

During the course of investigation in the case, SIT (CBI) cited V. Prabhakaran and Pottu Omman as accused. They were absconding. Hence, on 31.1.92, the prosecution applied for and obtained an order from the Designated Court which proclaimed Prabhakaran and Pottu Omman as absconders and also issued non-bailable warrants of arrest the two accused.

At the instance of SIT (CBI), on 27.12.93, Interpol circulated to all member countries a Diffusion notice against V. Prabhakaran and Pottu Omman. In April 1994, at the instance of SIT (CB), Interpol also circulated a Red Corner Notice to all member countries against the two accused. Both notices specifically mentioned that the extradition of the accused will be requested. In response, the authorities in Sri Lanka informed SIT (CBI) that the absconding accused were in Jaffna where there was no civil administration and no inquiries could be conducted.

Twenty-six accused are being tried in CC 3/92. The case against the other three accused, V. Prabhakaran, Pottu Omman and Akila, being absconding accused, has been split up and numbered as CC 11/92. Witnesses have been examined and documents have been marked in CC 11/92.

After a careful review of the legal position, the stage of the trial in CC 3/92 and the materials brought on record in CC 11/92, Government have concluded that it would be appropriate to invoke the applicable laws of India and Sri Lanka and ask, once again, for the arrest and for the extradition of V. Prabhakaran and Pottu Omman, as well as Akila. Hence, SIT (CBI) was advised to apply for and obtain fresh warrants of arrest against the three accused. On 29.5.95, the Designated Court has granted fresh non-bailable warrants of arrest against the said three accused for their apprehension and extradition to India. The Court has also permitted SIT (CBI) to transmit to the Government of Sri Lanka for the documents required for the purpose of extradition.

The Government have decided to send three requisitions to the Government of Sri Lanka for the extradition of the three accused. These requisitions have been sent this morning through a Special Messenger.

**STATUTORY RESOLUTION RE: APPROVAL OF
CONTINUANCE IN FORCE OF THE PROCLA-
MATION IN RESPECT OF JAMMU AND
KASHMIR — Contd.**

MR. DEPUTY SPEAKER : Now we shall resume the Statutory Resolution regarding approval of continuance of the Proclamation in respect of Jammu and Kashmir.

Now I call Shri Inderjit to speak.

SHRI INDERJIT (DARJEELING) : Mr. Deputy Speaker, Sir, I am grateful to you for giving me a chance to participate in this debate. Sir, I shall try to be very brief and express some of my concerns in the very limited time available to

Sir, I welcome the Government's decision to go ahead and try and hold elections in Kashmir as early as possible. But, in this context I would like to strike a note of caution. We have been talking in terms of a 'low poll' or 'no poll'. But, Sir, if we go in for a poll, there are two possibilities. We may have a 'low poll' or 'no poll' at all. There could be a total boycott, as pointed out by my namesake also. This is something we have to be concerned about. And I do not think that we should go ahead with our elections in Kashmir unless we are able to ensure that there will be some poll at last. A 'no poll', Sir, would send out a very dangerous signal. It would have dangerous implications and this is something we must guard against.

So, my first point is that 'no poll' is something to be avoided and we should ensure that there would be at least a 'low poll' is something to be avoided and we should ensure that there would be at least a 'low poll'. I think till we are able to do that, we should not think in terms of holding elections. Sir, this is most necessary against the background of the decision of almost all the parties in the Valley to boycott the poll. As pointed out by my friend, Shri Indrajit Gupta, earlier, in Assam there was a boycott. But the situation was qualitatively different. Assam is not Kashmir and we cannot afford to take this chance. I feel this is something which we must bear in mind.

Sir, the second question, which I would like to address to myself very briefly is the question of the so-called migrants. I think it is a matter of great shame that we have refugees and displaced persons within our own free India. And, I think, it is even a greater shame that we have chosen to call them migrants. I do not think that they chose to become migrants on their own. They were forced to leave. They are displaced persons and to the extent we call them migrants, I think, we are dishonestly trying to disown responsibility for what has happened.

In my view, we must also provide adequate opportunity for all these people who were forced to leave the Valley to be able to exercise their franchise. We have two alternatives. One is to go in for the postal ballot, which I think is the least we can do. The other alternative — personally I would welcome this other alternative — is that we could take groups of these people even with all the required security into Kashmir to cast their votes. I would like to see one basic point asserted that Kashmir belongs as much to the Kashmiri Pandits as to those who have chosen to stay on. Actually it is not just the Kashmiri Pandits but there are a large number of Kashmiri Muslims too who have come out. Therefore, I think, we could, perhaps, make this offer to such of the people as are listed in the electoral lists in the State of Jammu and Kashmir and are willing to go back to Jammu and Kashmir under security protection for a few days or for a week. It is a signal which I would like to send across the world at large that these people also have a claim on Kashmir.

Sir, having said this, I would like to deal with one other aspect — since I said I shall be very very brief — and that aspect is the question of autonomy. There is a great deal of talk about autonomy and I venture to submit

to this House on a basic fact of life. We have reached the present tragic pass in Kashmir because New Delhi gave total functional autonomy to Srinagar beginning with Sheikh Abdullah and subsequently to Dr. Farooq Abdullah. They keep on talking about autonomy. But the present situation in Kashmir has arisen because, as I said — I am repeating this point again for good reasons — we gave successive Governments of Kashmir total functional autonomy. No questions were ever asked. I do wish in retrospect that questions had been asked. Then in that case, we would not have had a situation wherein a chosen few decided to do whatever they wanted with all the crores and crores of money which was pumped into the State. I think when we talk in terms of autonomy, we should be very careful. The Prime Minister is reported to have talked in terms of 'something short of Azadi' and I hope this point will get clarified and this point could be the beginning of a discussion with the militants and so on.

But there is one other aspect of autonomy which I would like the Government to bear in mind and it is this. The people in the North-East, the troubled North-East, are watching the developments in Kashmir very carefully. I know this for a fact as I was in Nagaland a few months ago. Everyone is keen to know what kind of autonomy is going to be given to Kashmir as they will be making the same kind of a demand for the North-East, whether it is Nagaland, whether it is Mizoram or some of the other States. So, when we choose or when we draw up a formula for autonomy we must bear in mind that whatever formula is offered to Kashmir would have to be offered, perhaps, also to the North-East. I know one can argue that there is a qualitative difference between the North-East. I know one can argue that there is a qualitative difference between the North-East and Kashmir. But we also have to remember the ground realities, especially in Nagaland.

The next point which I would like to make is in terms of the political process. I would like to see the political process seriously taken up. I am not sure that enough has been done to get the political process moving and in this context, in my opinion, we should be prepared to talk to everybody without any preconditions. I venture to make this submission on the basis of my own experience in Darjeeling. I know, for example, at one stage, Shri Subash Ghose had been labelled as totally anti-national. The State Government was totally opposed to anyone having any talk with him. But fortunately when I discussed the matter with the then Prime Minister, Shri Rajiv Gandhi, he said, 'No, he is not so and we must go ahead and talk to him'. And because we were able to talk to him, we were able to make things clear to him that there was no question of independence at all.

I do remember at one stage when he was pressing for independence, I said, 'I would like to take you along to Alzwal' and he, in turn, said: 'What for?' I said: 'I would like to introduce you to some one called Laldenga, who wasted 25 years of his youth fighting for independence, which he would never be allowed to achieve'.

Therefore, I think we should be prepared, if we are serious about the democratic process, the political process, to speak to everybody, whoever is willing to come and talk to us. Let us find out what they have to say. And once they have spoken, we could make things very clear to them that even as we see and understand their aspirations, this is the LAKSHMAN REKHA and we shall not go beyond it. Whatever solution has to be found, has to be found within the framework of the Indian Constitution.

On that point I am quite clear. So, we should try and talk to these militants and I think if a serious effort, a sincere and patient effort is made — I am confident of that — we can perhaps persuade some of these militants to see the reality of the situation, understand what is possible and what is not possible. Perhaps we could then get them to join our efforts at promoting a political process and get them to participate in the elections.

I have only one other point to make because I promised some of my friends that I shall not speak for more than two to three minutes. Perhaps, I have taken longer. The last point I would like to mention is that we are needlessly on the defensive in regard to Kashmir. I think the time has come when we should stop being on the defensive. The truth is on our side, the facts are on our side, yet when we go on the defensive, we only create problems for ourselves.

So, to conclude, I would say that let us be clear that Kashmir is an integral part of our country. Let us make it clear to the militants that under no circumstance are we going to allow any talk or any effort or any move towards independence. But we are willing to be fair. We are willing to give them a deal which they deserve. Unless this is done, I am afraid, Kashmir will continue to be a serious problem for this country and it will continue enable various international powers to try and fish in our troubled waters.

[Translation]

SHRI DEVENDRA PRASAD YADAV (Jhanjharpur) :
Mr. Speaker, Sir, although we support the Resolution moved by the Government to extend President's Rule in Jammu and Kashmir by 6 months w.e.f. July 17, as the same has been brought in extraordinary circumstances but this is not the solution to the Kashmir problem. It can be solved by strengthening and restoring the political process in Kashmir. The Home Minister hopes that there would be improvement in the situations and the extension has been sought as an interim measure. But the steps proposed to be taken for the purpose have not been spelled out. A delegation of M.Ps including veteran parliamentarians, Shri Indrajit Gupta and Shri Saifuddin Choudhary, had visited Charar-e-Sharif and we as members of that delegation, had felt that no positive steps had been taken in Kashmir to restore the democratic process there. The power that be in Kashmir are all the time surrounded by the Army Jawans and are totally alienated from the people. Our strategy there must keep in the sentiments and wishes of the people of Kashmir.

We visited the Charar-e-Shrief shrine after it was burnt down by the militants. People in thousands thronged the place. Some of them were shouting anti-Indian slogans but we got a chance to meet the people and acquaint ourselves with the ground realities. It was evident that vicious propaganda is being made against our country in Kashmir but our Government is not making any contacts with the people to counter the propaganda. The gulf between the people and the Government is quite evident there. The Government has not taken any initiative to solve the problems of unemployment among the youth, shortage of teachers in the schools, need to build roads and bridges.

The shrine which was burnt down was the dargah of Sufi Sant Nuruddin Noorani alias Nund Rishi. It symbolised national unity, secularism and Hindu-Muslim harmony. It was set ablaze by the terrorists. They are all outsiders and take shelter in religious places and then destroy them. Whenever Government is asked about the incident, it explains it away as the misdeed of some foreign hand. The foreign hand is so powerful that it creates disturbances in our country, misguides the youth and then slips back into its own territory. Our hand remains a helpless spectator. This problem is assuming alarming proportions. The reason is that the Government is not taking any concrete measures to solve the basic problems afflicting the valley. This is the reason behind the success of the foreign hand whether it is Mast Gul or some other militant outfit.

This Government has the knack of fighting a losing battle. In Charar-e-Sharief, it was adoption of wrong strategy. When over they are asked the reason of their failure, their reply in nutshell is that it was a slip-up. In Ayodhya it was breach of faith, in Golden Temple, it was failure of intelligence and in Hazratbal timely action was not taken. This Government always fails because of its indecisiveness and hesitation. Had it shown firmness in handling such problems, it would never have faced failure.

I would also like to refer to the tour of the M.Ps delegation. When we met the Governor, he addressed us as if he were the headmaster in a classroom. In his one hour speech, he spoke only on the Kashmir budget. I will not go into the details as the State Minister, Shri Sayeed is fully aware of the facts. We actually wanted to know the measures proposed to be taken in the alter with the Charare-e-Sharief. In this context, he informed us that 75 per cent of the budget is spent to meet the expenditure on compensation, salaries and fighting militancy, and 25 per cent is spent on the development of Kashmir. Kashmir is already a victim of regional imbalance and it can very well be guessed the development which is likely to take place in 25 percent. This slow pace of development is the sole cause of the present imbroglio. Besides, the Governor was very emphatic in his assertion that State administration is fully geared to hold elections in the State and that this is the right time to hold elections. He further added that if the elections are postponed, the situation may worsen leading to greater foreign interference.

The Governor had kept the centre in dark in respect of the ground realities in Kashmir. The Centre announced election on the basis of the Governor's report. But when the Chief Election Commissioner gave a contradictory report, the centre had to change its decisions. Then what is the role of the Governor there? His insensitive attitude is responsible for the impasses in Kashmir. A non-political person cannot achieve results there because of his inability to interact with the people or to initiate political process there. He should be replaced by a Governor with a political background.

Mr. Deputy Speaker, Sir, during our tour of Kashmir, we met the leaders of all the political parties but I am sorry to say that the Government did not take into confidence any local leader or social worker. This problem cannot be solved so long as we do not take into confidence the local administration for initiating political process there. The problem can be solved through dialogue only. This Resolution has been moved to seek an extension of six months with effect from July 17. These frequent extensions of the President's rule will not solve the problem. The Government must take a clearcut decision to solve the problem. Through democratic process. The Government should also take steps to bring those misguided youth in the mainstream of national life, who have adopted the cult of the gun. The Government should not waver in its resolve.

Mr. Deputy Speaker, Sir, the regional imbalance should be removed. The Dargah as well as the adjoining shops should be built under a time bound programme. The Government must announce an economic package and adopt a clearcut direction and policy to solve the problem.

MR. DEPUTY SPEAKER : You have already taken 10 minutes there are others also who want to speak.

SHRI DEVENDRA PRASAD YADAV : Sir, my last submission is that the youth must be provided employment under the democratic process. In the State, only 25 percent of the budget is spent on development and 75 percent is being spent on other items. The unemployed youth should be offered greater opportunities in the medical and engineering colleges so that they may be induced to join the mainstream. This is how the problem can be solved and not by extending President's rule.

[English]

SHRI PRAMOTESH MUKHERJEE (Berhampore) : Mr. Deputy Speaker, Sir, I thank you for giving me the chance to express our view on the extension of President's Rule in Jammu and Kashmir. On behalf of my party, RSP, I rise to express my view. While expressing the view, I think, the House considers the Resolution under constitutional compulsion for according approval to this Resolution. We accord approval to this Resolution, but we are not happy to do so.

Sir, at the beginning I beg to recall one question from the history of India and the question is: How long Akbar will remain under the guardianship of Bairam Khan? With

your kind permission, I beg to put a question before this Government in a slightly different form. How long Kashmir will remain under the guardianship of President's Rule? I expect that the Government would respond to this question while seeking approval to this Resolution.

Sir, imposition of President's rule in a State or its extension for an indefinite period is not a solution to the problem of the State. This is not fair in a democracy. This is not a good sign of Indian federal Constitution. Immediate steps should be taken for the restoration of political process in Jammu and Kashmir. In reply to the Adjournment Motion which was raised by Shri Somnath Chatterjee on the incident of Charar-e-Sharief in this House, our hon. Prime Minister assured the House that the Government would fight against the gun culture. He assured that the Government would fight for the restoration of political process in Jammu and Kashmir. Sir, how can I believe that one incident of Charar-e-Sharief has spoiled all the measures of the Government for the restoration of political process in Jammu and Kashmir?

Sir, restoration of political process does not imply the holding of elections only. It means to initiate political activity and it means to bring forth the positive faith, confidence and the enthusiasm among the people of Kashmir towards the political culture of the Indian Constitution. For this purpose and with this objective, I agree with the proposal that more autonomy should be given to the people of Kashmir. Autonomy to Gorkha Hill Council or autonomy to Jharkhand Autonomous Council is not the same autonomy as demanded by Kashmir. So, what kind of autonomy can be given to the people of Kashmir should be settled in this House very carefully. At the same time, I propose to replace the present Governor of Kashmir with a political personality, having political sagacity, political experience and political will to start political activities in Jammu and Kashmir.

Sir, restoration of political process is impossible without the restoration of economic process in the State. Immediate steps should be taken to start economic activities in that State. Economic activities do not mean the allotment of Central assistance to the people of Kashmir. In that case, only the allotment of Central assistance may be regarded as a dry dole to the people of Kashmir, for the people of Kashmir do not crave for a dry dole.

As citizens of India it is their right to have economic activity. What is the type of economic activity I recommend is, the planning for the construction of new Railway lines, bridges, culverts, roads, hospitals, business complexes as well as planning for the development of cottage industry of Kashmir. These should be implemented immediately without fail. At the same time, care should be taken to see that the funds allotted for the purpose should actually go to the poor and the needy people of Kashmir and not to the privileged class of the administration of Kashmir State.

Sir, it is very unfortunate to remind that the bright

and beautiful children of Kashmir today are absolutely misguided. They are misguided not of their own choice but they are misguided due to the failure of the Central Government in tackling the situation. I can remember the incident of the mid '50. It is the Central Government which was held responsible for the imposition of President's Rule not today but in the mid '50. What is the effect since then the people of Kashmir began to feel that they were losing their political set up; since then the people of Kashmir began to feel that they were losing the Constitutional right and since then their sentiments began to be wounded. Sir, you know why do I speak about the sentimental wounds of the people of Kashmir? This is only because, as you know well, that emotional integration is the root of national integration and similarly the emotional conflict or the emotional detachment is the root of disintegration and disharmony. As and when people of Kashmir began to be emotionally detached from the mainstream of the society of India, when the people of Kashmir fell to terrorism, the entire situation led to the emergence of Maqbool Bhatt, the father of the birth of terrorism in Kashmir in the early 60s. Can we forget this history? Can we forget the lesson of this history? Can we forget the consequent effect the birth of terrorism had on the life of the people of Kashmir? Sir, the history of terrorism in Jammu and Kashmir tells us the truth that the terrorist and destructive activities began in Kashmir with the emotional frustration of the people of the Kashmir and with the economic frustration of the people of Kashmir. The history tells us the fact that terrorism when combined with the religious sentiments is a dangerous thing for a Government to combat with. Such is the gravity of the situation and this Government has created this situation.

Today, they are demanding for the extension of the President's Rule. But this is not the way of solution. This House has unanimously gave the Government the time and opportunity by extending President's Rule. But they could not utilise the time in a proper way. This is a very saddening experience. We are always thinking for the Modus Operandi for tackling the situation before or after the incident of Charar-e-Sharief. But we are not considering the background factor behind the growth of terrorism, behind the growth of economic frustration, behind the growth of emotional frustration of the people of Kashmir. Let us take into consideration all these facts so that we can send message to the people all over India and to the people of Kashmir that Kashmir is an integral part of India. Kashmir is an inalienable part of India and we must bring back them to the mainstream of the society of India.

[Translation]

SHRI S.M. LALJAN BASHA (Guntur) : Mr. Deputy Speaker, Sir, I had visited Kashmir twice. During my first visit Shri Gulam Nabi Azad had also accompanied us. At that time, we got the opportunity to meet the local leaders, I.A.S. officers as well as the Governor. They apprised us about the situation in Kashmir and it will not be proper for me to reveal it here. We were shocked to see the

appalling conditions in which the Kashmiri people were leading their life. Our delegation called on the Prime Minister and apprised him of the situation there. We had found acute shortage of essential commodities like sugar, salt, gas etc. in Kashmir which is causing great hardship to the people there. When we asked the Governor about the acute scarcity of such basic essential items as salt and sugar, we were shocked at his reply. He informed us that it has not been possible to ensure the supply of these items due to lack of funds. Whereas, there we are informed that we have spent rupees one lakh crore on Kashmir. But how was that amount spent, nobody knows? Expenditure is not being accounted for in the name of combating terrorism.

The Prime Minister called the Civil Supplies Minister, who arranged for the supply of essential items to Kashmir. The people in Kashmir had put some searching questions. They expressed their surprise as to how a Government helicopter was made available to the B.J.P. leaders to hoist the National Flag in Kashmir on 26th January? They assured us that they are Indians and Kashmir was an integral part of India. The Kashmiris want to remain in India and nobody wants to cooperate with Pakistan. They were lying low because of some compulsions. I want to know why essential commodities are not being made available to them? When they are in distress?

The second visit to Kashmir was made with Shri P. M. Sayeed. We visited Charar-e-Sharief and all the M.Ps in the delegation were shocked at the privations being suffered by the people and also the attitude of the Kashmiris. All the houses around Charar-e-Sharief have been burnt down and no action has been taken so far. Thereafter, we met the Governor who made a long speech. The crux of the speech was that elections were the panacea for all the ills afflicting Jammu and Kashmir. But when we met the political leaders in Kashmir they were all - including Congress leaders - of the view that this is not the appropriate time for elections. The leaders were of the view that the conditions were so bad that a candidate may not be able even to muster two proposers for his candidature.

15.00 hrs.

Mr. Deputy Speaker, Sir, it is virtually impossible to hold elections in Kashmir. The Government had, therefore, to bring this Resolution under force of circumstances. We feel that the Prime Minister should also visit the valley. There should not be any step-motherly treatment with Kashmir. It is an integral part of India and the people of Kashmir also want to stay with India.

Sir, the first and foremost demand of the people of Kashmir is to replace the present Governor with an understanding person. The presence of the army is a great irritant there. Earlier, even a kitchen wife was not available in every house. Now AK 47 and AK 56 rifles are available in every house. I am of the view that the mental health of the retired military officers is not sound.

SHRI CHANDRAJEET YADAV (Azamgarh) : Bashaji, you must desist from making derogatory remarks about the military force as it is likely to demoralise the entire force.

SHRI S.M. LALJAN BASHA : I have based my observation on the basis of the speech made by the Governor before us. He failed to account for the huge expenditure purported to have been made there. Had the money been spent judiciously, perhaps the situation would have been much better.

With these words I conclude.

SHRI BHOGENDRA JHA (Madhubani) : Mr. Deputy Speaker, Sir, our leader, Shri Indrajit Gupta has already spoken and I would not like to repeat whatever he has said. My opinion about the Governor of Kashmir is at variance with the views expressed by other Members about him. Our party had taken the stand that elections should be held in Kashmir, but then the incident of Charar-e-Sharief took place which dimmed the chances of holding elections there. But we must bear in mind that prior to any election in Kashmir, Charar-e-Shariefs are bound to take place because the very existence of Pakistan is at stake. It is being said that elections can be held in Kashmir when conditions have improved but I would like to emphasise that conditions would improve if elections are held there. We must announce a firm date of election and then keep a watch over the situation. In July, 1990 when the State Assembly was dissolved, the Government there was the one which had been imposed by us. We, the Communists had opposed the dissolution of Vidhan Sabha but could not prevent its dissolution. Shri Jagmohan was appointed the Governor of Jammu and Kashmir and Shri Farooq Abdullah had resigned. Since July 1990 till date we have failed to hold elections there.

I have stressed time and again that elections to Panchayats should be held in Kashmir because till date no money has been spent on development. The officers are corrupt and share the ill-gotten wealth with the terrorists. Now, under the latest amendment to the Constitution, all the money earmarked for development will be handed over to the Panchayats. The persons elected to the Panchayats, whether they are pro-Pakistan terrorists, will handle these funds and if they fail to spend the money on development, the people will turn against them. The people will not give shelter to the terrorists. This is how the democratic process works. The leaders in Kashmir do not want the elections. There so long as the chances of their becoming Ministers are not bright. All of us would like to be elected to Lok Sabha or Rajya Sabha but the wrong thing is to suggest that there should not be elections till our chances are bright. How is it that Panchayati Raj is not being established in Jammu and Kashmir?

15.07 hrs.

SHRI TARA SINGH in the Chair

You must take a bold initiative and establish Panchayati Raj in Kashmir say by July or August. All the

subjects like schools, roads, health, services, drinking water etc. should be placed under the Panchayats. After the establishment of the State Government in J&K, these subjects can be transferred to them.

Kashmiri language is one of the oldest languages, perhaps older than Hindi and Urdu. In Kashmiri language, we find folk tales and songs which are thousands of years old. We must promote Kashmiri language as it is a binding force for all Kashmiris whatever the religion they profess. If we kill the Kashmiri language, we also kill Kashmiriyat.

The question is not of war but of the failure of our intelligence. We must learn from the steps taken by other nations in similar circumstances. An assault by the Army would have resulted in a situation worse than what happened in Amritsar. Hundreds of innocent persons would have been killed and the Army would have been blamed for it. Unarmed commandos would have been sent in the city who could identify the militants and arrest them.

This is not the last Charar-e-Sharif. We have to bear in mind that Charar-e-Sharifs would be repeated whenever elections are announced because we succumbed to their tactics this time. We must hold fair and free elections in J&K. I know you will again seek extension of President's rule after six months on the plea that elections to the Lok Sabha are round the corner.

I would again reiterate that elections should be held in Panchayats there. Cottage industry should be encouraged in the State so as to make people self-dependent.

Ladakh's economic condition is also pitiable. The river Jhelum originates from Ladakh and it can be harnessed to produce hydel power...*(Interruptions)*

MR. CHAIRMAN : How much more time you will take?

SHRI BHOGENDRAS JHA : Just 1-2 minutes.

Iran, China and India have taken some joint measures for the protection of human rights. We must strengthen our friendship with Iran because it will stand us in good stead in Kashmir.

A suggestion was made that elections in Kashmir should be held under international supervision. We cannot barter away our sovereignty. We can of course permit the foreign media to observe the elections. Besides, the hon. Minister should also clarify the position regarding reservation for Gujjars, scheduled castes and adivasis.

I hereby support the extension of the President's Rule but I would urge the Government to conduct elections in J&K before the expiry of 6 months on war-footing. We must show to the world that we have grit and political will to safeguard the integrity of the country.

[English]

MR. CHAIRMAN : I would like to know the consensus of the House. Since only fifteen minutes have been left and there are six-seven Members to speak, could the time be extended for this by one hour ?

SEVERAL HON. MEMBERS : Yes, Sir.

MR. CHAIRMAN : So, we will take up the Private Members' Bill at 4.30 p.m.

[Translation]

SHRI ABDUL GAFOOR : Let it be adjusted in between.

SHRI MOHAN SINGH (Deoria) : It should conclude by 4 p.m.

MR. CHAIRMAN : I am prepared to conclude it now, if you so wish.

SHRI SAIFUDDIN CHOUDHURY (Katwa) : What about U.P. ?

MR. CHAIRMAN : The hon. Speaker will take a decision.

SHRI KRISHAN DUTT SULTANPURI (Shimla) : I support the Resolution moved by Shri Chavan on June 2, 1995. It has always been the opinion of our Government that elections should be held in Kashmir. But it was the B.J.P. which queered the political pitch in the case of Kashmir. The yatra organised by them from Kerala to Kashmir where the national flag was to be hoisted on 26th January only helped to inflame the passions.

Kashmir can be divided into 3 parts i.e. the valley, Ladakh and Jammu. The administration in Ladakh is working satisfactorily. The administration deserves kudos because they are functioning in difficult circumstances. The terrorists have entered Himachal Pradesh also through Doda and Ladakh. The Home Minister has done a commendable job in Kashmir. Several delegations of Members of Parliament have visited the valley. We must strive to hold elections there at the earliest i.e. before the expiry of six months.

The Prime Minister and Shri Rajesh Pilot are taking active interest in the Kashmir affairs. In the present unrest, many people have been displaced from Kashmir. Steps should be taken to rehabilitate them and to restore their properties. Ex-servicemen in sizeable number are settled in Himachal Pradesh. Their services can be utilised by raising an armed unit to safeguard the area adjoining the border and to boost the morale of the people. Ex-servicemen in Kashmir can also be mobilised to counter terrorist activity there.

Due to paucity of time, I will not go into the budget. Some Members belonging to the opposition have charged the Government of lethargy in handling the Kashmir situation. I oppose their views because the opposition is opposing for the sake of opposition.

SHRIMATI SAROJ DUBEY (Allahabad) : Mr. Chairman, Sir, the situation in J&K is causing concern to the entire nation. The cause of concern is genuine because of bloodletting and cries of anguish of the people there. If the people in Kashmir are not happy, how can the people in the rest of the country sleep peacefully. The once

blooming Kashmir is burning and there is a sense of insecurity among the people. Any time there may be that fearful knock by the terrorists and the entire family may be wiped out. For this situation, the Congress party is solely responsible. In the absence of a firm and decisive policy, Kashmir is burning. There is a reign of terror in Kashmir. But the Government is committed to hold elections there. The Prime Minister had announced that if they back out after the Charar-e-Sharif incident, the disruptive forces would make it known the world over that it is their writ which runs in Jammu and Kashmir. But here I differ with the Prime Minister. His announcement of elections there was premature. He should have first prepared the ground work by initiating development measures, created faith in the people and rehabilitated the displaced persons. If the elections are held under the shadow of guns, perhaps only 15 per cent votes would be cast. In this manner we cannot play with the future of Kashmir. Kashmir is an integral part of India and nobody can be allowed to play with its future.

We are not against elections in Kashmir. But before starting the election process, we will have to win the confidence of the people and start development work there. We will have to inculcate a sense of security in the people and assure them that we want to give them a popular Government which would undertake the development process there. The views of the cabinet members are quite divergent. Shri Salman Khurshid wants elections in Kashmir even if it means escalation of violence then, Shri Jaffar Sharief advocates assault on Pakistan to curb terrorism in Kashmir. And then the Prime Minister contradicts his own colleague that it is not the policy of the Government to attack Pakistan. There ought to be unanimity of views within the Cabinet.

Besides, the Prime Minister has agreed to hold elections under the supervision of a Muslim country which is part of a group of Muslim countries which are critical of India in the Charar-e-Sharif incident. The P.M. is extending the hand of friendship to a country which may stab us in the back.

MR. CHAIRMAN : Please conclude. Do not repeat what has already been said.

SHRIMATI SAROJ DUBEY : Sir, we also want that elections should be held in Kashmir. But before announcing elections, Government should offer a package of economic development to the people there and win the confidence of the people. A really popular Government can be formed in Kashmir only if the displaced persons are resettled in Kashmir and they also exercise their right of franchise. Kashmir is an integral part of India and we have the capability to defend it.

[English]

SHRI YAIMA SINGH YUMNAM (Inner Manipur) : Mr. Chairman Sir, I rise to register the support of my Party to the Resolution seeking extension of President's Rule in Jammu & Kashmir for a further period of six months.

Sir, I have been advocating strongly the view that elections should be held in Jammu & Kashmir. When the hon. Prime Minister consulted all the parties, I gave the same advice. But we have realised that it may not be possible to hold elections in the prevailing situation. Therefore, we support this Resolution.

Sir, it is my considered view that if the Government is determined to hold elections in Jammu & Kashmir and if the political process is started immediately in right earnest, I have faith that we will be able to do so. Here I would like to give the example of my own State, Manipur. When there was a speculation whether it would be possible to hold elections in Manipur which was beset with many problems and which could be considered a very disturbed area, there were apprehensions that violence would increase and holding elections would be an impossible task. But Sir, in spite of the disturbances, in spite of bomb blasts in the polling booths, and in spite of killing and shooting of the candidates, elections were held. And the most surprising element is that more than 90 per cent of the electorate exercised their franchise. Therefore, if the Government is prepared for holding elections in Jammu & Kashmir, with the sincere involvement of all the political parties, I am sure people will respond to it favourably. I say this because people are very earnest for our elected government and they are in favour of a rule by their representatives. Therefore, I would like to encourage the Government to proceed in the direction of holding elections in Jammu & Kashmir.

I would like to mention another important aspect about the question of according greater autonomy to the people of Jammu & Kashmir. I agree with the views expressed by Shri Inderjit who has spoken just now. Sir, it is true that the people of the North-Eastern Region including the State of Manipur are awaiting the decision of the Government as to what type of autonomy is going to be offered to Jammu & Kashmir. The States in the North-Eastern part of the country, viz. Manipur, Mizoram, Nagaland, Meghalaya, etc. also aspire for the same type of autonomy that will be offered to Jammu & Kashmir. In principle, I do support greater autonomy within the framework of our Constitution. This is my opinion as well as the opinion of our Party. By according more autonomy, if there could be a settlement to the problem and if it could lead to improvement in the situations presently prevailing in that State, then let us offer some degree of autonomy within the framework of the Constitution, so that there will be normalcy in the State of Jammu & Kashmir. Therefore Sir, I strongly support the idea of granting certain degree of autonomy to the State of Jammu & Kashmir if it will help in settling the problem. I also urge that the same status should be accorded to the States in the North-Eastern Region also including Manipur where there are disturbances and terrorist activities. I believe a certain degree of autonomy gives much room for peaceful settlement of the nagging problems in those areas.

Sir, my point would be that we must try our best to

isolate Pakistan by international manoeuvrings. That would very much help in solving the problem.

Sir, as regards the appointment of a Governor, I would also like to support the view that a Governor with a political will should be appointed in Jammu and Kashmir. This would also help very much in starting the political process in the State.

Sir with these words, I conclude my speech.

[Transition]

SHRI MOHAN RAWALE (Bombay-South Central) : Mr. Chairman, Sir, just now Shri Indrajit Gupta had stressed the point that in case we do not want 'no poll' or 'low poll' in Kashmir, we must provide security to the people there. People in large number have left their hearths and homes in Kashmir and are living in camps in Delhi and elsewhere. Government have sanctioned Rs. 15 crores for resettlement of the victims of Charar-e-Sharief, but they have not sanctioned any amount for the people who have been forced out of Kashmir. Government should inform the House about the number of displaced persons and should also pay them compensation. People opposing terrorists are being murdered. Is it not the duty of the Government to protect the lives of the people there? Today, Kashmir is slipping out of our hands we must give a free hand to the army to curb Terrorism in Kashmir and only then it will be possible to hold free and fair elections there.

The present situation is also a fall out of article 370. This Article should be abrogated because no citizen of India can run business or purchase property there.

The P.M. had in his speech from the Red Fort proclaimed that Pakistan had waged a proxy war against India. I.S.I. of Pakistan is running 110 training centres for training terrorists who are then smuggled into Kashmir. Pakistan is carrying out killings in India with the help of Indians themselves without endangering the lives of its own youth. There have been a series of bomb explosions in Srinagar. On the Republic Day, the Governor was addressing a function held to mark the occasion. In his speech he had claimed that the situation was under control and at the same moment a bomb exploded near the dias in which 5 Jawans were killed. There was a news item yesterday that a Colonel and 5 Jawans were killed in Srinagar. The Government claims that Pakistan has waged a proxy war. If you want to hold elections in Kashmir, then Pakistan will have to be subdued who is the root cause of all our problems. It is Pakistan who is instigating the terrorists to carry out bomb blasts.

As regards the Charar-e-Sharief incident, Government can only be faulted for not taking proper preventive measures but it cannot be charged with involvement in the conspiracy. Government should handover the administration of the valley to the Army. The terrorists had burnt Charar-e-Sharief but the blame is sought to be laid on the door of India. I had watched the B.B.C. news bulletin. In the bulletin, people were accusing India of burning the

shrine. We should have invited foreign journalists and politicians to visit Charar-e-Sharief.

MR. CHAIRMAN : Rawaleji, it was not so easy.

SHRI MOHAN RAWALE : The journalists should have been apprised of the clandestine activities of Pakistan. I am grateful to you, Sir for permitting me to express my views.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj) : Mr. Chairman, Sir, since there is no option but to extend the President's rule, I support the Resolution brought here by the government. I must add that if the Government does not make a breakthrough in terms of policy, I do not share the optimism of the Government or the optimism expressed on the floor of the House by some of my distinguished colleagues here that the election shall be held within these six months. Therefore, I caution the Government, "this is the eleventh time you have come before the House. Please do not come back again." That calls for certain departures from their line of action, from the policies that they have adopted so far. Let me say that it was not possible in the situation of today to hold elections. What was improbable before Charar-e-Sharief became impossible after Charar-e-Sharief.

All this talk about staggered elections, hold it in Jammu, hold it in Ladakh and then hold it district by district, or not hold it at all in Kashmir, to my mind, Mr. Chairman, would have amounted to a great political victory for Pakistan. It would have meant in essence a Referendum in Reverse if you could have held elections in Ladakh and Jammu and could not have held worthwhile or credible elections in the Valley at all. Therefore, I welcome it that the Government have seen the light and postponed the elections for the time being. But they should not rest on their oars. They should not be satisfied after they have this Resolution passed in this House. But they should consider the situation in Jammu and Kashmir in all its dimensions and take some basic policy decisions.

Mr. Chairman, I would like to add one word here. There is some legal controversy about the method adopted for extending the President's rule, whether it should have been done by a Constitutional amendment or whether it should have been done by this Resolution. This has been analysed by a number of jurists and that has created certain doubts. Therefore, I request that the hon. Minister when he replies to the debate, if he does, should clarify that point why he chose this method and not the method of Constitutional amendment.

Mr. Chairman, the situation in the Valley today basically is that militancy is raging and a vast number of people in the Valley support the militants. There is total alienation among the people. There is a deep wound in the psyche of the Kashmiri people over the last five years. It is far from being healed. There is no one to apply the soft touch; there is no one even to apply the ointment. Therefore, the situation there is indeed very bleak. There

is virtually no civil administration. The writ of the administration perhaps does not run beyond the government house and the security enclave. The Governor cannot take the road, nor could Mr. Seashan take the road from Raj Bhavan to the airport. They had to use the helicopter.

Sir, infiltration and exfiltration go on without any restraint. We have not been able to seal the borders. There is fear in the air. The development has come to a standstill. The economy is in a mess, particularly, the tourist industry. The judicial system has collapsed. Even the killer of Mirwaiz Mauvi Farooq, of Qazi Nissar, of Dr. Guru who, the Governor says, have been identified, had not been put to trial. The educational system, particularly the higher education system, simply does not exist. The schools and colleges have been closed for a long time. Whatever we might say, there is virtually no political activity in the Valley. Whatever we might say, the question today is, how do we initiate it ?

I find some ray of light. There is a sense of fatigue among the people. There is an inherent longing for peace, for order. People want peace and order. There is a stillness in the air. The agony is very deep. We know that they have understood one thing; one thing has sunk in the minds of the people that India cannot be forced out of the Valley. Second, Pakistan shall never risk a full-fledged war with India on the question of the so-called liberation of the Valley. And thirdly, the militants are all not very pure Mujahids. They include a vast number of antisocial and criminal elements. These things have sunk into the people but we have not gained politically because we have not applied the healing touch. A now agglomerate Hurriyat has arisen. The Government have done well by releasing some of the renowned leaders like Shabbir Shah who was in prison for nearly twenty years, a man who has never lifted a gun against the State, a man who never took to the culture of the gun but believes in non-violence, a man who believes in peaceful negotiations, at least, today, he is free.

There are also other forces; they have come together to form a representative body. I remember, in the last debate the Home Minister was asked, whom do we negotiate with. Now, at least, there is a body with whom you can negotiate. If the President of Pakistan can find it fit to invite them to come and talk in our own Capital, why cannot the Home Minister and the Prime Minister invite them to come and have a dinner, I cannot understand. That this Hurriyat has emerged is also a good sign, and it does consist of very responsible people. So, at least, there is from there is a definable body with whom we can talk.

Mr. Chairman, the Charar-e-Sharief episode was a disaster. It was a blow to Kashmiriyat. It has sharpened the negative image of India all over the Valley. Let us not mistake the signals. Nobody in the Valley today believes that the so-called militants set fire first to Charar-e-Sharief town on the 8th or 9th night, and 48 hours later to the shrine and the Masjid, on 10th and 11th, it is their

perception, to the Khangah proper. That is the perception that we have got to come to terms with.

There are some very mysterious aspects that remain unclear. I was in the Valley, Mr. Chairman, a week or five days ago. I talked to everybody, to the Governor, to the Leaders and to the people of Charar-e-Sharief. I found some questions regging every mind which I would like to put before the hon. Minister. These are the questions which are there in the minds of everybody. Why siege at all ? What was the technical and strategic necessity of the siege ? in every Qasba, in every village and in every Mohalla, there are militants. We do not lay siege to every Mohalla and Qasba of the Valley. Secondly, why were the Hurriyat Leaders stopped from entering Charar-e-Sharief in early April ? If there was a wrestling match between Shabbir Shah and Mast Gul, whosoever would have won, it would have been to our advantage. But, we did not allow them. I also do not understand why. They should have sorted it out among themselves. Shah was going there to persuade them to leave the town to leave Charar-e-Sharif. Then, the mass-media was banned. Another step which is very simple and which we cannot explain is : why did we not allow the mass-media to go there ? The militants were there all along. Not in March, but the militants were there from October-November last year.

During Ramzan they were there. One of the militants was leading the prayers of Taravith in the big mosque of Charar-e-Sharif. Was that why you did not allow the mass media to go there to see things for themselves. Then, why did not you interpose a group of senior bureaucrats or civil servants between the militants and the security forces as you successfully did in the case of Hazrat bal ? This question cannot be answered by anybody. Again since there was a 48-hour gap between the first fire and the second fire and you were keen and your sole purpose was to save the shrine, Why did not you collect all the fire tenders available in the Valley in Charar-e-Sharief and why the first tender was asked for only after the Khan-gah has been destroyed ? Sir, after the entire town was gutted, why did he take five days to allow the civil administration to come back ? What were you doing there for five days ? These are mysterious questions. Finally, why this very slow pace of relief and rehabilitation which I have seen with my own eyes ? There are no relief tents and there are no relief camps. There is hardly anything there. I had been there myself. There is not a brick to be seen, not a cement bag to be seen and not a timber log to be seen. People are just wandering in the streets. They are shocked and we do not care for them. For the first time, as Advisor of the Governor visited Charar-e-Sharief only on the day when I was there, on 28th, along with the so-called Relief Commissioner — the Financial Commissioner who has been appointed as Relief Commissioner. I have conveyed all that in a detailed letter to the Prime Minister and sent a copy to the hon. Minister also.

Finally, Sir, the situation there, in my view, is essentially political and bilateral in a very definite sense.

It is a matter between the Government of India and the people of the Valley. This is not so much of a matter between India and Pakistan. I can deal with Pakistan. I can defeat it when it comes to war and I can silence it by diplomatic manoeuvres and international pressure. But if the fire goes on raving in the heart and mind of the people of Kashmir, how could I deal with it? That is the essence of the problem and to which, I would say, the Government have not addressed themselves. What we need today is not an economic package which they have been getting for a long time, or a change of administrator or the bureaucrats. What they essentially need is a political package. I am grateful to the Prime Minister that he has made a beginning by stating in the Rajya Sabha on 16th of May that he is prepared to talk about the Principal of autonomy. He is prepared to go to the extent of autonomy short of Azadi. Precisely on that day I happened to be in Jeddah and I was interviewed by a foreign correspondent. There was not any telepathic connection between me and the Prime Minister. That is almost exactly the reply I gave. They should be given the essence of freedom without independence, because sovereignty cannot be negotiated. So, that is where we must apply our mind. We must now go ahead and try to define the quantum of autonomy and the terms of autonomy. Where do we draw the line between autonomy. And independence? What powers are we prepared to give to the people of Kashmir and especially to the people of the Valley because Kashmir is, has and always had a very special status in the Union? Kashmir is not like another State of the Union. It was not Indian but it became India and it must remain India and for that we have to define a special relationship. Their grievances must be looked into. We held elections but they were rigged. We imposed Governments over them and administrators over them. We gave them autonomy and slowly we took away by the left hand what we had given by the right hand. We eroded it deliberately so that today it means nothing. Article 370 has come to mean nothing. That has to be restored. Therefore, the Hurriyat leaders should be unconditionally invited for talks on this principle. Yes, we are prepared to talk about the terms of autonomy come sit across the table and let us discuss the framework of autonomy. There should be a judicial tribunal there a very high powered judicial tribunal to try all the allegations of mass atrocities. There should be a special grievance commissioner and district grievance committees to look into the grievances of the people. This special relief commissioner should have district relief committees in every district to go into the question of relief to all the people of Kashmir who have suffered in the last five years. The detainees against whom there is no evidence of having committed any heinous crime should be released immediately and the security operations there must come under the direct control of the civil administration. Today the civil administration knows nothing about them.

They do not even get a post-facto report, what to speak of prior information.

I would beg of you for one thing. If the atmosphere

in Srinagar and other towns is to be normalised then please remove these bunkers every 100 yards from the streets of Srinagar. That causes fright, that causes tension, that causes confrontation, that causes occasional clashes and they serve no purpose at all. Keep the security forces in installation in Government offices, on the highways, on the borders. Seal the borders, if you can. But at least remove that fear from the minds of the people. Give them a normal life.

Finally, I would say, please use all means of expose Pakistan's game. Pakistan's real game is dawning upon the people of Kashmir. It is not to 'liberate' the people of Kashmir, it is to annex the territory of Kashmir. It is territorial aggrandizement and let us expose the game of Pakistan. This we have not been able to do so far all over the world, not even in Kashmir.

People here have talked about the need of a political Governor. Yes, I did not find the Governor upto the mark. He is like a hermit in his little Kutia, a prisoner in his ivory tower, and a bird in a golden cage. He has no access to the people and the people have no access to him. He has no perception of the ground reality at all. He has no approach to the people and therefore, he must be removed. But merely removing the Governor will not do.

I would like to caution, Mr. Chairman, that what is needed is to fill the policy vacuum that has existed over the last five years. What is needed is to clear the cobweb in the mind of Government that has bedeviled the situation in Kashmir for the last five years. Come up with a clear formula, with a clear enunciation of policy and tomorrow let us try this national task of winning back the heart and minds of the people of Kashmir. The Kashmiris will respond, even today I have that feeling because Kashmir is not dead, because the spirit of Sheikh Nooruddin Noorani, even if his Shrine has been gutted, still hovers over the Valley. Therefore, there is the last chance. Please give it a try. Please come up with a political formula. Please save Kashmir. This is my appeal.

We grant you this Resolution, but in six months, will you do something?

[Translation]

SHRI VIJAY KUMAR YADAV (Nalanda) : Just now Shri Syeed Shahabuddin has said that Kashmir was not part of India earlier but in now part of India. We were of the view that Kashmir has all along been part of India and I hope the Home Minister would clarify the situation in his reply.

[English]

SHRI SYED SHAHABUDDIN : I will explain it, Sir. What I mean was the question of accession, like the British India and the Princely India. British India was India, while Princely India became part of it.

[Translation]

MR. CHAIRMAN : Shri Shahabuddin has already

taken considerable time and Rent Control Bill is to be passed before 4.30 p.m. I hope Shri Nawal Kishore will try to be brief.

16.00 hrs.

SHRI NAWAL KISHORE RAI (Sitamarhi) : I am grateful to you, Mr. Chairman, for permitting me to speak on the Resolution which seeks to extend the period of President's Rule in Kashmir. It is for the 10th or the 11th time that a Resolution has been brought to extend President's rule in Kashmir and every time the Members from all sections voice their concern that enough is enough and there should not be any further extension. The Government also assures on every such occasion that Government would resume the political process in J&K and that there would not be any further extension. The Government also assures that the reign of terror in Kashmir would be stamped out by vanquishing the terrorists sent from across the leader.

I want to voice my concern here that this Resolution has been moved for the 10th or 11th time. Every time the Resolution seeks to extend President's rule by six months. This frequent extension is a matter of concern for us as well as for the country and we hope that no further extensions would be sought.

Rawaleji has referred to refugees who came out of Kashmir due to terrorism prevailing there. Though these people are being looked after but the people residing there are not bothered about. There is a sizeable number of Gujjars. In Jammu. A delegation of Gujjars led by a Gujjar came to me on the question of reservation for Gujjars. They had helped the administration in apprehending terrorists. The Houses of Gujjars were raised to the ground and they have taken shelter in schools. No arrangement has been made for their rehabilitation, education, health or development. They come under the category of tribes. They should, therefore, be eligible for the facility of reservation at all levels.

In the end, I would urge the Government not to come with this Resolution again. Government should take steps to resume political activity there and for this purpose a person with political background should be appointed the Governor there. Another cause of confusion is the divergent statements being given by the Prime Minister and other cabinet Ministers. I would also exhort the Home Minister to crush the terrorists outfits whether they are local or Pak sponsored.

I conclude by supporting the Resolution.

SHRI MOHAMMAD ALI ASHRAF FATMI (Darbhanga): Mr. Chairman, Sir, the Resolution has been moved at a time when the statements made on behalf of the Union Government and the Chief Election Commissioner gave the impression that the situation in Kashmir is improving and elections will be held there. Perhaps this is the reason that when the President of India was going abroad, the Government did not feel the necessity of seeking his permission. Under Article 370(1) (B), it is obligatory to

seek President's permission to issue the Presidential Order. At the fag end of the session, the Government had to send a special emissary for seeking the permission to issue the Presidential Order. This revealed the mind of the Government in the matter of Kashmir.

President rule in any State is not a happy situation. In Kashmir nearly 15 thousand persons have been killed, be they militants, Kashmiris or the man in the street. President rule means more powers for the Army or the police. There is large scale bloodletting in Kashmir. There is wide divergence between the statements made by Government within the House or through the media and the ground realities in Kashmir. On whom should we rely?

Suggestions have been made in the House to offer some political package to Kashmir. I would like to know the fate of the packages which were offered in North East, Assam and Punjab? Now, not only in India but in other countries also, the feeling is that the situation has improved in the aforesaid States. But I want to know the fate of the packages which were offered to these States? What has been the outcome of the Rajiv-Longowal accord? The promises made to Assam have also not been fulfilled. I think the intentions of the Centre are not good. This is the reason that the gulf between the Centre and the States is increasing, which is unfortunate.

There is the talk of resuming the political process in Kashmir. I want to know whether the political process meant means holding of elections? The people of Kashmir should be offered an economic package so that they may feel part of the mainstream. They should also feel secure that they can run the affairs of their States in peace as part of the Indian Union. I would take you back to 1984 when the situation in Kashmir started deteriorating. The reason was that the centre had removed Farrukh Abdullah and instead, installed their own protege at the helm of the affairs. I would, therefore, urge that you fulfil your promise of the political package made by you to Kashmir. You must convince the people of Kashmir that you wish them well and that there would be no interference in their political affairs. When Government could save Hazratbal through negotiations, why could it not save Charar-e-Sharief? A judicial inquiry should be ordered into the destruction of Charar-e-Sharief. Pakistan wants settlement of the Kashmir dispute as per the terms of the U.N. Resolution. India has not taken any steps to counter the Pak propaganda aimed at vilifying India and the Indian Army. A lot has been said in the name of human rights. I would request the Home Minister to spell out the steps taken to counter the Pak propaganda in the international forum. The Home Minister should also clarify how is it that the P.M., the Governor and some senior Minister make different statements which create confusion in the minds of the people.

In the end, I would conclude by making 3-4 suggestions. The political process should be started in Kashmir at the earliest and for this purpose, those militant outfits should also be involved who want to have a dialogue with the Government. Secondly, a judicial inquiry should be

ordered into the destruction of Charar-e-Sharief. Thirdly, we must take concerted steps to counter the disinformation campaign being carried out against India in the international fora. Fourthly, in order to obviate the need to seek a further extension after six months, a package for Kashmir should be announced today itself. And I hope this package would not be treated as other packages for Punjab or North East.

I hope the Home Minister would deal with these suggestions in his reply.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN) : Mr. Chairman, Sir, I must express my thanks to all the hon. Members for supporting the Resolution and also advising the Government as to what needs to be done to create an atmosphere of confidence among the local people. There seems to be a general feeling on the basis of the visit which the member of Parliament paid to Charar-e-Sharief that actually things are totally different than the way the Government is trying to explain.

I must very humbly but forcefully bring to the notice of the hon. Members that at Charar-e-Sharief it was a stage managed show, which we have to understand, that a large number of terrorists were roaming around and under the fear of the gun, they were forced to say certain things which normally, left to themselves, they may or may not say. My only point is that if any statement is made by any one under duress and if every one of us were to go merely because some people were demonstrating there, the very fact that they were demonstrating is a clear indication for all of us to understand as to what can be the motivation behind the whole thing.

Sir, the second point which has been made by one of the hon. Members was, that we should order a judicial inquiry into the entire thing. I am really surprised, at least I have no doubt in my mind, that the way the Army has conducted the whole thing, it is a different matter.

16.16 hrs.

MR. SPEAKER IN THE CHAIR

I am prepared to discuss with all those hon. Members who would like to have the first hand information as to how the Shrine could have been saved when orders were very clear to the Army not to destroy the Shrine. Without storming the Shrine, they were to save it. How we could achieve that objective is a point which every one of us will have to consider. In spite of the fact that there is a law on the Statute book, the fact remains that these places are normally used by people for hiding. They have been stocking their arms and ammunition in these areas, and thereafter we consider that nothing should happen to the Shrine, nothing should happen to the temple, nothing should happen to any place of worship. Then, at the same, we should try to persuade people not to interfere in the matter. I would like to understand as to how we could possibly get successfully these people

out, knowing full well that some of these people who were holed up in that area, did not believe in the sanctity of the Shrine. They belonged to a sect of people in the Islamic world which, in fact, does not believe in the shrines and Mazars. This is a Sufi shrine of the Sufi saint Noorani. It is also called an area where Nund Rishi was born. This is an area where peaceful atmosphere prevailed. A kind of amity between different religions was preached from this area. How could you expect that those who are the agents of Pakistan, sent by ISI, would allow us to have the Shrine? Of course, we tried our best in Hazratbal. We could succeed after about twenty-two days of siege of that area. We anticipated that if we were to lay the siege and try to persuade those people, it might be that those people would come out, but not by storming the Shrine or by doing anything else. Of course, the conclusion was foregone that they were not going to leave the Shrine alone, they were bound to destroy it. This is a point on which every one of us will have to apply his mind and try to find a solution for the same.

Some of the hon. Members said that we should not treat it as a party affair. I am in full agreement with them. It is not a party affair, it is a national issue. We know fully well that some of the parties, some of the international forces are also equally interested in internationalising the issue and, if possible, try to have a kind of foothold in that area. There are four or five different countries who come together and whose borders you will find at the point of Indira Fall in the Siachen area. That is the point where the boundaries of all these four-five countries are coming together. This is strategically very important and that is why some people are very much interested in seeing to it that they get a foothold there so that they should be able to control some of the countries about whom they have some preconceived ideas. So, on that basis, I say that we have no objection to calling the leaders of the political parties and meeting them frequently so that there should be interaction among ourselves. This message should go to the international community that we are all one and there is no point of difference among ourselves. That is the kind of message which has to be sent.

Please, for God's sake, do not try to malign the Army. Army has done a wonderful job. I have great respect for the Army and I pay compliment to the Army officers who, in spite of all the provocations, have behaved in a very restrained manner, and that is a point for which we have to be proud of them.

Instead of that, without enquiring into the matter, if you have to say that they have not done their job properly and that is why a judicial enquiry has to be ordered against them, it will go against the national interest. I do not think that you have understood the implication of your statement. But the kind of statement that the hon. Member has made is, in fact, very dangerous. We can never agree for such a kind of proposition.

Hon. Member Shri Shahabuddin asked me about the methodology which has been adopted for bringing about constitutional amendment. I am sure that he is aware of

article 370 and the procedure which has been followed. So far, a number of times, I may say two dozen times, we must have invoked this article and the constitutional amendments have been brought forward, by amending the article in a particular fashion. He is totally aware of the same and at the same time wants me to find out whether I am aware of the same or not. I am fully aware of the same. You are also fully aware of the same. You have been pleading for using this article 370 in a proper manner so that we are able to bring about a change in the situation as realised.

Sir, Pakistanis are trying their level best to create a communal divide amongst the Hindus and the Muslims, not only in Kashmir but in the rest of the areas also. This is not for the first time that they have desecrated a place of worship. I will not be surprised if a similar kind of game is also being continued in order to provoke the people so that the communal clash takes place and that is why we have to be aware of these situations as it is never seen in that area.

I can say without any fear of contradiction that almost six to seven months back I had toured this area extensively and after coming back I was fully satisfied that the people are totally disillusioned by the disinformation campaign spread by Pakistan. They say : 'We are neither interested in merging with Pakistan nor do we ask for any Azadi; we would like to be with the mainstream'. In fact, for the last ten years we have experienced what is being called **Jehad**. In the name of **Jehad**, forcible extortion from the people has taken place. They have misbehaved with women. They have forcibly entered the houses and forced the people to give them food. All these things have happened and there is not even an iota of doubt in the minds of the people that these are the people who are not interested in any kind of religious activity and they are totally irreligious, nothing to do with religion. Now the people have understood the game that it is Pakistan which is instigating these people, sending them here so that they can be used as mercenaries who will be creating a problem in this area.

I really feel that after the Charar-e-Sharif, it has made a definite change in the entire situation. I was not aware of this fact. Though Charar-e-Sharif was being worshipped both by the Hindus and the Muslims and all people belonging to different religions, at the same time they knew that the Charar-e-Sharif has been burnt not by the Army but by these terrorists. There is no doubt in the minds of any one. This has definitely brought about a change and that is why those who were very firm to hold elections before 18th July which was inescapable, and it became necessary to bring about this kind of an amendment extending the President's rule by six months more so that they will be able to have the original kind of normalcy that was brought about.

There are only two points about which, in fact, I would like to say something. This is about the statement made by the hon. Prime Minister in the Rajya Sabha. He has said that we are prepared to consider anything short of

Azadi. I think this is an issue on which negotiations have to be carried on and at this stage immediately if the Prime Minister were to announce that this is what we propose to do in the matter, there is hardly any scope for any kind of negotiations and that becomes a starting point. If we succeed in holding the election, thereafter the representative Government will start not with a clean state, but with this commitment which the Government of India has entered into. But there can be certain things which can be said before the elections and some things can be reserved for announcing later on. I do not know what the Prime Minister has in his mind unless he were to come before the House. He has definitely said that he is going to come before the House with all the details that he has in mind.

Sir, the next point that I am going to make is the most important aspect of the entire thing. Autonomy, specially in the context of the Sarkaria Commission's recommendations, will have to be properly understood. One of the hon. Members said that if we have to give autonomy for Jammu and Kashmir, then in North Eastern States also there might be demands for similar kind of autonomy to be granted. I can assure him that as it is, Jammu and Kashmir has a different kind of status as compared to the rest of the States and that is why, even when the Sarkaria Commission's recommendations are also accepted, Sarkaria Commission had also asked for decentralisation of power, both administrative and financial— we will have to give a different kind of treatment to Jammu and Kashmir, if it comes to that. But ultimately the statement will clarify the entire position. I cannot be more authentic on this.

Sir, about the economic package which was talked about, I am aware of the fact that since the time I was the Deputy Chairman of the Planning Commission, the Non-Plan gap was the responsibility of the Government of India. We have not been able to understand it and the package even then was of 30 per cent grant and 70 per cent loan. This went on accumulating. Ultimately, we could see that a huge amount of Non-Plan gap was there and how to bridge this gap was the main issue. In the beginning, the Finance Ministry allowed the Government of Jammu and Kashmir to utilise the Plan money for Non-Plan purposes which, according to me, is not a healthy practice. If the Plan money is used for Non-Plan purposes, then the Plan suffers. In fact, in Jammu and Kashmir we have to accelerate the pace of development activities. So, it goes against that principle and that is why, now they have accepted the position that we will have to give 90 per cent grant and 10 per cent loan. That will fulfill rest of the aspirations of the local people. Even last year, till 1993-94 they had a different kind of financial position, but from 1994-95, I think, we had given about Rs. 950 crore for Jammu and Kashmir, so that the particular problem of deficit which Jammu and Kashmir as facing may not be there.

Sir, I am aware of the fact that when talk of economic package, some of the hon. Members might be having a

feeling that these are the normal things which go on and there is nothing like a package that you are saying. If they are interested in that, I can say a few words. I am sure that my colleague, who is sitting here, has a railway line project from Udampur going right upto Baramullah. The Udampur-Baramullah railway line has been sanctioned by the Railway Ministry and some hydro-electric projects have been sanctioned by the Government. There are two or three other Hydro-electrical projects which are also in the offing. In fact, there is no escape. We will have to give sanction to those projects and see that those projects are started well in time. So, with the hydro-electric projects and the railway project which are some of the new things that have been introduced in that area, I feel quite confident that there would be a tremendous amount of employment generation.

Added to this, I have to say that both in Police as well as para-military forces a large number of young people have been recruited from this area in order to give them some kind of satisfaction that they are getting something from the employment scheme that the Government has announced. The scheme announced by the Prime Minister is also available to them so that whosoever is interested in standing on his own, should be able to take full advantage of this situation also.

I hope these were some of the general points which were raised by the hon. Members and to the extent possible I have tried to explain the position as it is obtaining. There is only one point left that was about the migrants. The question in this regard is as to what is going to be the position of migrants. In the case of migrants, the Chief Election Commissioner saw to it that they are being enrolled as voters. They have been enrolled as voters and I have no doubt in my mind that some device would be found out by the Chief Election Commissioner to see that they are able to exercise their franchise also. If it is done, I am sure, we will be able to bring about some kind of balance in the imbalance which we find in that area and they will be able to exercise their franchise. These were the only points which I thought..

[Traslation]

MR. SPEAKER : Should be take up the Private Members Business today ?

SHRI MOHAN SINGH (Deoria) : It is not a good convention. The Private Members Business day has been postponed two or three times. Yesterday, we were informed that Private Members Business would be taken up today and already one hour thereof has been spent on other business. It should be avoided.

MR. SPEAKER : You are right. There are 2-3 items. Some Members would like to speak on other items. There is a Private Member's Bill also. The Delhi Rent Bill is also there which is on the verge of being passed. We shall proceed as per the sense of the House.

SHRI KALKA DAS (Karol Bagh) : Today is the last

day of the session. In the Zero Hour, everybody should be allowed to make submissions.

[English]

SHRI RAM NAIK : That is also one of the most important aspects which should be considered and so many members have given notices. They should also be allowed to express their views.

[Translation]

SHRI RAM KRIPAL YADAV (Patna) : The time of the sitting may be extended and the Private Members Business may be taken up later on.

MR. SPEAKER : We shall first take up the Resolution and thereafter, if you agree, we shall take up the Bill and there shall be no reply by the Minister.

SHRI RAJVEER SINGH : Mr. Speaker, Sir, we were informed that the Home Minister would make a statement at 4 p.m. today. It is an important issue and we would like to know about it.

[English]

SHRI S.B. CHAVAN : Sir, the statement is ready with me.

[Translation]

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, yesterday I had made 4-5 points and I am sorry to say that the Minister did not reply to my points. The Governor should be transferred. (Interruptions)

MR. SPEAKER : It is not proper.

SHRI RAM VILAS PASWAN : The other point was about delimitation. In Jammu alone, Scheduled Tribes constitute 20 percent of the population and Gujars, Bakarwal in particular comprise 20 percent of the population. Out of 88 seats, Jammu accounts for 37 seats and 47 seats are from Kashmir. Out of the 37 seats, not a single seat has been dereserved and not a single seat has been dereserved and not a single seat has been increased for this caste in proportion to population whereas 10 more seats have been created. Mandal Commission's report has been implemented...

MR. SPEAKER : Your point is becoming very lengthy a complete speech.

SHRI RAM VILAS PASWAN : The third point is about misuse of money - i.e. the funds being given by the Union Government. Are these funds being used or they are being misused ? Will the Minister clarify ?

[English]

SHRI S.B. CHAVAN : So far as the reservation issue is concerned, I would not be able to say anything on that. I will definitely bring this matter to the notice of the Election Commissioner. Ultimately, it is the Election Commission which has to do this job. I would not be able to say anything on this.

With regard to the money which has been provided for the development of that area, a cell has been created in the Jammu and Kashmir Government, and the Financial Commissioner is the head of the team; all the departments are represented there. At the Government of India level, there is a Secretaries' Committee which is supposed to monitor the whole thing. They are going to monitor not only the spending of the money, but in physical terms, they are also going to see whether the work has taken place or not. Both these aspects are going to be reviewed by the cell which has been created at Srinagar and headed by the Financial Commissioner...*(Interruptions)*

[Translation]

MR. SPEAKER : It is getting lengthy.

[English]

SHRI CHANDRA JEET YADAV : Sir, I have a very small clarification which I wanted to seek from the Home Minister. Perhaps, I may remind you that one year before, the demand was made in this House that you should have an Advisory Committee on Jammu and Kashmir Affairs. You agreed to it, the Committee was constituted, but not a single meeting took place. And the Committee became ineffective. So, will you consider this proposal again and form the Advisory Committee ?

The second thing that had been demanded here is, would you also consider the demand for inviting the Hurriyat people and to have negotiations with them ?

SHRI S.B. CHAVAN . Sir, I feel guilty about the Committee not being consulted. There is no doubt about it. We will definitely reconstitute it and try to take their advice in the matter. I have made a public statement, so also the Prime Minister had made a public statement, that whosoever, so long as he shuns violence and is prepared to talk with us, certainly he is most welcome. But the Hurriyat people themselves feel shy that if they go to the Government and discuss certain matters, then the other sections of Hurriyat might take it otherwise. That is whole position.

SHRI SYED SHAHABUDDIN : The question is, whether you shall invite them. You have never invited them .*(Interruptions)*

[Translation]

MR. SPEAKER : There are so many issues and it cannot be converted into a question-answer hour.

[English]

Please understand the difficulties.

(Interruption)

MR. SPEAKER : I shall now put the Statutory Resolution to the vote of the House.

The question is :

"That this House approves the continuance in force of the Proclamation dated the 18th July, 1990 in

respect of Jammu and Kashmir, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 18th July, 1995."

The motion was adopted

16.41 hrs.

DELHI RENT BILL -Contd.

MR. SPEAKER : I think the hon. Home Minister should make a statement. But before that, if you all agree, the Delhi Rent Bill can easily be passed. We can pass that Bill within five minutes and then go over to the statement.

MR. SPEAKER : The question is :

"That the Bill to provide for the regulation of rents, repairs and maintenance and evictions relating to premises and of rates of hotels and lodging houses in the National Capital Territory of Delhi, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. SPEAKER : Now we shall take Clause by Clause consideration of the Bill.

The question is :

"That Clause 2 to 82 stand part of the Bill."

The motion was adopted.

Clauses 2 to 82 were added to the Bill.

MR. SPEAKER : The question is :

"That first schedule stand part of the Bill."

The motion was adopted.

The First Schedule was added to the Bill.

MR. SPEAKER : The question is :

"That second schedule stand part of the Bill."

The motion was adopted.

The Second Schedule was added to the Bill.

MR. SPEAKER : The question is :

"That Third Schedule stand part of the Bill."

The motion was adopted.

The Third Schedule was added to the Bill.

MR. SPEAKER : The question is :

"That Fourth Schedule stand part of the Bill."

The motion was adopted.

The Fourth Schedule was added to the Bill.

MR. SPEAKER : The question is :