैंम्प हैं उन के बारे में अभी भी गृह मंत्री जी ने हमें जानकारी नहीं दी है। जो लोग ट्रेनिंग पा रहे हैं उन के बारे में सैन्ट्रल गवर्नमेंट क्या कदम उठा रही है, उनके बारे में सरकार ने क्या जानकारी प्राप्त की है—इन सब बातों के बारे में पूरी जानकारी दीजिये। आतंकवादियों द्वारा जो निरंकारियों के मर्डर्स हुए हैं, जो बस काण्ड के विक्टिम हैं, ट्रेन के अन्दर मारा गया है, बैकों को लूटा गया है, इनमें किन किन मुल्जिमों को पकड़ा गया, उन के खिलाफ चालान पेश हुए या नहीं, उनके इन्वेस्टीगेशन की क्या प्रोजीशन है—इसके बारे में हमें पूरी जानकारी मिलनी चाहिये ताकि हमें मालुम हो सके कि इस सम्बन्ध में हमारी केन्द्रीय सरकार क्या ठोस कदम उठा रही है ?

मैं यह भी चाहता हूँ कि इस मामले में हमारी कांग्रेस पार्टी और अपोजीशन पार्टीज सब मिल कर देश में एक ऐसा वातावरण तैयार करें, जिससे स्थिति में सुधार आये तथा समस्या का समाधान निकल सके। हम सब का एक लक्ष्य है कि देश की सुरक्षा हो, पंजाब की सुरक्षा हो, इसलिये सब को मिल कर शान्तिपूर्वक समस्या को हल करने का प्रयास करना चाहिये।

इन शब्दों के साथ मैं इन विधेयकों का समर्थन करता हूँ।

DR. SUBRAMANIAM SWAMY : Sir, you have already issued a 'FATAH' that there should be no repetition. We should be brief and only make new points. So, I will try to follow what you have said and there is not much time left also.

Sir, there is no doubt in the minds of any of us that the Darbara Singh Ministry was inefficient and ineffective and its continuance would have meant worsening of the situation in Punjab and, therefore, its dismissal or removal and establishment of Presi-

dent's rule is not something which we would object to. Some of us would even carry the logic to the extent that Central Government is incompetent and we hope the people would remove them very soon. Nevertheless the issue today in the Bill is not that. The issue is why Government has armed itself with all these additional powers which enables even a havaldar to shoot and kill with only subjective satisfaction about the maintenance of public order.

This kind of assumption of drastic powers must have some basis. But I cannot go by what the Minister says here or even what the Prime Minister says here. I have to go by what is given on record in parliament, the answers to questions. And here, Sir, yesterday there were a number of Unstarred Questions in regard to which unfortunately we do not have the benefit of raising supplementaries, which show an entirely different picture to the one that they painted outside Parliament and even sometimes in their speeches here. Now, Sir, take Unstarred Question No 26. The question is about the terrorist activities in Punjab, Delhi, etc. According to this statement, there were 5 cases of bomb explosions in Delhi during the past 4 months, July to October. In the same period there were only 10 cases of planting of bombs and explosions and one derailment in the same period. This shows, in comparative terms, that this is not a situation where one can say that such drastic powers are necessary for handling the situation. Similarly, Sir, there is the question about the army being given the special powers and the talk of foreign hand. I don't want to go over the same ground once again.

1557 hrs.

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

But here there were numerous questions and the Home Minister himself mentioned certain things. I don't know whether he will be pulled up like the Governor yesterday was pulled up. He was more or less pulled up in such a way that he got scared and issued a denial there. The pressmen said "No, no. we all heard him say this." After all, you know, he is a Civil Servant and you are Her

Minister. So, I don't know whether he will stick to what he has said.

The question is asked whether Pakistani agents are helping in making bombs etc., training in sabotage. All these questions are asked and these are popularly alleged in their speeches. And in answer to Q. No. 243 they say 'Government have confirmed evidence at present in regard to foreign agents' so on. This is the question you have answered. Come to No. 327 and there what does it show? The question was whether it is a fact that during raids in some of villages of Punjab a big haul was made'.

The question is asked by their Member Shri Chintamani Jena. And the answer was this: After all these raids and so on, 'they discovered only 227 weapons in these raids', In the entire Punjab, only 227 weapons. Now, what were these weapons? Were they from foreign countries? This is Q. No. 340. It says 'Is it a fact that many made-in-Pakistan weapons were seized in Punjab?' The answer was: 'The Government of Punjab have reported that only one sten gun and revolver with Pakistani markings were recovered from the search' The rest were made in India. It was made in Rampur in U.P. And Rampur, I might tell you, not only supplies arms to Punjab but also to the Afghanistan Mujahids. I found out this time in my visit to Pakistan. So one need not be alarmistic. The creation of this kind of alarm is what bothers me. I don't think the situation in Punjab warrants this kind of arming of extraordinary powers. So the question is this Why are you misinforming this house in this way? You want us to cooperate and to help you. You want us to tell Akalis this and that. Whatever you tell us turns out to be false information. We were told that criminals are hiding in Nanak Nivas in Golden Temple Complex.

I went there. I asked them: 'Why are you allowing criminals to hide there? They said 'We have no criminals' I said you have been given a list of 40 names, by Shri Darbara Singh. They said 'These 40 names cannot be there. At least 18 of these definitely cannot be there' I asked 'why?' They said: 'Such and such name mentioned in Shr

Darbara Singh's list is presently in jail in Canada. Number two man is already dead. Number three man is presently out on bail. Out of these, those 18 names could not have been in the Nanak Nivas. I asked the Home Minister 'Is it a fact?'. He said 'Yes, it is a fact'. I asked 'Why were we mis-informed?' He said: The Government of Punjab have supplied this information. On that basis we said that.

Therefore I say to this Government, please do not misinform this House. It is because you are pleading with certain information, we would like you to act in good faith and supply that information. We do not know whether you are telling the facts or wrong thing. The Prime Minister says there is the concentration of troops on the Kashmir Frontier, we are getting signals every day. But the Minister of State for defence says that there is no unusual concentration of troops on the Kashmir border. So, the Prime Minister's statement is immediately contradicted. Therefore, how are we to believe you when you say that the situation in Punjab was the making of the Akali Dal agitation? We think that it is your making and I would say that the way you are going, the way you are segregating the Hindus and Sikhs, I am afraid you are creating a permanent division which, in my opinion may, in the long run, create a serious situation. I am not going to argue about what the solution should be. Everybody knows what the solution should be. But I would say that this Government should show itself to be impartial in its statement on extremists, whether they are Hindus or Sikhs and it should come forward with some kind of documentation, some white paper in which all this information is put in some form so that we can act on accurate information, not on adulterated information, beef tallow based information that this Government is supplying to us. Thank you.

16 hrs.

श्री सूरज भान (अंबाला) : उपाध्यक्ष महोदय, ये जो तीनों बिल हैं ये राष्ट्रपति राज के लागू होने के बाद की पैदावार हैं। मैं राष्ट्रपति राज का तो स्वागत करता हूँ लेकिन इन तीनों बिलों की मुखालफत करता हूँ।

हमारी बहुत पुरानी मांग थी कि पंजाब में राष्ट्रपति शासन लागू करो और असेम्बली भंग करो लेकिन बदकिस्मती से अबूरी मांग मानी गई। राष्ट्रपति राज तो लगा दिया लेकिन असेम्बली नहीं तोड़ी। असेम्बली भी तोड़ना चाहिए। असेम्बली को सस्पेंड किया गया है तो इसका मतलब है कि वहाँ के एम. एल. एज भी सस्पेंड हैं। अगर ऐसा है तो, कौशल साहब भी उसी डिस्ट्रिक्ट एरिया से हैं। क्या उनको भी सस्पेंड किया गया है ?

कल कहा गया कि यह कांस्टीट्यूशनल ब्रेकाडउन नहीं है लेकिन कांग्रेस आई ब्रेकाडउन जरूर है। उसको लचाने के लिए राष्ट्रपति राज लागू किया गया है। अगर वाकई ला एण्ड आर्डर की सिचुएशन में ऐसा किया गया है तो जब लाला जगत नाथायण का कत्ल हुआ तब राष्ट्रपति राज क्यों नहीं हुआ, तब डिस्ट्रिक्ट एरिया क्यों नहीं किया गया। जब बाबा गुरुबचन सिंह का कत्ल किया गया तब राष्ट्रपति राज क्यों नहीं लागू किया गया। जब सैकड़ों गुनाहों का कत्ल किया गया तब राष्ट्रपति राज क्यों नहीं लागू किया गया।

पंजाब में क्या हो रहा है और कैसे हो रहा है। वहाँ के भूतपूर्व मुख्य मंत्री सरदार दरबारा सिंह ने कहा था कि मैं तो आतंकवादियों को 24 घंटे के अंदर गिरफ्तार कर लूँ लेकिन केन्द्र में बैठा हुआ बी. आई. पी. ऐसा नहीं करने देता। इतनी दखलंदाजी है। इसके लिए एक मिसाल देता हूँ। इस्तीफा के पंजाब में सीनियर मोस्ट डी. आई. जी. श्री प्रकाश चन्द्र हैं। दो साल पहले उनसे रिक्वेस्ट का गई कि आप 3 महीने की छुट्टी पर चले जाइए। इससे रिटायर होने वाले आदमी को पेंशन में फायदा हो जाएगा। उसको डी. आई. जी. के पद का पेंशन मिल जाएगा। उसने ओबलाइज कर दिया। उसके बाद आर्डर आ गए कि बिहार जाइए। उसने इनका विरोध किया। अब स्थिति यह है कि दो साल से सेंटर कहता है कि यहाँ पोस्ट

नहीं है और पंजाब सरकार उसकी पोस्टिंग नहीं करती। वह 4 महीने में रिटायर होने वाले हैं। उसका कुसूर यह है कि वह सीनियर मोस्ट डी. आई. जी. है।

दूसरा कुसूर है कि वह शेड्यूल कास्ट है और तीसरा कुसूर है कि उसके खिलाफ कोई चार्ज नहीं है। पिछले दो साल से छुट्टी पर है। जूनियर पांच आदमियों को प्रमोट किया गया। अगर, उसके हाथ में लाँ एण्ड आर्डर की सिचुएशन दे दी जाती तो पंजाब में इस तरह की स्थिति न होती। डिस्ट्रिक्ट एरिया के मायने क्या हैं। एक हवलदार को ताकत दी जा रही है कि जिस मकान को चाहे गिरा दे, जिस आदमी को चाहे गोली से उड़ा दे। चण्डीगढ़ के एक कांस्टेबल की मिसाल अखबार में छपी है। वह शोर मचाने लग गया कि आतंकवादी आ गए और उसने अपने घर में गोली चलानी शुरू कर दी। ऐसे हैड कांस्टेबल को पावर दोगे तो इस बात का क्या भरोसा है कि वह किसको गोली मारेगा। ऐसे निकम्मे बिल को हम कैसे सपोर्ट कर सकते हैं। दो बार भिण्डरावाले को गिरफ्तार किया और फिर छोड़ दिया। उसकी गिरफ्तारी के आर्डर हो गए। हरियाणा के एस.पी. श्री खान, की ड्यूटी भी लगी लेकिन सेंटर से आर्डर आ जाते हैं कि भिण्डरावाले को गिरफ्तार नहीं करना है। भिण्डरावाले को पहले ही इस्तिफा पहुंच गई। क्या उस वक्त डिस्ट्रिक्ट हालत नहीं थे। मैं यह कहना चाहता हूँ कि इन बिलों को पेश करने से हालात सुधरने वाले नहीं हैं।

पहले आप एक कमीशन पंजाब में बैठाइए जो इस बात का निर्णय करे कि किसके साथ वहाँ ज्यादाती हो रही है। हर क्षेत्र में चाँद सचिस हो, इन्डस्ट्रा हो फौज का मामला हो सब जगह हिन्दुओं को कम रिप्रजेंटेशन मिल रहा है। कमीशन बैठ जायेगा तो सब बात साफ हो जायेंगी। भिण्डरावाले तो यहाँ तक

कहते हैं कि मैंने खालिस्तान की मांग तो नहीं की है, अगर बन गया तो ठीक है। वहाँ एक केस में एक्चुअली मारने वाले सिख और इन्वॉयरी करने वाले सिख और भिण्डरावाले कहते हैं कि मेरे साथ इन्साफ नहीं किया गया तो 5.00 हिन्दुओं को कत्ल कर दूंगा। लेकिन आपने उनके खिलाफ क्या एक्शन लिया। मैंने दो साल पहले भी कहा था कि दल खालसा को आपने बनाया है, यह आपकी अपनी पैवावार है। अगर आप चाहते हैं कि हालात सुधरे तो इन चीजों की तरफ जरा ध्यान दीजिए। मैं यह भी मांग करना चाहता हूँ कि आप असेम्बली को तोड़िए। डी०आई०जी० अटबाल की डेथ होती है मैं पूछना चाहता हूँ कि वह कौन से आई०ए०एम० और फौजी आफिसर थे जिन्होंने उसको अमृतसर बुलाया था। सी०बी० आई० इसकी इन्वॉयरी कर चुकी है। होम मिनिस्टर साहब को रिपोर्ट पेश की जा चुकी है। मैं होम मिनिस्टर साहब में रिक्वेस्ट करना चाहता हूँ कि सी०बी०आई० ने इसके बारे में क्या कहा है। इसके कत्ल के लिए कौन जिम्मेदारी है? यह सदन को बताये। कहानियाँ बहुत फैल गई हैं। इन पर यदि न रहे और असलियत सामने आए इसका व्यवस्था आपको करनी चाहिये।

अकालियों से बात करें और मामले को सुलझाएं। डिमट्बर्ड एरिया कहने से बात नहीं बनेगी। 1970 मैं आपने एक फैसला किया। जनता गवर्नमेंट 1977 मैं आई। सात साल आपने उसको इम्प्लेमेंट क्यों नहीं किया। एमरजेंसी का बक्त गुजर गया जब पूरी ताकत आपके हाथ में थी और जो चाहें आप कर सकते थे। तब भी आपने नहीं किया। जनता पार्टी ने कदम उठाया भी था। लेकिन सुप्रीम कोर्ट में मामला चला गया। दोनों मुख्य मंत्रियों को क्यों मजबूर किया केस वापस लेने के लिये। आप बात करने के लिए बुलाएं और आते हैं तो ठीक है और नहीं आते हैं तो आप अपना निर्णय दीजिये। एक बार यह तो बता दे कि 1970 का फैसला अपना ठीक या गलत है। लेकिन

आप तो कुछ भी नहीं कहते हैं। अगर आप कहते हैं कि ठीक है तो उसको आप लागू करें और अगर वह गलत था तो आप यह बताएं कि आपका रिवाइज्ड फैसला क्या है। यही मेरा निवेदन है। धन्यवाद।

श्री अशफाक हुसैन (महाराजगंज) : पंजाब में 1980 के बाद जो घटनाएं घटी हैं वे बड़ी चिन्ता का विषय हैं। देखना यह है कि उन घटनाओं का कारण क्या है और आइंदा उस तरह की घटनाएं न घटे इसका उपाय क्या है। जहां तक कारण का सम्बन्ध है मेरे खयाल में कांग्रेस पार्टी का अपना अंदरूनी झगड़ा बाहर आ गया है। यही मुख्य कारण है। आइंदा इस तरह की घटनाएं न घटें, इसके लिए जो रास्ता अपनाया गया है वह बहुत खतरनाक है, वह इस मामले को हल करने का नहीं है बल्कि और बिगाड़ने का है। आपने राष्ट्रपति शासन लागू किया और साथ ही तीन अध्यादेश और जारी कर दिए जिन की पुष्टि के लिए आप ये तीन बिल लाएं, जिनकी जगह लेने के लिए आप ये तीन बिल लाएं हैं। राष्ट्रपति राज लागू करने की जरूरत क्यों पड़ी? कांग्रेस पार्टी के झगड़े के नतीजे के तौर पर ही पड़ी। वर्ना ये तीन बिल यहां न आते और अगर जरूरत थी तो पंजाब असेम्बली में पास कराए जा सकते थे या अगर जरूरत होती तो वहां गवर्नर इस तरह से अध्यादेश जारी करके और मार्शलला जैसे लाज को लागू करने के लिए इस तरह के बिलों को वहां पेश करवा सकते थे और वहां से पास करवा सकते थे। ऐसी बात नहीं हुई। एक तीर से कई शिआर खेले जाने की जरूरत आपको थी इसलिए एक तरफ आपने राष्ट्रपति शासन लागू किया और दूसरी तरफ तीन बिल लाए हैं और मामले हल करने की बात न कर, मामले को और बिगाड़ने की बात की गई है।

यहां पर मैं उन बातों को दोहराना नहीं चाहता हूँ जो कल और आज कही जा चुकी हैं

बल्कि सिर्फ इतना ही जोड़ना चाहता हूँ कि जब एक तरफ मांग की जाती है कि अमृतसर के गुरुद्वारे में अतंकवादी लोग टिके हुए हैं, उनको वहाँ पनाह मिली हुई है, उनको वहाँ से प्रोसाहन मिल रहा है इसलिए गुरुद्वारे के अन्दर दाखिल होकर इन आतंकवादियों को पकड़ा जाए और जेल में बंद किया जाए उनको गिरफ्तार किया जाए, उन पर मुकदमा चलाया जाए, वहाँ आपको और भी धार्मिक स्थल हैं, जिनको देखना पड़ेगा। किसी भी धार्मिक संस्था में मजहबों इदारे में पुलिस ले जाने का मतलब और खतरनाक होता है, इसको भी आप देख लें। लेकिन फिर भी अगर आप में हिम्मत हो और आप ऐसा करें तो बहुत सारे ऐसे अड्डे हैं जिन में इस तरह के लोग परवरिश पा रहे हैं चाहे वे नई निल्ली के अन्दर हों या और किसी जगह वहाँ पर भी आपको इस तरह की कार्रवाई करनी पड़ेगी, साथ साथ करनी होगी। तभी आतंकवादियों को आप निकाल सकेंगे। एक जगह पर ही नहीं हैं। दिल्ली में भी ऐसी इमारत में छिपे हुए हैं जिसकी हम सब बड़ी इज्जत करते हैं।

वह लोग भी दिल्ली की इमारत में हैं, जिस इमारत में जिन्होंने आन्दपुर साहब के प्रस्ताव पर दस्तखत किया था, आप कहें तो मैं उनका नाम भी बता सकता हूँ कि कौन से सज्जन यहाँ पर बड़ी इमारत में छिपे हुए हैं, छिपे हुए नहीं बल्कि खुल कर के हैं और हमारी हिम्मत नहीं पड़ती है हाथ उठाने की क्योंकि उनकी मजलिस हामिस है इस मुल्क के सरबराह के नाते, एक विशिष्ट व्यक्ति का अगर आप इस तरह से करना चाहते हैं और आपकी नीयत है पंजाब की समस्या को हल करना चाहें तो उसके लिये यह रास्ता नहीं जो आपने अपनाया है। पंजाब की समस्या वहाँ के लोग जिन्होंने फौज, पुलिस, उद्योग और कृषि में अपना नाम पैदा किया है, देश का सिर ऊँचा किया है हर जगह में चहे देश हो या विदेश पंजाब और सिखों का नाम पैदा किया। अगर ऐसे लोगों

पर यह इल्जाम लगाया जाता है, उनकी देश भक्ति पर उँगली ऊँठी जाती है तो इससे पंजाब की समस्या हल नहीं होगी। पंजाबी और सिख और दूसरी अकलियतें भी चाहे मुसलमान हो, या ईसाई हो, वह किसी से कम देशभक्त नहीं हैं। उन पर आप उँगली उठा करके इस मुल्क को टुकड़े होने से नहीं बचायेंगे। वह तभी बचाया जा सकता है जब आप सही कारणों में जायेंगे। अपनी लड़ाई को लड़ने के लिये इस देश को बिगाड़ने की कोशिश न करे।

मैं सरकार से अनुरोध करूँगा जो समस्या है उसके हल के लिये सिख लोगों को और दूसरे पंजाब से संबंधित लोगों को और अपोजीशन के लोगों को जो यहाँ के हैं आप भले ही न बुलाये, लेकिन कम से कम जो पंजाब से संबंधित हैं, जिनको आप समझते हैं पंजाब असम्बली के जो मेंबर रह चुके हैं उनमें से लोगों को और वहाँ के अपोजीशन लीडर्स को बुला कर के बातचीत कीजिये और रास्ता निकालिये। जब सारी बातें तय हो चुकी हैं तो फिर इस तरह की बात करना, पंजाब पर राष्ट्रपति शासन लागू करना, उसे और आगे बढ़ाने की कोशिश करना ठीक नहीं है। अगर आप दरबारा सिंह को हटाना चाहते थे तो वैसे भी हटा सकते थे राष्ट्रपति शासन के बगैर। लेकिन आप मार्शल-ला के कानून लागू करना चाहते हैं जिसका हम हर सूरत में विरोध करते हैं।

SHRI A K ROY (Dhanbad) : I have no intention to speak on this debate. For the last two days, the House has been disturbed in consideration and Passing of Punjab Disturbed Areas Bill, Chandigarh Disturbed Areas Bills and Armed Forces (Punjab and Chandigarh special Powers Bill. One Bill gives more Power to the Police. Another Bill gives more power to the army. But the question remains whether you could give Peace to Punjab. That is what we should argue. Last time also I told the House and this time also I am speaking after hearing all the speeches about it. I get an impression

as if we are all in a collusion to deceive ourselves ; we are afraid to face facts. Here the only point to be judged and scrutinised is whether the Akali Party is a communal party or a secular party.

If it is a communal party then there should not be any talk with them. We should fight it. However grave may be the consequences, we must face it. If it is a secular party then we should come to a dialogue. If necessary we may concede even to any extent to keep peace in that area.

I would like to say that as in our economy if you circulate black money and white money you will end up with all black money ; similarly, if you circulate secularism and communalism then you will end up in all communalism and that is what we are doing in the House for the last few years. Bhindranwale is a communalist ; Longowal is a secularist and there may be some moderates, there may be some moderately communalists : progress communalists, various definitions of communalists we have and ultimately we could not go into the details we are seeing how we can dissect communalism into various parts or how to win over the secular part of the communalism and to leave the communal part of the secularism. This is what we are doing but we have to go and see what is the essence of it.

I would like to say one thing. Last time when these people came to our resident, and there we found all the secular communalists, and communal secularists, all progressive moderate extremists, non-extremists, reasonable, unreasonable everybody came, why ? Because he is a Sikh. And so, he was asked to resign. I considered this as the worst communal altitude and we should face it, we oppose it, we should not be afraid of it, asked our moderately modest Home Minister that he should have the guts to face it.

I remember, in the DISCOVERY OF INDIA written by Mr. Nehru, once Jinnah questioned the authority of Maulana Abdul Kalam Azad. "who is he ? Congress in a Hindu organisation If Maulana Abdul Kalam Azad comes as a representative of the Congress, we won't recognise."

Then the late Mr. Nehru wrote, Who is he to say who should represent the Congress Party ? Still, Mr. Jinnah also did not go out did he send some People that Maulana Abdul Kalam Azad should resign and things like that. Similarly same thing happened here. So here we are going into a worst situation, that because he is a Sikh he should resign. If it is not Sikhism, and worst communalism, what is it ? we should be able to face it.

Another point I would like to say. The House should ponder, and ponder very deeply, why the forces of secularism are getting weaker in the country and forces of communalism, even if they are minority, they are getting stronger. Today in India in that Guru Niwas Bhindranwale is becoming stronger, Longowal is getting weaker. But in the whole country Bhindranwales are getting stronger and Longowals are getting weaker. Why is it so ? Who is responsible for it ? whether the Congress Party is responsible, or we in the Opposition are responsible for it ? There should be honest introspection and what I feel is we are all collectively responsible for creating this situation.

They say, these are secessionists, consisting of extremists, moderates and all sorts of people but I know it is nothing but communal, it is nothing but very stark communalism ; the forces binding this country, the adhesive forces of society are getting weaker every day and it is not for a particular State we are dealing with the superstructure. We are dealing with the super structure where the Chief Minister is writing to the Governor, the Governor is writing to the Prime Minister and the Prime Minister is saying : 'what' While this is something basic connected with the very close character and the very system of the society, It appears that it is heading for a very bad end. I do not want to prolong my observations. Another point I would like to know is whether there is any warrant of arrest against Mr. Bhindranwale ? If it is, when are you going to execute it and if not, why not ? Provoking communal tension and making communal utterances is a crime according to the law of this land. So, if you are to face Punjab situation, face it courageously otherwise you say that you need courage. but you cannot play with the fire and ultimately indulge the whole country into fire.

MR. DEPUTY-SPEAKER : Now, the Minister will reply.

PROF. SAIFUDDIN SOZ (Baramulla) : Sir, I want to speak...*(Interruptions)*

MR. DEPUTY-SPEAKER : No, no, I am not permitting you. Please listen. We have got to complete it and go to the next item...*(Interruptions)*

PROF. SAIFUDDIN SOZ : I had made a request yesterday, I have made a request today...*(Interruptions)*

MR. DEPUTY-SPEAKER : No, I am sorry...

*(Interruptions)*

PROF. SAIFUDDIN SOZ : Could I know Sir *(Interruptions)*.

MR. DEPUTY-SPEAKER : I need not give you the reason. Now the Minister will reply.

*(Interruptions)*

THE MINISTER OF HOME AFFAIRS (SHRI P. C. SETHI) : Sir, as the House is aware the extremist and secessionist elements.....

*(Interruptions)*

MR. DEPUTY-SPEAKER : I am not permitting him. Some more names are also there. Please sit down...

*(Interruptions)*

PROF. MADHU DANDAVATE (Rajapur) : Sir, I am saying something else...

*(Interruptions)*

MR. DEPUTY-SPEAKER : Please do not advocate his cause, I am not permitting. I have told you I am not going to permit...

*(Interruptions)*

PROF. MADHU DANDAVATE : I am saying something else. I am making one suggestion to you.

MR. DEPUTY-SPEAKER : Yes, please come out with the suggestion

*(Interruptions)*

PROF. MADHU DANDAVATE : My suggestion is if you do not allow him to speak just now, after the Hon. Home Minister makes his reply, he should be allowed to see some clarifications, if necessary.

MR. DEPUTY-SPEAKER : I agree with that

*(Interruptions)*

SHRI RAJESH PILOT (Bharatpur) : How can you permit after the Home Minister's speech? This is Parliament or.....*(Interruptions)*

MR. DEPUTY-SPEAKER : He came out with a proposal that he must be given a chance and I have agreed to that...

*(Interruptions)*

SHRI SUNIL MAITRA (Calcutt North-East) : Three hours time was allotted for this debate. It is only two hours...

*(Interruptions)*

MR. DEPUTY-SPEAKER : The time is over. Mr. Maitra, you have got to cooperate otherwise we will not be able to go on the next item...

SHRI SUNIL MAITRA : This is not fair, Sir.

MR. DEPUTY-SPEAKER : That is all right. I have agreed to his proposal and that is all over. He has asked for some clarifications and I have agreed to that. Now the Minister will reply.

SHRI C.T. DHANDAPANI (Pollachi) : You have your own opinion.

SHRI SUNIL MAITRA : Sir, you have formulated the rules and now you from the Chair are violating the rules...*(Interruptions)*



MR. DEPUTY-SPEAKER : Mr. Maitra we have settled it now. I am sorry, you are wasting the time. He came out with a suggestion and I have agreed. I am not standing on prestige.

SHRI P.C. SETHI : Sir, as the House is aware the extremist and secessionist elements had been indulging in violent and illegal activities in Punjab and Chandigarh. Such elements killed not only marked policemen and Nirankaris but also innocent persons in public places and in trains, buses, etc. Militant leaders had been inciting their followers to take to terrorist methods and encouraging illegal activities. Series of incidents of killings, use of explosives at congregation and attacks on innocent people had generated serious sense of insecurity amongst the people. These events raised an apprehension of extensive disturbance of public peace and tranquility and commission of capital crime in Punjab and Chandigarh. They have been indulging in arson, murder, loot, dacoity etc. It has become necessary to adopt effective measures for the protection of the people in those areas. In order to enable the police forces and the armed forces to handle the situation effectively wherever such problems arise hereafter, it has been considered necessary to enact this legislation.

This is a very simple measure. It only seeks to protect the steps that police forces and armed forces might have to take in the disturbed areas. It is not possible over such areas to depute civil magistrates to accompany the armed forces wherever there may be trouble because it happens unexpectedly. They might intrude into any area and action has to be taken immediately. The Bills only say that in any areas which have been declared as disturbed areas by the Central Government/local government the police/armed forces may take steps in order to prevent the commission of offence or in order to arrest the offenders. No power is transferred from the executive authority. The magistrates are there; the police is there, all other activities which are usually in the hands of civil administration will even hereafter be in their hands. Even in cases where the arrests are made by armed forces, any person arrested and taken into custody has to be made over to the officer-in-charge of

nearest police station with the least possible delay together with the details of the circumstances occasioning the arrest. The police has to deal with the matter; the magistrate has to deal with the matter and there is hardly anything which calls for any sort of interference with the executive power of the State. While those powers have been taken, these will apply to such parts as have been declared disturbed areas after due consideration of the situation in that area. We have been compelled to undertake such a legislation because some of these elements did not take a reasonable view of things and they have been attacking innocent people. It is with a view to put an end to such wanton raids that these Bills have been framed; ordinances had to be issued because it became urgently imperative and immediately necessary. I can assure the House that we intend to use these powers with extreme caution and care with greatest discretion. I hope that Bills which have been framed to replace the ordinances will be adopted unanimously.

Sir, I wonder if the arguments advanced by the Hon. Members really call for any elaborate reply. We have to see what the Bill really provides for and what is its scope and what encroachment, if any, it makes on the Constitution or on the executive authority of the State. The Bill only says that in any area which has been declared as disturbed by the local Government, the army may take steps in order to prevent the commission of offences or in order to arrest the offenders. No power is transferred from the executive authority. The magistrates are there. The police is there. All other activities which are usually in the hands of the civil administration will, even hereafter, be in their hands.

If you kindly refer to clause (6) it says:

"Any person arrested and taken into custody under this Act and every property, arm, ammunition or explosive substance or any vehicle or vessel seized under this Act shall be made over to the officer-in-charge of the nearest police station with the least possible delay, together with a report of the circumstances occasioning the

arrest, or, as the case may be, occasioning the seizure of such property, arm, ammunition or explosive substance or any vehicle or vessel, as the case may be."

So that, the police has to deal with the matter, the magistrate has to deal with the matter and there is hardly anything which calls for any sort of interference with the executive power of the State. Before the army can act in this manner, it has to be empowered in a way by the State Government itself because unless it has declared that area as disturbed, no one can proceed under clause 6.

Under this clause, the armed forces can act in the areas which have been declared as disturbed by the Government of that particular area. They have been given powers to act in this manner, but they have to arrest these people wherever they can arrest them, and there are provisions in the Constitution as well as in the Code of Criminal Procedure under which minimum force has to be used. That governs every clause in every Bill that we may introduce here. So, these, persons have the authority to act only within the limits that have been prescribed generally in the Criminal Procedure Code or in the Constitution.

MR. DEPUTY-SPEAKER : Shri K. A. Rajan, Is he replying ? No.

PROF. MADHU DANDAVATE : Before that, the hon. Member, Shri Soz may be allowed to seek some clarifications from the Home Minister.

PROF. SAIFUDDIN SOZ : Before I seek a clarification, I want to make one point. I feel that all the three Bills constitute a revenge against Punjab. In one Bill, the Minister proposes that even a Havildar can kill anybody and in the other two Bills, he says that nobody can be prosecuted under any rule. So, all these three Bills constitute a revenge against Punjab. They want to fight violence with violence. It is the negation of Mahatma Gandhi's Philosophy of politics and it is in negation of Jawaharlal Nehru's task for negotiated settlement of disputes...  
(Interruptions)

श्री आचार्य भगवान देव (अजमेर) :  
उपाध्यक्ष महोदय, इनको गांधी दर्शन के संबंध में बात करने का कोई अधिकार नहीं है। ये काश्मीर में गुण्डागर्दी कर रहे हैं, लोगों पर गोलियाँ चला रहे हैं। गांधी दर्शन की बात करने का इन को कोई हक नहीं है—मुझे इस पर आपत्ति है.....

MR. DEPUTY-SPEAKER : Mr. Soz, you have made a speech ; that is all.

PROF. SAIFUDDIN SOZ : Yesterday, the hon. Members who spoke from that side Congress (I), brought in Jammu and Kashmir under discussion and Dr Farooq Abaullah under discussion...(Interruptions)

MR. DEPUTY-SPEAKER : Your colleague has already replied to that.

श्री आचार्य भगवान देव : इन्होंने गोलियाँ चलाई हैं, लोगों को मारा है। इनको अहिंसा की बात करने का कोई अधिकार नहीं है। मुझे आपत्ति है...

MR. DEPUTY-SPEAKER : What clarification do you want ?

PROF. SAIFUDDIN SOZ : I want to seek a clarification from the Home Minister...  
(Interruptions)

आचार्य भगवान देव : उपाध्यक्ष महोदय, इनकी गाड़ी पटड़ी से उतरती जा रही है। ये रूल के मुताबिक बात नहीं कर रहे हैं।

MR. DEPUTY-SPEAKER : It is for the Home Minister to reply.

PROF. SAIFUDDIN SOZ : The last speaker from that side, Mr. Ram Swarup Ram not only brought Jammu and Kashmir under discussion, he also brought Dr. Farooq Abdullah under discussion and, last of all, he said that the National Conference should be banned and Article 370 should be abrogated...  
(Interruptions)

आचार्य भगवान देव : उपाध्यक्ष महोदय जी, ये नये मुल्ला हैं, इन को मालूम ही नहीं है कि ये क्या चाहते हैं। इन को कोई हक नहीं है इस तरह की बात करने का। इन की गाड़ी पटड़ी से उतरती जा रही है।

PROF. SAIFUDDIN SOZ : To my mind, Dr. Farooq Abdullah has brought Jammu and Kashmir much more closer to India than anybody else...*(Interruptions)* I want to seek a clarification from the Home Minister. What is his idea about it ?

SHRI P.C. SETHI : There is no question of Dr. Farooq Abdullah bringing Jammu and Kashmir closer to India. Jammu and Kashmir is integral part of India. So far as the banning of the National Conference is concerned, whatever the hon. Member might have said, that is not the intention of the Government. Had it been so, we would have done it before the election.

MR. DEPUTY-SPEAKER : Mr. Kod-  
iyan. Is he replying ? No.

MR. Indrajit Gupta, you are not replying. Are you replying ? The Minister has already spoken.

SHRI INDRAJIT GUPTA : Did he say anything about the National Integration Council ?

MR. DEPUTY-SPEAKER : I cannot say that.

SHRI P.C. SETHI : I welcome that suggestion.

MR. DEPUTY-SPEAKER : I shall now put the statutory resolution moved by Shri K. A. Rajan to the vote of the House. The question is :

"This House disapproves of the Punjab Disturbed Areas Ordinance, 1983 (Ordinance No. 5 of 1983) promulgated by the President on the 7th October, 1983."

*The motion was negatived.*

MR. DEFUTY-SPEARER : I shall now put the statutory resolution moved by Shri P.K. Kodiyan to the vote of the House. The question is :

"This House disapproves of the Chandigarh Disturbed Areas Ordinance, 1983 (Ordinance No. 6 of 1983) promulgated by the President on the 7th October, 1983."

*The motion was negatived.*

MR. DEPUTY-SPEAKER : I shall now put the statutory resolution moved by Shri Indrajit Gupta to the vote of House. The question is :

"This House disapproves of the Armed Forces (Punjab and Chandigarh) Special Powers Ordinance, 1983 ordinance No. 9 of 1983) promulgated by the President on the 15th October, 1983."

*The motion was negatived.*

16 42 hrs

# PUNAB DISTURBED AREAS BILL.

MR. DEPUTY-SPEAKER : There is one amendment to the consideration motion by Shri Ramavatar Shastri. He is not present. The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st March, 1984," (1)

*Amendment No. 1 was negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Punjab, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SEPAKER : The question is :

"That Clauses 2 to 7 stand part of the Bill."

*The motion was adopted.*

Clause 1, 2 to 7 were added to the Bill.

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

SHRI P.C. SETHI : Sir, I beg to move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

16.44 hrs

# CHANDIGARH DISTURBED AREAS BILL

MR DEPUTY-SPEAKER : I shall now put the amendment moved by Shri Ramavtar Shastri to the vote of the House. The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st March 1984." (1)

*Amendment No. 1 was negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to make better provision for the suppression of disorder and for the restoration and maintenance of public order in disturbed areas in Chandigarh, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER : We shall now take up clause by clause consideration. The question is :

"That Clauses 2 to 7 stand part of the Bill."

*The motion was adopted.*

Clauses 2 to 7 were added to the Bill.

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

SHRI P.C. SETHI : Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

16.45 hrs

# ARMED FORCES (PUNJAB AND CHANDIGARH) SPECIAL POWERS BILL

MR. DEPUTY-SPEAKER : The next is Armed Forces (Punjab and Chandigarh) Special Powers Bill. I shall now put the Amendment moved by Shri Ramavtar Shastri to the vote of the House.

The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st March, 1984, (1)

*Amendment No. 1 was negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to enable certain special Powers to be conferred upon members of the armed forces in the disturbed areas in the State of Punjab and the Union Territory

of Chandigarh, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER : The question is :

"That Clauses 2 to 8 stand part of the Bill.

*The motion was adopted.*

Clauses 2 to 8 were added to the Bill

MR. DUTY-SPEAKER : The question is :

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

*The motion was adopted.*

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

SHRI P.C. SETHI: Sir, I beg to move :  
"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

16.47 hrs

# DISCUSSION ON THE NEED FOR ELECTORAL REFORMS WITH SPECIAL REFERENCE TO DEFLECTIONS

MR. DEPUTY-SPEAKER : Now the House will take up the discussion under rule 193. Shri B.V. Desai to raise a discussion on the need for electoral reforms with special reference to defections.

SHRI B.V. DESAI : (Raichur) : Mr. Deputy-speaker, Sir...

SHRI SATYASADHAN CHAKRABORTY (Calcutta South) : Since the Hon. Member is involved, can he take part in the discussion ? Because the charges are against him. I want your ruling, Sir.

AN HON. MEMBER : He is Mr. B.V. Desai and not Mr. Moily.

THE MINISTER OF PARLIAMENTARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGH) : The Hon Member has been so fair and frank that he himself brings up the matter before the House.

MR. DEPUTY-SPEAKER : Mr. Desai, you read out the subject.

SHRI B.V. DESAI : It is

"...to raise a discussion on the need for electoral reforms with special reference to defections."

This subject which is being discussed under rule 193 is very important from the point of view of success of democracy in our country. In India, after we attained independence in 1947, we based our elections on adult franchise and till today the same system has been going on. Actually for the success of democracy, electoral reforms do take place in any country which adopts democracy. I think, during the last 35 years several improvements in the electoral system have been adopted by India, and it is running fairly well.

Nonetheless, some of the reforms which are imperative are discussed very often by different Committees and as and when they are passed on some of them get enacted and changes are made.

In this connection I would like to refer to the electoral system here, to some of the basic tenets. In fact, for a democracy, three things are essential. One is a sovereign legislature, that is, Parliament, which is to be elected by adult franchise. The second is an independent judiciary which is very much existent in India. The third, which is the most important, is the Election Commission,