

The civil administration must be restored and the people must be allowed to exercise their fundamental rights. Today a number of black laws are operating in Kashmir, much more harshly than in the rest of the country. And the people ask: Do you consider us as Indian citizens, do you consider us as subject to Indian laws and Indian Constitution and Fundamental Rights? Do they not exist for us? We must convince them that they are a part of the Indian State and Indian State is a benign State, is a welfare State, is a democratic State, is a peaceful State and is a secular State. We have got to convince them on that.

We should try to revive the economy. Kashmir is suffering today. Its economy has absolutely gone to pieces. People are in a state of increasing deprivation and that we must try to secure them.

Finally, we must start talking. Home Minister would immediately retaliate by saying, "with whom?" The first question is, what are we prepared to talk on? We are not prepared to talk on recession. But we should be prepared to talk on the limits of autonomy for them. Let us have a master plan, let us have a strategic vision in which, as I said, our sovereignty remains unnegotiable but the constitutional terms for the continuance of Kashmir as a part of the country can be negotiated. And, therefore, he should talk first to the non-political intelligentsia. He should talk to the political leaders whom he kept in prison and finally, if necessary, he should also talk to the militants, to the man with the gun, because he is there and we have to understand the man with the gun, in order to bring him back to the ways of peace.

MR. DEPUTY SPEAKER: Shri Lokanath Choudhury to speak now. Before that the Hon. Railway Minister will make a statement.

STATEMENT BY MINISTER

17.20 hrs.

Re: Supplementaries raised in reply to starred question No. 1 Re: Re-instatement of Railway Employees

[English]

THE MINISTER OF RAILWAYS (SHRI C.K. JAFFER SHARIEF): Sir, as directed by Hon'ble Speaker on 25.02.1992, I have personally gone into the records available in the Ministry of Railways. I find that the issues which had agitated the Hon'ble Members yesterday have already been covered by my Hon'ble predecessor Shri Janeshwar Mishra in Lok Sabha on 11.03.1991.

I quote from his statement as under:-

[Translation]

"I may, however, inform the Hon. Members about the decision taken by the previous Government in this regard. Shri George Fernandes had taken a decision to reinstate these dismissed employees and the draft proposal was placed before the Cabinet. The Cabinet had also given its approval. But in the meantime, BJP withdraw support to the Government, therefore, the President said that the then Cabinet had no power to take such a decision and hence order may be rescinded and the order was rescinded during the regime of the V.P. Singh Government".

This was a statement made by Shri Janeshwar Mishra which is on record. He made this statement on the floor of the House. I am just quoting him.

[English]

The records confirm that the above Statement is based on facts.

Whatever my colleague, Shri Mallickarjun, had stated in the House is in confor-

[Sh. C.K. Jaffer Sharief]

mity with the records. This is based on facts.
(*Interruptions*)

SHRI CHANDRA JEET YADAV (Azamgarh): No, it is not correct. Please do not make another wrong statement. He never mentioned about Rashtrapathiji's direction.
(*Interruptions*)

SHRI ANIL BASU (Arambagh): Sir, either Shri Mallikarjun should correct his statement or he should apologise to the House.
(*Interruptions*)

SHRI C.K. JAFFER SHARIEF: Kindly bear with me.
(*Interruptions*)

MR. DEPUTY SPEAKER: Please get back to your seats. You may ask whatever clarifications you want to ask

(*Interruptions*)

MR. DEPUTY SPEAKER: My appeal to all the Hon. Members is to kindly resume their seats.

(*Interruptions*)

SHRI C.K. JAFFER SHARIEF: Please let me complete.

(*Interruptions*)

MR. DEPUTY SPEAKER: If all the Members talk together, nothing can go on the record.

(*Interruptions*)

SHRI C.K. JAFFER SHARIEF: Please let me complete.

MR. DEPUTY SPEAKER: Please resume your seats. You can ask any clarification.

(*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): You should also make a state-

ment on why you have not re-employed them.
(*Interruptions*)

MR. DEPUTY SPEAKER: May I request the Hon. Members to resume their seats. Whenever the Chair is on his legs, all the Hon. Members are required to take their seats. This is the well established practice. We are being very much agitated unnecessarily. There is a norm in the House and we shall have to follow it. If at all you need any clarification, one by one can get up and ask the clarification. If all the Members were to talk together, how can the reporters take the proceedings? It creates a lot of confusion. It throws the House to disorder. I think none of us is prepared to share these views.

SHRI C.K. JAFFER SHARIEF: Let me submit with all humility to the Hon. Members of the House that we have no less respect to my friend Shri Vishwanath Pratap Singh who is the former Prime Minister of this country. There is no intention of denigrating anybody or put the blame on anyone. I must say in all fairness, whatever Shri V.P. Singh has done is also in accordance with the propriety of the Constitution. When a Government is voted out, when some advice comes, what he had to do in obligation to his responsibilities, he had done it. There is no question of attributing any motives to anyone. Whatever my earlier colleague Hon. Shri Janeshwar Mishra, as the Railway Minister had said, the same thing verbatim which is also on record, I have repeated. Nothing else. So there is no need for anybody to unnecessarily get exercised over it. This is a statement of fact.

SHRI ANIL BASU: What Shri Mallikarjun said yesterday was objectionable.

SHRI C.K. JAFFER SHARIEF: I have already told that it is not international. Even what he said is virtually there on record already. He just repeated it. So let us forget it and let us not get exercised over it.

[*Translation*]

SHRI RAM VILAS PASWAN (Rosera): Mr. Deputy Speaker, Sir, you please see the ruling given by the Speaker, yesterday. He

had only referred to the statement made by Shri Mallikarjun yesterday.....(*Interruptions*)

[*English*]

SHRIMATI BASAVA RAJESWARI (Bellary): There is no provision to allow a discussion after a Minister has made his statement.

SHRI MANI SHANKAR AIYAR (Maihaturani): As far as I understand the rules of procedure, in the Lok Sabha after a statement is made by a Minister, there is no provision for a discussion. There is such a provision in the Rajya Sabha. But there is no such provision in the Lok Sabha. We would therefore request you to please observe the rules of procedure.

SHRI ANIL BASU: He is referring to the ruling of the Speaker.

MR. DEPUTY SPEAKER: This is not a *suo motu* statement made by the Hon. Minister. This arises out of a question already put.

SHRI RAM VILAS PASWAN: Yes, you are right.

SHRI MANI SHANKAR AIYAR: It is separately notified that there will be a half-an-hour discussion arising out of an answer given to a question in the House. But there is no provision in our rules of procedure for you to permit Shri Ram Vilas Paswan or anyone else to initiate a discussion.

MR. DEPUTY SPEAKER: For your knowledge I may read:

"Statement to be made by the Minister of Railways in the Lok Sabha on 26.02.1992 in connection with the supplementaries raised in reply to Starred Question No. 1 answered on 25.02.1992, regarding re-instatement of Railway Employees."

SHRI MANI SHANKAR AIYAR: It does

not say that there will be a discussion arising out of the answer.

SHRI NIRMAL KANTI CHATTERJEE: In the Rules Committee we have discussed it and the Chair has been given the power.(*Interruptions*)

[*Translation*]

SHRI RAM VILAS PASWAN: Mr. Deputy Speaker, Sir, the issue over which Hon. Minister yesterday.....(*Interruptions*)

SHRI PETER G. MARBANIANG (Shilong): If they want a discussion, they can ask for a half-an-hour discussion.

SHRI RAM VILAS PASWAN: This is not the first time that the Chair has allowed a Member to seek clarifications.

MR. DEPUTY SPEAKER: There is a lot of difference between a *suo motu* statement and a statement arising out of a question. Where sufficient information is not forthcoming, under such circumstances a statement is made. On a policy, suppose if the Hon. Minister wants to make a statement on a particular incident or an accident or any other thing, under such circumstances no supplementaries could be put. It is an established principle.

(*Interruptions*)

SHRI PETER G. MARBANIANG: This question was brought today because of the ruling of the Speaker.(*Interruptions*)

MR. DEPUTY SPEAKER: Let us hear the points of order one by one.

.....(*Interruptions*).....

SHRI RAM KAPSE (Thane): Sir, my point of order is this. You have given a ruling; the Members cannot discuss your ruling, and they cannot comment on the ruling. Now you have allowed Shri Paswan to speak and please continue with this..... (*Interruptions*).....

SHRI P.M.SAYEED (Lakshadweep): Mr. Deputy Speaker, with due respect to your ruling, I would say that there has never been any convention established in this House to differentiate a *suo-motu* statement and otherwise. Any statement made on the floor of this House is not to be followed by a discussion or clarification, of course, that is left to you. But, so far, there was no differentiation between a *suo-motu* statement and otherwise.

.....(Interruptions).....

SHRI MUKUL BALKRISHNA WASNIK(Buldana): Yesterday also, a ruling was given in the case of the Finance Minister, when it was said that this is for the first time it is being allowed and it will not be repeated again.(Interruptions).....

AN HON. MEMBER: I am on a point of order.

MR. DEPUTY SPEAKER: We will hear every one.

.....(Interruptions).....

SHRI MUKUL BALKRISHNA WASNIK : Sir, yesterday also you said the same thing when the Finance Minister had to make a statement. That was not a *suo-motu* statement, but that was a statement which was directed by the Chair. At that time, it was made clear that this should not be a precedent; this is a different situation altogether; and this is for the first time where such a discussion is being allowed.(Interruptions).....for the second day again, similar type of discussion is being allowed.....(Interruptions).....

SHRI A. CHARLES (Trivandrum): Sir, you have just now observed that the statement was made on the basis of an answer to a supplementary question.

SOME HON.MEMBERS: No.....(Interruptions).....

SHRI A. CHARLES: Let me complete.

In this case, only a half an hour discussion can be allowed, if at all a discussion is necessary. I want your ruling on this, Sir.....(Interruptions).....

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Mr. Deputy Speaker, Sir, you have rightly said that there can be two types of statements. One is a statement made by the Minister on a matter of policy. It is well accepted by all that as a matter of convention in this House, we do not ask for clarifications like what we do in the other House, the Rajya Sabha. Under the rules, the other statement is a statement made under Direction 115, which deals with procedure for pointing out a mistake or inaccuracy; and on that basis, a statement is made. This is also not a statement which comes under Direction 115, for the simple reason that no notice has been given by a Member to the Speaker, pointing out that this is a mistake or inaccuracy, on the basis of which this is being done. This is really to be treated on par with the statement which is *suo-motu*.....(Interruptions).....There are only two types of statements possible.(Interruptions)..... May I have my say? Would you allow me to say?(Interruptions).....

MR. DEPUTY SPEAKER: Let us hear the Minister fully. Why are you so much agitated? If you feel that the hon. Minister is misleading this House, when you get the chance, you can rebut it and say that he is misleading the House.

.....(Interruptions).....

SHRI RAM VILAS PASWAN: I am on a point of order.

SHRI RANGARAJAN KUMARAMANGALAM: I have not yielded. There must be some understanding between all of us.

Sir, since it does not fall under the

Direction 115, where it should be pointed out by a notice particularly, that this is a mistake that has been made or, an inaccuracy in the statement which has to be amended, it should not be allowed by that method. Here, the Speaker, after speaking to all the leaders and after speaking to the hon. Minister felt that a statement would settle the matter. So, a Statement has been made. Under the existing rules, how would you treat this statement? The question is this: Are you going to treat this as a statement under Direction 115? Even if it is a statement under Direction 115, the rules do not provide for clarifications. Let me make that clear. I am not saying that you do not have the discretion. You may have any discretion. But even under 115 of the directions, the procedure for asking clarifications is not laid out, if I may clarify.

With regard to *suo motu* statement or a statement made by the Minister on a policy, it does not necessarily have to be *suo motu*. If a statement is made even on direction or on request, it still amounts to be statement by the Minister. The method of clarification does not exist. Still I do believe that the honourable Member wants to point out to what the Speaker's direction was yesterday. And that I do not think is a clarification. I do not think there is any bar for him to point out that. But we should not have a discussion on it.

SHRIRAM VILAS PASWAN: I only want to draw your attention to Speaker's ruling.

[Translation]

Mr. Deputy Speaker, Sir, you please see ruling given by the Speaker yesterday. Mr. Speaker observed yesterday that whatever has been said against Shri V.P. Singh does not seem to be correct. He further said that the hon. Minister should make enquiry into it and then give statement as per the contents of the file. This was Mr. Speaker's ruling. If he still wishes to state something in this regard he is welcome to do so. But he should not have a discussion on it.

I referred to it because you are in the chair at present and speaker's ruling is in

question. He referred to the statement made by Mr. Janeshwar Mishra and did not say anything regarding the statement made by Shri Mallikarjun. According to him the National Front Government decided on 6.11.90 to rescind it he observed that —

[English]

"The then Prime Minister, Shri V.P. Singh, has done this—not the Government, not any other Government, including Shri Chandra Shekhar's Government. It was rescinded by the same Cabinet which had taken the decision."

[Translation]

My only submission is that he had stated that the decision in question was taken on 6th of November and the Government fell on seventh November. Then the case was sent to President's House for decision. The President observed that the particular decision was taken by the Government just before bowing out of the office. Government had no right to take a decision on this issue so he rejected the case. Many cases have been rejected in the same manner. These included SC/ST issue, minority Commission's issue and many other issues? If Mr. Chavan is appointed Prime Minister tomorrow or Narshima Rao Government goes in minority and President gives the same ruling that Government took decision when it was about to exit, therefore, these decisions are not acceptable then would Shri Narashima Rao assert and say no he was a care taker Prime Minister and he took the decision in that capacity? Would he issue orders against the orders of President?

17.39 hrs.

(MR. SPEAKER *In the Chair*)

.....(Interruptions).....

Mr. Speaker, I was reading the ruling given by you. There is not weight in his statement. he has read out the statement. you had told the chair yesterday as to when

[Sh. Ram Vilas Paswan]

the decision was sent to you by President's Secretariat and when the order was issued by Shri V.P.Singh Government. Despite all this if it comes from President, you cannot implement it—

[English]

How is Mr V.P.Singh responsible for that?

[Translation]

So the issue raised yesterday hurted our feelings. It hurted the feelings of Shri V.P. Singh. It was all done intentionally.

MR.SPEAKER: We are all understanding your point, so please be brief.

SHRI RAM VILAS PASWAN: I am only referring to the fact that Shri Mallikarjun had stated again and again yesterday that Mr. V.P.Singh had not done it deliberately.

MR.SPEAKER: We have understood your point, so you should finish it.

SHRI RAM VILAS PASWAN: Still he has not uttered anything. Shri Jaffer Sharif has not said anything I would like to submit that the hon.Minister should apologise for making allegations against us yesterday. He should express regrets for it.....(Interruptions).....

MR.SPEAKER: When this discussion was held yesterday it seemed that the details of the incident had not been received.

It seemed that the former Prime Minister had done that special circumstances. Otherwise he could not do all this intentionally. When someone feels hurt, you also feel hurt.

[English]

and you are sorry for it..... (Interruptions).....

SHRI C.K.JAFFER SHARIEF: Sir, before you occupied the Chair, I had already said that nothing is intentional and it is not to hurt anybody's feeling and it is not disrespecting Mr. V.P. Singh. Sir, this is unfortunate. Mr. Ram Vilas Paswan is a new found friend of Mr. Vishwanath whereas Vishwanathji has been our old friend.

[Translation]

You are not his only friend. We also respect him. Why are you so much worried? We should leave all these things as these are not going to benefit anybody. We had not done anything of this sort, intentionally and against anybody and whatever has been said was a constitutional propriety. Whatever he had done we have brought to your knowledge what else we can say?

[English]

SHRI ANIL BASU: No, Sir.(Interruptions).....

MR.SPEAKER: Please sit down.

.....(Interruptions).....

MR. SPEAKER: I have heard what you have said. I was hearing every word of yours. But yesterday, when the statement was made, it was not very clear and it was appearing that this had not happened and Mr. V.P. Singh was responsible. Are you not sorry for it?

SHRI C.K.JAFFER SHARIEF: We have repeatedly made it clear that we are not at all putting any blame on Mr. V.P. Singh.

MR. SPEAKER: But are you not sorry for giving this kind of impression?

.....(Interruptions).....

SHRI CHANDRA JEET YADAV: Sir, there is scope to correct the statement. He should utilise that scope..... (Interruptions).....

MR. SPEAKER: If you swear the statement made yesterday..

.....(Interruptions).....

SHRI C.K.JAFFER SHARIEF: I cannot dispute what is on record. Facts are facts.

MR. SPEAKER: Now, why don't you explain it? Yesterday, you did not explain it.

.....(Interruptions).....

SHRI CHANDRA JEET YADAV: He concealed the facts yesterday and had put the blame on Mr. V.P. Singh..... (Interruptions)..... Mr. Speaker Sir, you made your observation yesterday. How can we just take it like that?..... (Interruptions).....

MR. SPEAKER: Mr. Mallikarjun, you hear me first. Then you can speak. Now, you had made a statement which is factually not incorrect. But then, if you had given some more information, a little more elaborately, then probably, this kind of an impression would not have been created. Nobody is blaming you.

.....(Interruptions).....

MR. SPEAKER: If the impression has gone that he and he alone is responsible, not because of the situation, then would you not feel sorry for it?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MALLIKARJUN): Kindly bear with me, Sir. There is plenty of time.

I am answering to a question posed to me. While answering to a question, Members expect to elicit information from me. So, I am replying to a question which was posed to me by an hon. Member as to which Government had rescinded it. At that time, because of the surcharged situation, I might not have expressed myself properly. What I had told was that on 6.11.90 there was a Cabinet decision taken and the Cabinet decision was taken to reinstate them. However, there

was a Confidence Motion on the 7th. In fact, I am not supposed to make any reference to the President.

MR. SPEAKER: You can speak on constitutional provision. You are right in not referring to him.

SHRI MALLIKARJUN: When the constitutional provision came into the picture, a communication came from the Rashtrapati Bhawan that such a decision should be rescinded.

MR. SPEAKER: I know it. You were very careful.

SHRI MALLIKARJUN: In that context, I had told that it was the National Front Government which was still functioning then because the motion on vote of confidence came up only on the 7th..... (Interruptions).....

Kindly bear with me. 7th was the vote of confidence day. A Communication came from the Rashtrapati Bhavan and under the Constitution, the National Front Government was still functioning. Till it was voted out, it was the Government. If in between this had happened, I had to inform the facts. That is how I had given the reply. It was not my intention to attribute any ulterior motive to anyone. That is why I have referred to no other Government, not even the Government headed by Shri Chandra Shekhar, which had rescinded the decision, because as per the Constitutional obligation. It had to be done and it had been done.

MR. SPEAKER: You are right. Supposing, you explained all these things yesterday, this situation would not have arisen.

SHRI MALLIKARJUN: How could I explain Sir? Kindly tell me. How could explain it yesterday, when they were all shouting. Had they allowed me to speak, I would have explained. I had to refer even to the President. Why should I have to refer to the President of our Republic?

MR. SPEAKER: You don't have to! You have to refer to the Constitution. You have to mention that it was done as per the Constitutional provision.

SHRI MALLIKARJUN: That is what I had said. As explained by my senior colleague, it was done as per the constitutional propriety. But all that had happened on the 7th itself...

MR. SPEAKER: So what? Don't you feel that it is necessary for you to express regret?

SHRI MALLIKARJUN: At least in this august House, I do not have to apologise and nor have I to feel sorry when I have placed facts of reality before the House.....(Interruptions).....

17.47 hrs. (At this stage Shri Anil Basu and some other Hon. Members came and stood on the floor near the Table.)

MR. SPEAKER: Please go back to your seats.

.....(Interruptions)*.....

MR. SPEAKER: First you go back to your seats and taken speak.

(At this stage Shri Anil Basu and other Hon. Members went back to their seats.)

*Not recorded.

SHRI RAM KAPSE: I am on a point of order.

MR. SPEAKER: What is it?

.....(Interruptions).....

MR. SPEAKER: I am giving one more chance to the Railway Minister to make amends. Otherwise, I am going to speak up.

SHRI M. MALLIKARJUN: Sir, you need

not give me any warning. You may refer the matter to the Privileges Committee.....(Interruptions).....

MR. SPEAKER: I am still giving an opportunity to the Railway Minister.

.....(Interruptions).....

SHRI MALIKARJUN; Why should I apologise when I have not committed any mistake? I am a Member of this august House. You may refer the matter to the Privileges Committee. MR. SPEAKER: I can decide the privileges matters in the House itself. You should know it.

.....(Interruptions).....

SHRI CHANDRA JEET YADAV: Sir, a Minister cannot say this. The Speaker has tried his best to find a solution.

MR. SPEAKER: well, gentlemen, we always care for each others feelings.

.....(Interruptions).....

MR. SPEAKER: Shri Jaffer Sharief is on his legs. I am not allowing others.

SHRI C.K. JAFFER SHARIEF: I am extremely sorry. The problem is that a non-issue has been made as an issue.....(Interruptions).....

SHRI C.K. JAFFER SHARIEF: Please bear with me. This is not the way. This is unfair. They do not give others a chance to complete.

MR. SPEAKER: Let him complete.

.....(Interruptions).....

SHRI C.K. JAFFER SHARIEF: Sir, you have sincerely felt that there is something wrong. I have made it very clear that it is not intentional and not wilful. We have respect for Shri V.P.Singh. What he did was in

accordance with the propriety of the Constitution. There is no intention of attributing any motive to anyone. If it has hurt any body, I must feel sorry about it.

MR. SPEAKER: Now, this should end the matter. There should be nothing more on this. The debate should continue.

.....(Interruptions).....

SHRI NIRMAL KANTI CHATTERJEE: Yesterday he said that the employees will not be reinstated. On the basis of this decision.

.....(Interruptions).....

MR. SPEAKER: I am not allowing you, this is not going on record.

.....(Interruptions)*.....

MR. SPEAKER: Yes, Shri Loknath Choudhary,

.....(Interruptions).....

MR. SPEAKER: You must help me. Everybody should not do like this.

17.54 hrs.

STATEMENT BY MINISTER

Statutory Resolution Re:continuance of Proclamation in Respect of Jammu and Kashmir—Contd.

SHRI LOKNATH CHOUDHRY (KJagatsinghpur): Mr. Speaker, Sir, the hon. Home Minister has moved a motion to extend the President's Rule in the State of Jammu and Kashmir. Many Members who have spoken before me have said that Kashmir is a beautiful State; Kashmir is a Swarg and that Kashmir is a part of the India's heritage and culture. I would like to say that

Kashmir is a symbol of our secularism, because when partition took place, when power was handed over to India, when Pakistan attacked Kashmir—Kashmir was a State ruled by Raja Hari Singh and Indian army had no access to it, it is the people of Kashmir who defended Kashmir against Pakistan.

So, Sir, our friends on the other side should recollect that when the majority of the people of Kashmir were fighting, the Praja Parishad the previous incarnation of Jan Sangh, now it is B.J.P. was saying that Jammu will come to India, Ladakh will come to India but Kashmir will go to Pakistan. So, it is the people of Kashmir who had defended it. That is why, now, everybody agrees that the situation has become so bad that the President's rule has been imposed and militancy is taking place. My point is, why such a state of affairs arose? Why were the people of Kashmir attacked earlier? Why the youth of Kashmir who had earlier fought and sought to remain in India were alienated?

The time has come when every political party who are talking of integrity, unity of India, and *ekta* of India should make a search of their heart and say how they have contributed. The alienation of Kashmir started with our Congress friends, in the manner in which they have behaved. The matter became still worse when Shri Jagmohan became the Governor there. The same Shri Jagmohan, who was the Governor of Kashmir; who divided the National Conference, the only democratic organisation and the Congress people were also party to it, became again the Governor of Kashmir. Who were supporting it? When the alienation was taking place, we were fighting here in this House that Shri Jagmohan should be recalled. My friend Shri Charles, has forgotten this.

Then comes the question of *Ekta Yatra*. Today, the Home Minister has stated that the militancy is going down. When something is developing in the right direction, then, there can be *Ekta Yatra*. This was done for abrogat-