

11.10 hrs.

MOTION UNDER RULE 342

Situation in Jammu and Kashmir

[English]

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): Sir, I beg to move:

"That the situation in the State of Jammu and Kashmir be taken into consideration."

The prevailing situation in the Kashmir valley which is very grave is the cumulative result of inadequate political and administrative response to a series of developments in the valley which spurred public disenchantment in the efficacy of political process and administrative machinery to deliver the good. These also provided a fertile ground to the fundamentalist, subversive and anti-national forces to re-group themselves with the aid and assistance of forces operating from across the border. (Interruptions)

MR. SPEAKER: I am on my legs. Please sit down. Yes, Mr. Saituddin Soz.

(Interruptions)

[Translation]

SHRI MUFTI MOHAMMAD SAYEED: It seems as if you are not interested in listening to anything.

(Interruptions)

MR. SPEAKER: You have not been permitted. Please sit down. Shri Soz may please speak.

(Interruptions)

[English]

PROF. SAIF-UD-DIN SOZ (Baramulla): In this noise, I did not listen to what Shri Mufti

Mohammad Sayeed said. But if he was making a reference to Kashmir and if he is proposing discussion under Rule 342, then I raise objection to his moving this motion because he is no longer in charge of Kashmir affairs. Only Shri George Fernandes can move the motion. In my opinion, he is a party to all killings and atrocities in Kashmir. I can never allow him to move the motion. Shri George Fernandes should move the motion because there was a presidential order yesterday that Shri George Fernandes would hold additional charge of Kashmir affairs. We did not raise objection to that because Kashmir situation is like that. If you want to discuss about Kashmir and if Government wants to move a motion here, it should be only by Shri George Fernandes, not by Shri Mufti Mohammad Sayeed.

MR. SPEAKER: Shri P. Upendra.

(Interruptions)

MR. SPEAKER: I have called upon Shri P. Upendra.

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): It is a collective responsibility. It is the discretion of the Government to allow any Minister to make a statement. Shri George Fernandes is going to intervene in the debate today.

MR. SPEAKER: It is up to the Prime Minister to choose who has to speak. Since the Prime Minister has chosen the Home Minister, I will now call upon the Home Minister. Mr. Mufti Mohammad Sayeed.

(Interruptions)

PROF. SAIF-UD-DIN SOZ: He is not the man who should move. I request the hon. Prime Minister, if he wants consensus on Kashmir and if he wants peace in Kashmir, Shri Mufti Mohammad Sayeed should take his seat. Shri George Fernandes should initiate the discussion.

MR. SPEAKER: It is the collective responsibility of the House and it is up to the Prime Minister to decide who should speak.

SHRI SAIF-UD-DIN SOZ: Shri George Fernandes is holding charge of Kashmir affairs under presidential order. I request the hon. Prime Minister to ask Shri George Fernandes to initiate the discussion.

SHRI N.G. RANGA (Guntur): They claim that the motion moved by Shri Mufti Mohammad Sayeed should have precedence over the adjournment motion because it is being moved on behalf of the Government. May I know, now that the Prime Minister happens to be here, who is in charge of Kashmir affairs now? Is it Mr. George Fernandes or is it Mr. Mufti Mohammad Sayeed? If it is Mr. George Fernandes, then it is not right that he should intervene sometime later. It is the Minister concerned who is supposed to be in charge of it, who can make the statement. (*Interruptions*)

PROF. SAIF-UD-DIN SOZ: Hon. Speaker, Sir, I have a *via media* in this issue. If you want a consensus on this vital issue, the choice before you is Mr. George Fernandes. (*Interruptions*)

SHRI R. UPENDRA: Mr. Speaker, Sir, it is for the Government to decide as to who is to make the statement and not for them to decide. (*Interruptions*)

PROF. SAIF-UD-DIN SOZ: Let the Prime Minister make it. I agree with that. (*Interruptions*)

Let the Prime Minister himself make it or let Mr. George Fernandes who holds charge of Kashmir affairs, make it. But there is no place for Mr. Mufti Mohammad Sayeed. (*Interruptions*)

[*Translation*]

MR. SPEAKER: Mr. Sathe, whosoever may speak on behalf of the Government, how can it be a matter of dispute?

(*Interruptions*)

SHRI DAU DAYAL JOSHI (Kota): Mr. Speaker, Sir, when you have given the ruling and the name of the hon. Minister has been called, why do they still insist on arguing? (*Interruptions*)

SHRI KALKA DAS (Karo! Bagh): Mr. Speaker, Sir, Mr. George Fernandes will also intervene as the hon. Minister of Parliamentary Affairs has stated. They are not in favour of solving this problem. (*Interruptions*)

SHRI MOHAMMAD SHAFI (Srinagar): Mr. Speaker Sir, people are being killed there indiscriminately and they are unwilling even to listen. (*Interruptions*)

SHRI SAIF-UD-DIN SOZ: Kashmir has been turned into a graveyard. (*Interruptions*) The Governor has destroyed the State.

SHRI VASANT SATHE (Wardha): Mr. Speaker, Sir, I think the House is interested in discussing this very important matter in all seriousness. Therefore, I submit that you would be setting a good precedent if, as per the business rules of the House, the hon. Minister Shri George Fernandes, who is notified as the Minister in charge of Kashmir Affairs, makes the statement. I am telling this without any disrespect to my good friend Shri Mufti Mohammad Sayeed. I think let Shri George Fernandes initiate it or if the hon. Prime Minister is so good enough he himself can initiate this debate under Rule 342 as we have been doing. Let it be initiated. Let proper perspectives from the Government in the light of the Delegation that has gone there and in the light of the new appointment of Shri George Fernandes and the Advisors etc. be placed before the House and the country. Let us have a debate. It is in this view that I am asking Shri George Fernandes to make the statement. I have no disrespect to my good friend Shri Mufti Mohammad Sayeed. (*Interruptions*)

THE PRIME MINISTER (SHRI VISHWANATH PRATAP SINGH): Mr. Speaker,

Sir, may I submit that I quite agree with Vasant Satheji that this is a matter of serious concern for all of us. I also want to thank the parties who have come together in consultation to evolve a common approach to the problem of Jammu and Kashmir. That is the challenge we face today. The statement that is being made in the House is the statement of the Government. It is not the statement of any individual Minister. It is the statement of the whole Government. So, I would say that when the Home Minister or any Cabinet Minister is speaking, he is making a statement on behalf of the Government. There is no personal statement made. Shri George Fernandes will intervene in the debate. *(Interruptions)*

I would request that this Government should not be fractionated into individuals. It is a Cabinet System of collective responsibility. *(Interruptions)*

MR. SPEAKER: No further discussion on this. I do not want any further discussion on this.

(Interruptions)

PROF. SAIF-UD-DIN SOZ: The I walk out of the House.

11.20 hrs.

[At this stage, Prof. Saifuddin Soz left the House]

(Interruptions)

SHRI G.M. BANATWALLA (Ponnani): I would like to know what is the fate of my Adjournment Motion.

MR. SPEAKER: I have not given my consent to that.

(Interruptions)

MR. SPEAKER: Shri Mufti Mohammad Sayeed to continue.

11.21 hrs.

[At this stage, Shri G.M. Banatwalla and Shri Ibrahim Sulaiman Sait left the House]

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): There has been a sharp deterioration in the situation since April, 1988. The extent of people's alienation from the mainstream is apparent from the near total boycott of the recent elections and increasing public sympathy with the militants with the help from across the border, increased militancy in the form of more and more explosions, selective killings and attacks, particularly on the symbols of Central as well as State authority resulted in a climate of fear and subversion of the Government machinery in the State.

The situation in the Valley at the time of imposition of the Governor's Rule on January 19, 1990, following the resignation of Dr. Farooq Abdullah represented a grim picture characterised by total paralysis of administrative machinery and disruption of the security and the law and order fabric in the Valley. The State Government appeared to have neither the will nor the capacity to put through strong measures to meet the offensive launched by militants. The various secessionist forces had regrouped in an organised manner and political activity in the Valley had virtually ceased, while militants had escalated the tempo of their violent activities.

Since the imposition of Governor's Rule determined efforts are being made to restore the authority of the State and bring back normalcy. There has been revamping of administration at various levels with a view to making various components of administration functional and improving the coordination as also toning up of intelligence network and police machinery. The presence of Central Para-military forces has been augmented and steps have been taken to strengthen the vigil on the border.

Our neighbouring country's continued assistance to the secessionist elements in the Valley in a vigorous manner is a cause of

[Sh. Mufti Mohammad Sayeed]

grave concern. We have concrete evidence regarding assistance in the shape of arms, inspiration and guidance being received by the militants from across the border. We also have information regarding large number of training camps being run on the other side of the border to train the militants. Its further attempt to internationalise the issue has added a new dimension to the situation.

The situation in Kashmir calls for firm and resolute measures for reasserting the authority of the State and restoring normalcy. It will involve isolating and containing secessionist elements in an effective manner and toning up of intelligence and administrative machinery. A new vigour is also required to be injected in the local administration and police machinery. It also calls for measures for winning aback confidence of people through initiation of political process and implementation of various people-oriented measures on the economic front. Conditions are also to be created in which the people who have left the valley for Jammu, Delhi and other places in the country can return to their homes.

The Central Government is fully alive to the situation and keeping a close watch. While we have taken necessary steps to counter our neighbouring country's offensive, we reiterate our resolve to defend the country's integrity and secular institutions. We also caution the rulers of our neighbouring country against showing undue interest in what is essentially an internal matter of this country. Besides, initiation of various administrative measures as outlined above, political initiative has also been taken with a view to evolving a national consensus for tackling this problem. The Prime Minister has already held a meeting with senior leaders of major political parties on 7th March, 1990 and a delegation comprising leaders of these political parties also visited Srinagar on 8th March, 1990 for making an on-the-spot study of the situation. This visit was followed by a Review Meeting held by Prime Minister on 10th March, 1990, with the lead-

ers of these political parties. A joint statement was also issued after the meeting, reassuring the people of Jammu and Kashmir about maintaining the identity of the State and underlining the need for reviving the political activity. It further expressed the resolve that no sinister designs against the unity and territorial integrity of India shall be permitted to succeed and made an appeal to the misguided sections of the people in Kashmir Valley to abjure violence and take recourse to peaceful ways for the redressal of their grievances, for which abundant opportunities existed within the Constitution of India. As discussed in the Meeting, a Cabinet Minister has been appointed to coordinate Jammu and Kashmir affairs and an Advisory Committee comprising the representatives of the political parties to assist the Minister has been set up.

The Government of India has been rendering all possible assistance to the State Government to meet the situation. The Government is totally committed to maintaining territorial integrity and unity of the country and foil the nefarious designs of secessionist and subversive elements operating in the Valley. The people of the country stand united in this resolve and sinking our differences.

SHRI G.M. BANATWALLA: I have given notice of an amendment to this motion. My amendment is:

"Add at the end of the motion,
'regret that.....'"

MR. SPEAKER: There is no motion now. He has only spoken. Shri Vasant Sathe to speak.

SHRI VASANT SATHE (Wardha): I am glad that the Government has come forward to have this very important matter, that concerns the entire nation, discussed on the very first day of business.....

SHRI G.M. BANATWALLA: What happened to the supplementary list of business? You have circulated a supplementary list of

business and therein the motion has been given to be moved by Mufti Sayeed Sahib. What happened to that? Let us know what we are taking up right now.

MR. SPEAKER: You please go through Rule 342. As per Rule 342 we have taken up this discussion and the House has consented to take up this discussion under that rule.

SHRI G.M. BANATWALLA: But what happened to the list of business which has been circulated? It speaks about the motion.

MR. SPEAKER: Now the discussion is as per Rule 342. It gets precedence.

SHRI G.M. BANATWALLA: But it speaks about the motion and if there is a motion there will be an amendment.

SHRI T. BASHEER (Chirayinkil): Sir, you seem to have not taken this matter in all seriousness. Actually, in the List of Business for today, which we received, there is.....
(*Interruptions*) I am on a point of order.
(*Interruptions*)

MR. SPEAKER: There is no point of order.

(*Interruptions*)

MR. SPEAKER: You may please take your seat. I have not permitted you.

(*Interruptions*)

SHRI T. BASHEER: Sir, I have been trying to catch up your eye all through the time. You give me the time to speak. (*Interruptions*)

MR. SPEAKER: Yes. Now, you may speak on the point of power.

(*Interruptions*)

SHRI G.M. BANATWALLA: In the Revised List of Business for today, item No. 8 says that this is a Motion. I seek to amend

the Motion. (*Interruptions*)

MR. SPEAKER: Shri Basheer is on a point of order. Let him speak.

SHRI T. BASHEER: Sir, what I would like to say is that you have shown lack of importance to this. (*Interruptions*)

MR. SPEAKER: Let Shri Basheer speak. Other hon. Members may take their seats.

(*Interruptions*)

SHRI G.M. BANATWALLA: Sir, you said this is a Motion. I have given a notice of amendment. But, before disposing of that, you are taking up other matters.

MR. SPEAKER: I am disposing of that. Now, you take your seat.

SHRI G.M. BANATWALLA: You have circulated the Motion. I have given an amendment to that Motion.

SHRI T. BASHEER: Actually, what I would like to say is that the way in which you are dealing with the subject is not fair. You have shown lack of importance to the subject. Today, when I received the Revised List of Business I saw that there is a discussion under Rule 193, which is to be raised by Shri Mufti Mohammad Sayeed. Then, I wondered as to how a Minister can raise a discussion under Rule 193. (*Interruptions*) Sir, the Rule is there. It is for a Member to raise, after seeking clarification from the Minister. I can read the relevant Rule. (*Interruptions*) Let me complete, Sir.

MR. SPEAKER: You may address the Chair and not others.

(*Interruptions*)

SHRI T. BASHEER: After that, when we came here, we received another Revised List of Business which says that the existing item No. 8 may be substituted as 'A Motion'. If it is so, I would like to know under this Rule, where is the Motion, what is the procedure

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adopted, what is the state of things, what are we hearing from the Minister and what are we hearing now. There is no motion at all. I cannot understand. Please let me know what procedure you are following.

SHRI KAMAL NATH (Chhindwara): Now, the issue is that whether this is a discussion under Rule 193 or 342. There is also an Adjournment Motion. But, there is no ruling on the Adjournment Motion.

MR. SPEAKER: I have already given.

(Interruptions)

SHRI KAMAL NATH: It is an important matter and an Adjournment Motion has an element of censure. Is this matter serious enough to have consideration? (Interruptions) I would like to know whether it is a discussion under Rule 193 or 342 or this is a Motion moved by the Government. (Interruptions)

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Speaker, Sir, I have one submission to make. You issued an agenda and the House taking into account the seriousness and, of the matter adopted the motion to suspend the Question Hour. What more seriousness can be there? Even after suspension of the Question Hour and top priority being accorded to this matter, some people are making efforts to stall discussion on this subject because they are themselves responsible for this state of affairs as it developed while they were in power. Therefore, my point is that this discussion should be allowed to continue. Those who are staging a walk-out today are themselves responsible for it.

[English]

SHRI P. UPENDRA: Sir, it is a very serious discussion. As the leaders of the parties opposite know, recourse to this rule

has been made on the basis of a consensus arrived at in your chamber. It is proper on the part of the leader to allow the Member so that we do not waste our time in discussing this matter.

MR. SPEAKER: Yes.

SHRIG. M. BANATWALLA: I will formulate my point of order and request that you please hear me now.

Sir, first of all, the Members were taken with surprise to read the motion which has been substituted for item 8, namely, that the situation in Kashmir be taken into consideration. It is a motion under rule 342. Before we could apply our mind to the notice that was given, you even admitted the motion and you even allowed the Member concerned, namely, Shri Mufti Mohammad Sayeed, to move that motion also.

Now, running against time, we are here writing out notices and rushing these to you. I have rushed two notices during these few minutes with me while protesting that my adjournment motion on Kashmir situation has not been allowed by you. My two notices are with respect to this discussion under rule 342.

My first submission is that discussion under rule 342 is a discussion under a motion. The motion is:

"That the situation in Kashmir be taken into consideration."

My first notice is about an amendment to the motion. That amendment to the motion is that at the end add:

"and regret that Government policy led to the present deteriorating situation."

Now this is one notice of my amendment given to the Government.

SHRI P. UPENDRA: Which Government?

SHRI G.M. BANATWALLA: The Government is your Government. (*Interruptions*) Government means the Government in power. (*Interruptions*) I need not educate the hon. Minister for this. (*Interruptions*)

The second notice is also under rule 342. This rule says that the main motion moved by Shri Mufti Mohammad Sayeed can come up for discussion unless a Member moves another substantive motion. So, my another notice is a notice on a substantive motion that instead of taking up the present motion of Shri Mufti Mohammad Sayeed, the House should take up the motion:

"That this House regrets that the policy of the Government led to the deteriorating situation in Jammu and Kashmir."

If you are not prepared to accept my amendment to the motion, then, at least you will have to accept my substitute substantive motion under rule 342. (*Interruptions*) I quote rule 342:

"A motion that the policy or situation or statement or any other matter be taken into consideration shall not be put to the vote of the House, but the House shall proceed to discuss such matter immediately after the mover has concluded his speech and no further question shall be put at the conclusion of the debate at the appointed hour unless a member moves a substantive motion in appropriate terms..."

I have already given you a motion in substantive terms also. I request that my substantive motion be accepted. I had no time to give it earlier because the motion has come right now. I have given you substantive motion in substitution of the motion of the hon. Minister for Home Affairs. My substantive motion says that instead of the motion of the hon. Home Minister, the House should take up the following motion:

"That the House regrets that the pres-

ent situation is due to the policy of this Government."

MR. SPEAKER: Please take your seat. I will again read Rule 342 for the benefit of the hon. Members of the House. Rule 342 says:

"A motion that the policy or situation or statement or any other matter be taken into consideration shall not be put to the vote of the House, but the House shall proceed to discuss such matter immediately after the mover has concluded his speech and no further question shall be put at the conclusion of the debate at the appointed hour unless a member moves a substantive motion in appropriate terms to be approved by the Speaker and the vote of the House shall be taken on such motion."

So, accordingly, I think it is an order that I should allow Mr. Sathe to speak. And then you can move your substantive motion. Now, Mr. Sathe can speak.

(*Interruptions*)

MR. SPEAKER: That can be taken up at the conclusion of the debate. Things are clear and hence, Mr. Sathe can proceed.

(*Interruptions*)

[*Translation*]

PROF. SAIF-UD-DIN SOZ: I am unable to understand as to what is their problem?

SHRI MADAN LAL KHURANA (South Delhi): You had staged a walk out and therefore would you know? (*Interruptions*)

[*English*]

SHRI VASANT SATHE: As I said, it shows the urgency of the matter that this House on its very first day of dealing with its business has taken up this important matter even by suspending the Question Hour. Sir, Kashmir situation has become so grave in

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the last few months that even the representative of the Government there seems to feel that it is practically on the point of no return. I am not going to take up this matter in a spirit of acrimony as to who is responsible or who is not responsible. Ultimately, I think, we will have to decide as to what this entire Parliament is going to do and send a message not only to the people of this country but to the whole world that we are not going to allow anyone to tamper with the integrity and unity of India. I believe this is the spirit of this debate. Now, what is the seriousness of the matter? Today in Kashmir, all political and civil processes have come to a standstill. Even the Governor now says that the election of the earlier Government was rigged. Who is going to be happy and who is propagating day in and day out in Pakistan and all over the world quoting the Governor himself? You know what is happening. What are the political forces available in Kashmir? One is National Conference which has its roots into the last village of the State. One may or may not agree with this. If some people feel otherwise, they will not agree with this. But the biggest political force is the National Conference. Then they may not also agree with the views of the Congress. The present Government may or may not agree that another political force that was active was the Indian National Congress. No other political force was there. Now, suddenly a new force, namely, Jamaat-e-Islami which is totally in favour of Kashmir going to Pakistan, has come up. Another force which has come up is JKLF, viz., Jammu and Kashmir Liberation Force. Sir, whatever criticism that can be levelled against the Congress Government's rule in this country in the last 40 years, at no stage have we ever supported an anti-secular, an anti-national force or an un-popular Government in Kashmir. This at least is borne out. What has happened today? You send a representative, your Governor and the first act he does is that he dissolves the Assembly, peoples' elected Assembly. Not only this, kindly see his attitude to the people, all the people—see how it is turned—in the name of trying to

be firm against the militants. Shri George Fernandes and others who had gone in the delegation to Srinagar can correct me if I am wrong. I have been told that the Governor himself says that all political forces have become irrelevant and the only relevant political force to whom he is giving credibility is JKLF and he says that he has given them what they are asking for—*azadi*. This is what JKLF is asking for. They say that they want independence, *azadi*; nothing short of it will do. This is the *crux* of the matter and that is the first and the most important point to be discussed and decided by the entire House. I would like to know even from those who have sympathy for Shri Jagmohan whether they are in favour of handing over Kashmir to JKLF. Are they in favour of declaring independence of Kashmir in the spirit in which some people are asking for an independent Khalistan in Punjab, or even worse because an independent Kashmir everybody knows will only support Pakistan; and no one else? It will totally go into the lap of that country. Is this what you are aiming at? Are you in favour of this? I do not give any importance to an individual; he is representative of the Government of India, the Prime Minister. I have also not given much importance to the fact that the Deputy Prime Minister leads the delegation and the Governor does not deem it fit even to receive him. That is a small matter and it is for the Deputy Prime Minister to take cognizance of it.

I was saying about the attitude of the Governor. Here is an authority representing the Government of India, who has now let loose on the people of Kashmir a reign of repression in the name of curbing the militants. Can you imagine a situation of declaring the imposition of curfew there for the whole month? It was mentioned that it was valid for the entire month of February and on the top of it, it will also continue for the whole of March. What is this? That means that the people cannot go for their namaz. The period of Ramzan is coming. What will happen in the valley if the entire people are going to feel that they are going to live in a reign of curfew? Why has this situation arisen? This situation has suddenly taken this turn be-

cause of this attitude of the representative of the Government of India, called the Governor. What does that gentleman say today about all the political forces there and what is he going to do?

Our good friend, Shri George Fernandes, has been given the authority to coordinate and look into the entire matter of Kashmir; of course, he will be supported by advisors, representatives of various political parties. The intention is good, but if one wants to translate it into action, the first thing that has to be done is to restore some kind of political process there and political process to assist the secular forces, to assist the national forces, to assist those who are clear in their minds that Kashmir is inalienable part and parcel of India. Unless such persons are assisted, how will you restore a political process which will bring Kashmir and the people in the mainstream once again? If simultaneously you have an authority which keeps on saying openly to our own representatives or to the Delegation who go there, including all political forces, trade union organisations and all others—there were representatives who had gone there from all parties—when they asked this question to him, he said; “everyone is irrelevant, the only force which is relevant is (a) JKLF and (b) Jamait-e-Islami.” I am amazed of this. This is my first concern.

If this is the attitude which is going to be taken by a representative who is in charge of governance of Kashmir—because coordination is another thing—I do not think Shri George Fernandes who is today in charge of governance, his orders will prevail. His orders, I would like to know. Of course, the Prime Minister will make it clear, whether George Fernandes’ orders as Minister of Cabinet will prevail over the Governor’s whether he will be able to give directions to the Governor and the Governor will have to abide by the orders. It is because under the Constitution I do not know how this dichotomy will function. When you had appointed a Governor superseding virtually the Assembly by bringing in the President’s rule, how will it function?

As far as permission of the President is concerned, that is a legal matter. But the fact is, what will be the repercussions of this complete divergence of approach, attitude and views of these two authorities? I had read hon. George Fernandes’ statements. He feels that the political process is necessary to bring back sanity into the whole situation of Kashmir. He can correct me when he intervenes, if I am wrong there. But this is what I had gathered from his statements.

But as far as what the Governor had done and stated all these days is totally contrary to this approach. Therefore, today if anything is to be done in Kashmir, my colleagues particularly from National Conference will speak. They had launched and given many examples of what is happening there. But I would like to emphasise this aspect. The most important thing is to restore political, democratic, secular and nationalist process in Kashmir and help all those in Kashmir in restoring these things. We cannot say that majority of Kashmir have been pro-Pakistanis, all these years. Nobody can make an allegation that the brave Kashmiries who took the brunt of infiltrators from Pakistan in 1947 would ever agree or succumb to this pressure in any way of surrendering to Pakistan or being swallowed by Pakistan. Because, the whole culture of Kashmir, of which everyone is proud of—the beauty of Kashmir, the beauty of language of Kashmir, the entire heritage of Kashmir—will get wiped out the day Kashmir valley, particularly gets swallowed by the marauders of Pakistan. Everybody knows that there would be no Kashmir culture left.

What was the sanctity of Article 370? The sanctity was that we wanted to retain, maintain, preserve and protect that culture. Any suspicion that anything coming from outside, anybody from any part of India acquiring properties, acquiring lands, and the poor people of the Kashmir Valley particularly not being able to resist it—that would go against the preservation of their culture...
(Interruptions)

[Sh. Vasant Sathe]

Now we are seeing a new feature. (*Interruptions*) Fair enough; you say so. That the cat will be out of the bag, I know when I say this. (*Interruptions*) I would really like to know from this Government.... (*interruptions*) You speak it; I do not mind; you speak it out. Have the courage to say so; I would love to hear you. Those who are of the view that Article 370 should be done away with, let them speak it out on this occasion openly; and then let me know from the Government, let me know from the hon. Prime Minister and Mr. George Fernandes and others whether they agree... (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH: Sir, I want to say here and now that we stand by Article 370. (*Interruptions*)

SHRI VASANT SATHE: Thank you very much. (*Interruptions*)

SHRI L.K. ADVANI (New Delhi): After all, if this is the occasion for every party reiterating its stand given to the people in their manifestos, the Prime Minister has done the right thing by emphasizing what his party told the people; and I will say that I believe, and my party believes, that this situation would not have arisen if, as Dr. Mukherjee had demanded, Article 370 had been scrapped. (*Interruptions*) And today also... (*Interruptions*)

I can tell you, and I can tell the Congress benches that this is too jejune a device to try to divide us. We appreciate it... (*Interruptions*) I respect his viewpoint, and I believe that it is his duty to repeat what he has told the people; and I say that it is my duty to say that my party will continue to stand for the abrogation of Article 370... (*Interruptions*)

Mr. Speaker, Sir; Mr. Vasant Sathe wanted us to state our position. The Prime Minister has stated his. I have stated my own. (*Interruptions*) But I would say that today the situation in Kashmir is too serious for us to be playing politics with each other. There is no scope for playing politics. And

what is being said is only playing politics. (*Interruptions*)

MR. SPEAKER: Now Mr. Sathe.

(*Interruptions*)

SHRI L.K. ADVANI: Let us not play politics. Let us deal with the situation; let us not play politics. (*Interruptions*)

MR. SPEAKER: I have not called others. Yes, Mr. Bhogendra Jha.

SHRI BHOGENDRA JHA (Madhubani): Sir, I think what the Prime Minister has stated on the point of Article 370 is not only his party's manifesto. As the Prime Minister, he has stated it; and that is the Government's stand, which we are supporting.

SHRI VASANT SATHE: Now we have the picture a little clearer. Why do I say that this is a policy matter, and a very serious policy matter? I was not trying in any way to divide the main crutch given by the BJP to the Government. (*Interruptions*) I was not, nor am I interested. Sir, they have already stated that they stand by their manifesto.

It is absolutely clear. You have reiterated it, made it further clear again; right from Dr. Shyama Prasad Mukherji's time till Shri Advaniji's time, till today you are clear in your view that Article 370 be abrogated. Here is a main party which is supporting the present Government. The Prime Minister himself has in no uncertain terms stated that they will not in any way abrogate Article 370. They are supported by the Marxists also. (*Interruptions*) I have stated my position right in the beginning. (*Interruptions*)

SHRI RAM NAIK (Bombay North): Are you supporting the Government or not? What is your stand? You must state your stand clearly whether you are supporting the Government or not. (*Interruptions*)

SHRI VASANT SATHE: I cannot help those who cannot follow English. (*Interruptions*) I have very clearly stated that the

whole purpose of Article 370 as enshrined in the Constitution was to protect the cultural identity of the people of Kashmir. (*Interruptions*) This is our stand. If this is the stand of the main supporters of this Government, and if the Governor there is pursuing a different policy, you have to reconcile your stand and the Governor's stand. What is it that you are asking for? If they say that Article 370 should be taken away, then whom are they supporting? They are encouraging the demand of the JKLF and legitimising it. When they say that they do not feel secure, they do not have their cultural identity preserved and protected, this is their legitimate apprehension, look at this major party; your supporters are saying so. Therefore, they want independence. If this is not a logical conclusion and the corollary, what else it is? Is the BJP hand in glove with JKLF indirectly? Is this what they are aiming at? The demand for independent Kashmir, liberation of Kashmir, is the demand they encourage. Is this the objective of this important organisation of this country, the main supporter of this Government? If this is so—it was common knowledge—everybody was saying that the present Governor is, in fact, a nominee or at least recommended.....

[*Translation*]

SHRI VIJAY KUMAR MALHOTRA (Delhi Sadar): He was appointed by Shri Rajiv Gandhi and Shrimati Indira Gandhi. You should also disclose what Shri Rajiv Gandhi had told Shri Jagmohan and members are eager to know it.

SHRI VASANT SATHE: You are.....

SHRI VIJAY KUMAR MALHOTRA: You are trying to take undue advantage of him in order to cover up your own misdeeds. You were going to appoint him as a Minister and today you are saying that he is our nominee.

[*Translation*]

SHRI VASANT SATHE: I would like to clarify. Please listen. (*Interruptions*)

[*English*]

I am glad that Mr. Malhotra has made a statement. If anyone who enjoyed earlier the blessings of Mr. Rajiv Gandhi goes to that side, he becomes a pariah. Is this what you are trying to say? If anyone who had earlier blessings or who was a supporter of Mr. Rajiv Gandhi, who called Rajiv Gandhi Krishna, Rama, goes to that side, he becomes a paragon of virtue. Is this what you are trying to say? Okay. But then do not have any grievance. There are many. (*Interruptions*)

[*Translation*]

SHRI VIJAY KUMAR MALHOTRA: Those who are sitting with you, used to hurl abuses till recently. (*Interruptions*)

SHRI VASANT SATHE: There are several hon. Members on your side who were with us previously. (*Interruptions*)

[*English*]

Man must be judged by his action. If today the Governor is behaving in a manner which is against the interest of this country, against the interest of the nation, is encouraging divisive tendencies, fissiparous forces in Kashmir, Sir, that will be the height of treason, nothing short of it, because anyone who supports secessionist forces, secessionist movements, secessionist tendencies can be condemned nothing less than being guilty of treason and this is what I charge the present representative of the Government of India in Jammu and Kashmir of being very openly supporting this organisation called JKLF. I would really like to know from anyone on that side whether they will plead and support this nefarious organisation, either Jamaat-e-Islami or JKLF, by anything because that will be as good as supporting an other secessionist force Khalistan.

Sir, this is the seriousness that we are faced with today in this country. Whilst you allow and particularly the geographical situation of both these parts, both Jammu and

[Sh. Vasant Sathe]

Kashmir and Punjab contiguous, Sir, in both these parts if such tendencies grow, you can understand how detrimental it will be for the interest of unity and integrity of this country. This is what has happened because of the soft policy whatever grievance or condemnation you may make, our Government at least stood firmly in a non compromising attitude against the terrorists, even at the risk of personal life we never succumb to the terrorists or say that we will have any deal with the terrorists. Therefore, Sir, today... (Interruptions) I cannot argue with ignorant people. The major point in this discussion therefore is this. How are we going to bring back the nationalist, secular, progressive forces once again to have their voice, their coming into the mainstream of national life of this country, the democratic national life of this country? How are we going to encourage this process? How are we going to correct immediately this most dangerous trend headed, abated by no less a person than the Governor representing the authority of the President and the Government of India? How are you going to curb him, his approach and his attitude of encouraging the anti-national, subversive, secessionist forces like the JKLF and Jamait-e-Islami? This is the main issue. This is the crux of the matter. We can assure right now that anything that this Government will do again to restore Kashmir to the main process, the political, democratic, nationalist, secular process, would be most welcome and we will give our full support. But if they still encourage the voices which have been raised here and reiterated by the leader of the BJP that they want to hit at the very root of cultural identity of Kashmir, if this is still going to be encouraged, I do not see any way of trying to find a solution to the situation of Kashmir although the Prime Minister has made it very clear just now his attitude towards the cultural identity of the people of Kashmir as enshrined in Article 370. This is what I would like to emphasize. I hope these issues will become clear in this debate.

[Translation]

SHRI KALKA DAS (Karol Bagh): You

are making a reference to the BJP but I would like to take this opportunity to tell you that whatever little culture of Kashmir is left in the valley, it is only due to BJP. That is just due to the sacrifices made by the BJP.

[English]

MR. SPEAKER: Shri Jaswant Singh.

SHRI G.M. BANATWALLA: You have promised to allow me to move my motion.

MR. SPEAKER: At the conclusion of the debate.

SHRI G.M. BANATWALLA: Earlier you said that you would allow me after Shri Vasant Sathe and now you are saying after the conclusion of the debate. I do not know what is in your mind.

MR. SPEAKER: I made it clear that at the conclusion of the debate you would be allowed to move your motion.

SHRI G.M. BANATWALLA: The discussion must proceed taking in view the motion that I also propose to move. The Members speaking on the motion should have my substitute point also before them so that they are in a position to vote with an enlightened mind.

[Translation]

MR. SPEAKER: Mr. Banatwalla, your Motion is there, we will take it up at the conclusion of the debate.

[English]

SHRI G.M. BANATWALLA: Then another round of debate will be required on my motion.

MR. SPEAKER: No, please do not argue that way.

SHRI G.M. BANATWALLA: Shall I take it that that is your promise?

MR. SPEAKER: That will be allowed.

SHRI JASWANT SINGH (Jodhpur): I was looking forward to my senior colleague, hon. Shri Vasant Sathe's intervention. I was looking to his intervention because I thought we will have a debate and not a squabble. His intervention was full of parochial passions, full of prejudice and was filled with unreason. At the end of his intervention lasting over an hour, not a single suggestion has come from this senior Member of the Opposition about what was referred to by him. Obviously, with feeling and conviction that it is a national problem yet not a single remedial step has been suggested. The intervention has been a basketful of invectives. In 1980, when late Sheikh Mohammad Abdullah was the Chief Minister of Jammu and Kashmir, there was an incident that took place in Srinagar. I was then asked by my party and the leadership of the party, Lalji Advani and Atalji, to go to Kashmir and I went, in 1980, as a Member of Parliament. The incident was a small incident compared to what is obtaining today in the Valley. A military truck passing through Srinagar town had been stoned. I went and met late Sheikh Sahib then. There was a riotous mob. Single-handedly, in a commanding performance of domination of public life, by the sheer weight of moral authority, carrying only a stick in his hand, he brought that crowd under control. I recollect the reality of that public intervention by a leader of the National Conference and I cannot but help reflecting in sadness, not as a point of criticism, on all the leaders that went in 1990, a decade later, to that very Srinagar, on what they saw, how they reacted and what message they collectively and individually gave not just to the nation, but internationally about India's response to this situation that obtains in Kashmir. I do not have to go into the details of that visit or that delegation. I need merely to request my friends on the Opposition Benches to reflect very deeply that the situation in Kashmir today is well beyond parochial party interests. It is so grim that if you reduce the discussion on Kashmir to scoring petty and small debating points as, for example, on article 370, then you are missing the es-

sence of the challenge that the nation faces...
(*Interruptions*).

SHRI G.M. BANATWALLA: You call article 370 as parochial. What is the attitude you are having towards the Constitution?...
(*Interruptions*).

SHRI L.K. ADVANI (New Delhi): Sir, I just request the hon. Member to yield to me. I think he has made a very valid point. I wish to say that when my party decided to support this Government, at that point of time I knew that on article 370 this Government is committed to preservation of article 370. So, it is not a situation that has developed today that Mr. Sathey should have tried to highlight as if that is a major issue today. No. Today, when my party decided to support this Government, it was with full knowledge that they stand where they are and I stand where I am.

SHRI VASANT SATHE: I beg your pardon. Sir, I am really surprised that hon. Shri Jaswant Singh Ji has said that article 370 is a petty and parochial matter. Sir, to my mind Article 370, the spirit of the Article 370, is the very essence of today's entire problem in Kashmir and therefore, if you try to brush aside the reality, you can read anything into his honesty, I can understand. (*Interruptions*) Then, if you try to say that this Article is meaningless, irrelevant and petty, it is not correct. Don't say that. (*Interruptions*)

MR. SPEAKER: Mr. Jaswant Singh is not yielding, please sit down.

(*Interruptions*)

SHRI G.M. BANATWALLA: The silence of the Treasury benches is also condemnable when such a remark has been made by the hon. Member. Otherwise, they should get up and defend his position. (*Interruptions*)

SHRI T. BASHEER: The Prime Minister should condemn his statement about the Article 370 of the Constitution. (*Interruptions*).

[*Translation*]

MR. SPEAKER: Please take your seat.
(*Interruptions*)

[*English*]

SHRI JASWANT SINGH: Sir, I would like to share my perception of what I have called the five realities of Jammu and Kashmir, the realities about the situation as it obtains inside the Valley. Sir, I do hold in all seriousness and with a sense of responsibility that the situation in the Valley of Kashmir is possibly the most serious situation that the Indian nation has faced since independence, and unless we approach the entire issue with that, as the back-drop of the situation that confronts us, we will wander into the barrenness and irrelevancy of pettiness.

The second I would like to submit through you, Mr. Speaker, Sir, to the Government, is that my assessment about the situation in the Valley is that it is an externally incited, aided, trained and abetted low-level insurgency. It is a low-level insurgency externally abetted and because it is a controlled low-level insurgency, there is no need for those that are inciting it to engage in military terms the might of the Indian nation. Their aim is to continue to inflame and perpetrate that low-level insurgency and the challenge that we face as a nation is to contend with that low-level insurgency.

The third reality is that the present situation in Jammu and Kashmir is the consequence of the last 40 years of neglect and misrule and if it is the consequence of the last 40 years of neglect and misrule, there are stages in the sure descent of that Valley to the present situation. Here is the situation where our adversaries have repeatedly given us notice, whether it was in 1948 or 1962 or 1965 or 1971-72, that this is a spot where we will hurt you, that this is the spot where we will hit you, that this is the spot on which we will inflict injury. Despite these repeated warnings, to successive governments of India, if we find ourselves in the present

situation, then it is only because we collectively, as a country, have not recognised the reality of Jammu and Kashmir and the challenge that it poses to the Indian nation. If, however, Sir, beyond that larger screen you were to attempt to delineate the landmarks, as my hon. friend George Fernandes ably did the other day in a private conference, then there are some landmarks. And the first landmark arises in 1983. I do not have to describe that landmark. The second landmark arises in the dismissal of the Farooq Abdullah Government and the wrong installation of Ghulam Mohd. Shah's Government there, wrongly and undemocratically, and with consequences for which we are paying today.

The third landmark was the accord between Rajiv Gandhi and Farooq Abdullah and the elections of 1987. I do not wish to go into aspects of what happened in that election but there is a point which is repeatedly being made both by the Leader of the Opposition, in private conferences, through the press, and by my senior leader of the Opposition, Shri Vasant Sathe, that if we keep on talking of rigging, rigging and rigging, we are doing two things. Firstly, we are conveying a message to Pakistan, because when we say that there is no need for a plebiscite because we have had successive elections in that Valley and if we ourselves in the same breath say that there is rigging, then Pakistan gets a tool to say 'false elections, wrong elections'. The arguments that my hon. friend from the Opposition put forward are feeble and convoluted. The reality as obtained in 1987 election and as indeed in the earlier election is known to all throughout the world that there has been in Jammu and Kashmir only one free and fair election and that was in 1977 when the Janata Government came to power... (*Interruptions*). Sir, I do want to say, it is not because of self-praise... (*Interruptions*). I do not say it because of self-praise; late Sheikh Mohd. Abdullah and indeed Shri Farooq Abdullah themselves have admitted that if there was one election in the Valley of Jammu and Kashmir, it was the election of 1977-79. It is with sadness, Sir, that I have to come to the next stage.

SHRI VASANT SATHE: Dr. Farooq Abdullah now said that the 1987 election was rigged. You don't accept that.

SHRI JASWANT SINGH: I come to the next stage of what I call the decline of this Valley into chaos. And the next stage of it was marked by the unhappy abduction, and I do not wish to bring the name of that child who is the daughter of the Union Home Minister here. It is without doubt, Sir, that that abduction and the *quid pro quo* of that abduction did mark a change in the deteriorating situation in that Valley. If we do not collectively, as a House, recognise the ills and the various stages by which that decline has set in, we would not be applying ourselves to the real correctives that are now necessary. It is recognised Sir, in the words of Jansen. G.H. Jansen, a very able commentator, writes about it. G.H. Jansen wrote in the month of March in two or three letters to the Editor in various newspapers and there is one which is particularly noteworthy in today's *Times of India*. I commend it to my friends on the Opposition benches to read it and to reflect upon it. What has he said? He has said that the people of Kashmir valley are demonstrating—these are not his exact words—that they have crossed the threshold of fear. Secondly, they are, the people are now moved beyond dialogue. I appeal to the Government and to the Opposition that when you begin to suggest about the democratic forces, about the reality of the National Conference and Congress, please do not assert only for the sake of asserting. I do recognise that the BJP has no strength in the valley, I do recognise that the Janata Dal, as such, has no strength in the valley. I hold my friends in the National Conference in the deepest of personal regard and esteem. I share their anguish; I share their agony with them because they have their houses and their families are in difficulty inside the valley. When you say that we are the democratic forces and we only count in the valley, please reflect for a moment and think about the reality of where we have reached inside the valley.

Sir, before I go to the other aspects

about my hon. colleague Shri Vasant Sathe's intervention, I do appeal to this House to reflect for a moment on how Pakistan has responded to the evolving situation in Jammu and Kashmir or how the Pakistan National Assembly has responded to it. It shames me to cite that example that the two Houses of Pakistan, their Senate the their National Assembly, passed an unanimous resolution on the question of Jammu and Kashmir. When I said I was looking forward for a debate and not a squabble, it is not an observation of personal criticism; it is born out of a pain that today in this House, we do not recognise the reality the nation is confronted with in Jammu and Kashmir. It was my hope and indeed my expectation that when the delegation led by the hon. Deputy Prime Minister Choudhary Devi Lalji went to Jammu and Kashmir and to the valley, the leadership of the Opposition will rise to the occasion and submit to Choudhary Devi Lalji; 'let us—from the valley, from this Centaur Hotel—issue a statement which will flash across the world and that statement will be a statement of the unity of the entire political spectrum of India; it will be a statement concerning the purposefulness and unity of purpose of the Indian nation.' I do not want to go into the details of what that delegation actually did and how the Opposition behaved. That is now part of our past. But I was struck by a total sense of unreality when we were engaged in a discussion on Jammu and Kashmir as to why do we go from here and I consider it my duty to reflect a bit on the criticism of the Governor of Jammu and Kashmir and aspects of the dissolution of the Assembly of Jammu and Kashmir. I do not again have to go into the treatment meted out to the Governor of Jammu and Kashmir. My friends know well enough here and there about what our approach to the appointment of Shri Jagmohan as the Governor of Jammu and Kashmir was. I do not believe that it is necessary for me to repeat it here and there is a very good reason why I say that. The Governor is not a representative of hon. Viswanath Pratap Singhji. The Governor, when he goes to any State and more particularly to sensitive State like Jammu and Kashmir, is a representative

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of the might of the Indian nation. He is not an individual that has come from South Delhi who wanted to contest the South Delhi Parliamentary Election. Now he is representative of the moral authority of India. He represents the President. He represents the might of the Union of India. If you destroy the moral authority of that office—whatever your differences of perceptions, whatever you think about the personality of the Governor—you do call into question the might of the Union of India. (*Interruptions*)

SHRIMATI UMA GAJAPATHI RAJU (Visakhapatnam): If the Governors represent the moral authority, why were the Governors dismissed? (*Interruptions*)

SHRI JASWANT SINGH: Because my friends are pre-occupied by the trees, therefore, they cannot see the wood. I plead with them to rise above it. The situation warrants so. Sink your differences.

PROF. SAIF-UD-DIN SOZ: He wants to give a licence to the Governor, not to consult even the President. It is licence for atrocities and massacre of innocent people there.

SHRI JASWANT SINGH: Sir, I conclude. The task and the challenge that the Union Government.....

SHRI VASANT SATHE: Before you conclude may I request you one thing. You began your speech by saying that I did not make any suggestion. I would like to know, before you conclude, will you at least suggest whether we should alienate the people of Jammu and Kashmir and the Kashmir Valley or we should try to take them with us to face this problem? What will be your attitude?

PROF. SAIF-UD-DIN SOZ: For committing atrocities and massacre of innocent people at the hands of para military forces, he wants licence in his hands. We shall not allow that. (*Interruptions*)

SHRI JASWANT SINGH: I am sure, Mr. Speaker, Sir, that even my good friend Mr. Soz will not accuse me of one thing, to commit a reign of repression and terror in Jammu and Kashmir. That is farthest from my mouth. That is farthest from my mind.

PROF. SAIF-UD-DIN SOZ: He is abetting him in the game of massacre.

SHRI JASWANT SINGH: When my hon. colleague Shri Vasant Sathe asked me to yield to him and asked for specific clarification as to whether I am recommending a rein of repression, I am astonished about it.

SHRI VASANT SATHE: Are you suggesting that the people of Kashmir should be alienated? Were you to flight these tendencies without the people? Can you do it? What is your idea? What are your suggestions to bring back the people of Kashmir along the mainstream? That is what I have asked. I have never said about repression. Please do not put wrong words in my mouth.

SHRI JASWANT SINGH: Mr. Speaker, Sir, I am disappointed because hon. Vasant Sathe has asked for a clarification that is self-evident. Of course, the people of Kashmir must be brought into the mainstream. Of course, all this must be done. The task and challenge that we face today in Jammu and Kashmir and the Valley of Kashmir is to retrieve an unprecedented situation, internally and externally. I will say that great many of the suggestions, internally, that I have to make, I have already made to the Government. I do not mind repeating them to you here. I hold that the law and order situation has to be brought to a semblance of order.

PROF. SAIF-UD-DIN SOZ: I assure this House that as long as Mr. Jagmohan is there, there will be no political peace in the State. I wonder an hon. Member like Shri Jaswant Singh is suggesting this.

SHRI JASWANT SINGH: Internally, the challenge that the Valley of Kashmir poses is both administrative and political.

You cannot take one without the other. It is not a chicken and egg story. It has to be simultaneous, administrative and political measures will have to be initiated immediately. When people ask, what is your course of action, I submit to the Opposition benches and to the Government, that so unprecedented is the situation that you have to think in terms of a two year or a three year time-frame. Be patient because the situation in Kashmir is going to pose the most serious challenge to the conscience and collective responsibility of all of us.

PROF. SAIF-UD-DIN SOZ: Why do you shed tears, Mr. Jaswant Singh? How long innocent people will be killed? (*Interruptions*)

[*Translation*]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Speaker, Sir, when Mr. Jagmohan is sent by them, he is considered to be a right choice and when he is our choice, fingers are being raised. (*Interruptions*)

PROF. SAIF-UD-DIN SOZ: I would like to know as to how many more people are planned to be killed? Don't they have a heart? Please ask Mr. Jagmohan, what are his plans?

(*Interruptions*)

MR. SPEAKER: Mr. Soz, please like your seat.

SHRI MOHAMMAD SHAFI (Srinagar): I would like to know the plan of action proposed by the Government for the Valley and I would also like to make a request to Mr. Jaswant Singh to say a few words regarding the massacre taking place in the Valley these days.

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

[*English*]

SHRI JASWANT SINGH: I would commend to the Government the re-imposi-

tion of the administrative and political initiatives that this Government has to take.

I commend the Government for having taken the decision to appoint a Cabinet Minister of the sensitivity and of the energy and dynamism of my good friend Shri George Fernandes to look after Kashmir affairs. I commend the Government for its decision.

I also would recommend to the Government that when it comes to the aspect of bringing order and a sense of law because they have crossed the threshold of fear, please keep the military out of it. Don't employ the military in aid to civil authority in the Kashmir Valley. (*Interruptions*)

Secondly, the Border Security Force that is in the valley is not for internal security duty. The Border Security Force in the Valley is for guarding the military installations which are in the Valley and which are installations that feed Ladakh. Therefore, do not employ the Border Security Force as well.

I recommend to the Government a need to re-examine and strengthen the powers and the role of the Central Reserve Police Force now working inside Jammu and Kashmir.

So far as the administrative machinery is concerned, I do not have any hesitation in sharing with this House what the Governor has said and he has said in the open and the Leader of the Opposition has also said, that the civil administration inside the Valley has been taken over. Please start with that as the premise. There is no Civil Administration left in the Valley. Therefore, when you make suggestions about doing this, that or the other, please start from that reality. There is no Civil Administration. I do not like to do this. It shames me but I must share this with this House. This Delegation was put up inside the Centaur Hotel. I am sharing it only because it has been widely reported. The Leader of the Opposition, who was a Member of the Delegation, was met by some representatives from the Valley. An Assistant Manager and bearers of that Hotel surrounded the

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Leader of the Opposition and for about 15 minutes inside the lobby of the Hotel, there were loud slogans against India, our Independence and all that kind of things which it is not necessary for me to repeat here. I am saying this as an Indian because of what that demonstration did devote. I appeal to my friends in the Opposition to reflect on the situation as it obtains... (*Interruptions*) When we talk about re-building the Administration, we have to rebuild it from ruins.

Sir, in the Valley I was driven to the Airport. When I was driven back to the Airport, my friends Shri Arif Bhai and Shri Kedarnath Sahani were with us. We drove through the city. I was appalled at the scene of sullen resentment in that city, that shuttered, closed city in which people were not moving on the streets. Please reflect on the challenge that this nation faces when we glibly talk of re-asserting democratic forces, re-asserting the Administration. There is external challenge also. I will draw the Government's attention to that external challenge in a very brief while because you have been very tolerant and patient. I commend the Government for containing the first diplomatic assault by Pakistan. The first assault on the Government and all of us was the diplomatic assault by Pakistan regarding Kashmir. It is not merely an assault on this Government. It is an assault upon all of us. Therefore, I commend the Government for containing that assault. I would like to caution the Government that that was only the first assault. After the snows have melted in the passes and the spring which is only in the beginning to manifest itself as the first strings of apple blossoms: when those snows have melted, the firmness and the resoluteness of this nation will be challenged again. It is to that task that I appeal to all of you, it is to that task to which we must collectively, unitedly and with one voice address ourselves.

SHRI M.J. AKBAR (Kishanganj): Mr. Speaker, Sir, Parliament Sessions are the bread and butter of democracy. There is eventually an air of normalcy in our proceed-

ings. But today we open the Session with a common consensus on at least one thing—that we are in the midst of perhaps the worst internal crisis in the four decades of our History. Our nation has faced external threats before in 1948, 1962, 1965 and 1971. But this is perhaps the first time when we have gathered to discuss matters of life and death—the life and death of India. It is doubly tragic for me both as an individual and as a citizen of the country that the focal point of this particular battle, this particular siege within today should be Kashmir. It is personal because at least half of my lineage comes from the Valley.

Sir, the problem of Kashmir is as old or as young as the history of modern India. And I would like to begin by making what I consider to be a very fundamental point in our understanding of this problem. Kashmir was never a matter of just geography. The problem that we are facing in Kashmir was never a matter of mere geography. It was always a matter of philosophy. It was always a matter of understanding what the Indian nation state created by the generation of freedom fighters, that generation which gave us our new country, what they wanted the Indian state to be. It was, perhaps, inevitable that this problem should be discussed before partition. When this Motherland was being divided, in the name of religion Kashmir, in a surface sense, was an anachronism: a Muslim majority state, being contended for, by both Pakistan and India, the two children born out of Partition. When we read a little of the history of that period, it will be particularly relevant to remember the context in which Kashmir eventually joined India. It does strike me as a little curious that Gandhiji, who was the representative of what might be called the philosophy of modern India, never actually visited Kashmir in his three decades or more of his political life. And the first also eventually the last that he visited Kashmir was in the first week of August 1947, which was probably his last political act before partition overtook us. Six Prime Ministers have tackled the Kashmir problem since then. Jawaharlal Nehru, of course, had to face a sudden and even slightly unexpected

war within months of freedom. But the critical point that we have to recognise, even as we discuss the problem today, as we try to unravel the mysteries of what happened then is that, when handling the matter of Kashmir, in spite of all other differences, every Prime Minister who tackled Kashmir did it by continuation of the philosophy that secularism and federalism must be protected. If these two aspects of our policy, if these two aspects of our philosophy were not protected, Kashmir would be a source of trouble rather than a source of strength to India. It needs to be, I think, remembered that when Kashmir came to India, and the Instrument of Accession was signed, it was not the father of the National Conference, Sheikh Mohammad Abdullah, who wanted secession, it was the Maharaja sitting there who wanted to remain outside India and indeed he did so. On 15th of August, 1947 Kashmir was still not a part of our country. But an administrator of genius, not to mention a political leadership with moral conviction, was able to bring Kashmir into India. The efforts of Pandit Jawaharlal Nehru, Sardar Patel and Shri V K. Menon fashioned the Instrument of Accession and included in it an Article which has become extremely controversial, Article 370.

The importance of Article 370 lay essentially in the duality or in the two aspects of this philosophy; secularism had to be protected and federalism had to be protected. Because of the circumstances which existed then, Article 370 was considered necessary and time, as we have learnt, has not weaned away the necessity of that Article. One is pleased that a major section of the present alliance supports the retention of this Article and I hope, we all hope I am sure, that the Government will not be unduly influenced by its need for power, by its need for the preservation of this alliance to in any way dilute this.

But the question that is being raised all over the country and the question to which we have to address ourselves, particularly from this side, is what exactly has happened in Kashmir in the last three or four months which is significantly different from all that

has happened there in forty years. An effort is being made to say that all the problems that we are facing in Kashmir at this moment are really the eventual consequences of ten years or seven years or five years of a certain policy, of a certain misrule or of a certain mismanagement. I would be the last person to go out of my way to defend mistakes. I don't think that the previous administration was above mistakes; mistakes are part of human behaviour. There were some mistakes made; but there is a very very fundamental difference in all that has happened in the past and what is happening at the moment. Every Prime Minister in forty years has kept his policy linked to the original policy of Jawaharlal Nehru in handling Kashmir issue.

Despite his differences, eventually when they occurred with Sheikh Abdullah, Jawaharlal Nehru stuck to the basic principle that Kashmir had to be ruled through a local Government. It was, after, all, Sheikh Abdullah who stood by India, who fought against the armed forces which came from Pakistan in 1948. But when we look at the situation, then, Pakistan's interference then and Pakistan's interference now, we realise that there is a great difference in our perception of the problem. In 1948 the masses of Kashmir were with India. Secessionism has been a factor of Kashmir politics right from the beginning. There has been an element which has always asked for secession, which has demanded a separate State. Sheikh Sahib himself, whose party was popularly known as Lion's Party, used to dismiss secessionist forces as the *Bakra* Party or a party of goats which would run away. The basis of Sheikh Sahib's commitment to India lay in his commitment to the philosophy of secularism, the philosophy of federalism. However, when differences arose between him and Jawaharlal Nehru over the concept of federalism leading to the unfortunate circumstance of Sheikh Sahib's arrest, even then Jawaharlal Nehru stuck to the basic principle which was that Kashmir had to be ruled through a local Government, Kashmir had to be ruled through a secular Kashmir Government. This principle was consistently adhered to even when

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the Congress left power. The Congress left in 1977; Morarji Desai's Government came and Charan Singh's Government followed. Nobody ever shied away from this basic principle.

But in the last three months, we have had for the first time since independence a Prime Minister who has broken that elemental principle and has decided that Kashmir must be ruled directly from Delhi. There has been one instance of President's rule in Kashmir and that was however, an exception because Sheikh Sahib himself asked for it and Sheik Sahib himself in those circumstances went through the process of election. But this is the first time that this principle has been broken. And I believe this is why, that if, despite the mistakes and perhaps growing influence of the extremist forces in the Valley, till the last day of Farooq Abdullah's Government one thing had not happened, that was, the masses had never come out in the way that they have come out now. If today this difference has taken place, it is because that continuity of policy, a policy which survived changes of Governments, has been broken and it has been broken by a Government which I believe wanted to serve its own political interests better than wanting to serve the national interest.

13.00 hrs.

Sir, Shri Jaswant Singh very eloquently described the Governor, if I remember it correctly, as a representative of the moral authority of India. I may just want to add one thing. It is that the personality and the behaviour of the Governor must deserve that honour. If a Governor by his behaviour and by his practice does not deserve that honour, then he cannot be allowed, that privilege, no matter what exists on paper.

MR. SPEAKER: Shri Akbar, you may please resume your speech after Lunch. Now, the House stands adjourned for Lunch to meet at 2 p.m.

13.01 hrs.

The Lok Sabha then adjourned for Lunch till Fourteen of the Clock

14.05 hrs.

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

[MR. JASWANT SINGH *in the Chair*]

MOTION UNDER RULE 342

Situation in Jammu and Kashmir— *Contd.*

MR. CHAIRMAN: As per schedule, Shri Akbar may continue.

SHRI M.J. AKBAR: Sir, I would like to pick up my argument with reference to a term used by Mr. George Fernandes, the new Minister for Kashmir. When he used the phrase 'turning points', perhaps implicit in his use of that phrase was a view that all turning points were for the worse. This is not so. There were at least some turning points which were definitely turning points towards the better. Among them, I would like to reiterate the accord of 1975 in which Mrs. Indira Gandhi brought back Sher-e-Kashmir. It was a major step forward towards the process of not only running Kashmir through a stable government but helping the larger process of Indian unity. And I do believe that 1975 will go down in history as perhaps an even greater achievement than that of 1971. Since then till 1984, we saw one chapter of Kashmir's politics unfold. There has been a view expressed from all sides that what was done in 1984 was a mistake. I myself have written on the subject describing it as a mistake and I do not want to change that opinion now because I stand here. But I do believe that the accord that was reached between Mr. Farooq Abdullah and Mr. Rajiv Gandhi was an implicit effort to recognise that a mistake had been made; that a person like Mr. G.M. Shah should not have been

imposed; that a political process through which we were trying to solve this long tortuous problem of Kashmir should not have been interrupted so rudely. I do want to make a point rightaway that it seems impossible for me to understand how those who criticised the imposition of Mr. G.M. Shah through the use of a Governor, Mr. Jagmohan have condoned today what happened in 1989. Because if the action of 1984 was a mistake, then the action of 1989 must be called an unqualified disaster. You cannot have your criticism of 1984 and also your cake of 1989. The same logic has to apply at both the times.

SHRI INDRAJIT GUPTA (Midnapore): It applies both ways.

SHRI M.J. AKBAR: But it now, perhaps because of a partisan interest it has become a little fashionable to indulge in what might be called Farooq fashing. Farooq Abdullah has now been turned into a great sinner. Everything went wrong in his administration and all that has happened in so many year has been his fault and he has mismanaged the whole thing and so on and so forth. This insidious propaganda is being carried on. (Interruptions) It has now become fashionable to call Dr. Farooq Abdullah political names and to make him out as great evil which has ruined Kashmir and his inheritance is used as an excuse for whatever has been happening in the last three months. Administrative faults of Dr. Farooq Abdullah, yes, there were some. There are gentlemen on all sides of the House who have the privilege of describing Dr. Farooq Abdullah not only as a friend but also calling him proudly as a political ally. I certainly do consider him a friend and am certainly proud of the opportunity to be his political ally. Irrespective of a few mistakes that had been made by his administration, the fact remains that Dr. Farooq Abdullah's administration, the National Conference—Congress administration at that time played a major part in continuing to mobilize the people for Indian unity, and for the forces of secularism and nationalism. There is an effort to denigrate what happened in the elections which brought

the National Conference—Congress Government into power. We hear nothing about that election except that there was rigging. Purely as an aside, it seems a little wondrous to me after the Meham elections that some gentlemen on the other side should consider rigging to be a sin, but we shall leave that aside for the moment. But if there was rigging it had only a marginal effect in that election and we must recognize this. Far more important to me and to everybody should be the fact that the alliance of National Conference and the Congress in that election fought against the communal forces, fought bravely and proudly against those in Srinagar who wanted Muslim *Rashtra* and against those who put up provocative banners under Muslim United Front in the valley. That election was a singular victory of the forces of nationalism and secularism against those who put up the banners of Muslim *Rashtra*, who conducted a virulent, theocratic campaign of the like that has not been seen before in the forty years of our democratic history. I am equally proud of the fact that our alliance defeated those who wanted Muslim *Rashtra* in Srinagar and those who wanted Hindu *Rashtra* in Jammu. That was an alliance which fought communal forces on both sides, which achieved what it set out to do. And then gave Kashmir an administration, a Government and a Chief Minister who could and did at every moment in its sensitive history stand up proudly and speak for the tri-colour and speak for this nation. He is after all the son of a man who came back in 1975 and when he died, he died with the Indian tri-colour wrapped on his body. Sheikh Abdullah's son lived up to that commitment despite the familys' tribulations; he lived up to that commitment to India despite all the ups and downs of their very tumultuous history.

This commitment we should not ignore. This is the voice that was heard even in the last General Elections. Every time he stood up and wherever he went, he repeated this and I would like to recall what he did and said when he came to Kishanganj. He said that Kashmir was facing a threat not just from across the border, from Pakistan, of course, it was facing a threat—he spoke of that in the

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loudest terms. There was another sentence, a phrase of his which I cannot forget. What he meant was and he said—please do not elect a Government—I am facing an external threat from across the border—which would only indulge in back-stabbing me. He said—protect me at least from manipulations from Delhi.

This effort to denigrate Dr. Farooq Abdullah's reputation is not going to help either Kashmir or the country. Those who keep on saying that it is the Congress party which is playing a game in Kashmir do not realise what harm they are doing, because they are the ones who are playing the game, not only with Dr. Farooq Abdullah's reputation but also with the credibility of the secular forces in the valley, of the alliance in the valley which still has the courage despite all that has gone to speak up for India. If today our friends of the National Conference are suffering, if today they stand up here and still talk of Indian unity knowing what is going on in the valley about their personal threats, about their families and everybody else, if they have the courage to come here and speak up for India, it is because they belong to the nationalist tradition: that philosophy of secularism and that philosophy of federalism which is the basic ideology of modern India.

I have stated that if 1984 was a mistake, then 1989 should be considered a disaster. It is a view, which I am happy to say, was shared by the Left, from perhaps the moment the new Governor was imposed on Kashmir. I use the words advisedly 'the Governor was imposed on Kashmir'—despite the advice of even the friends of the Government—forget us saying anything; despite the advice of perhaps half the Cabinet. They said that this would be counter-productive. But the decision was made by the Prime Minister of India in order to play what political game, I do not know. He was told this would be counter-productive for the nation. If half the Cabinet, according to some reports, were against this, and certainly the

Left made its position clear when such talk was going on and later in a formal statement. I still remember that statement. The Left said that this one decision would even internationalise the issue and the implication of that was very clear. We would give a handle to our enemies in Pakistan who have, for the last 40 years, been trying to subvert this nation and who still need to stake their thirst for revenge for 1971, in addition to the ideological confrontation with the Indian State. And the experience of the last three months has provided us with enough evidence that all such forebodings only proved correct in the end.

There are other speakers and I am sure there will be enough opportunity for them to detail all that has gone on in the last three months. I do not want to intrude into their time. But it does seem that Mr. Jagmohan's period in governance in Kashmir will be characterised for at least two things which would leave a permanent scar on the Kashmiries' psyche. For the first time in more than 500 years, the Mira-e-Alam procession could not be taken up. This Government will go down—Mr. Jagmohan will be nick-named as Curfew Governor of a Curfew Government. Nothing else has happened in Kashmir since he went there except curfew.

To blame only Mr. Jagmohan for this situation is wrong. Mr. Jagmohan may be a Governor, he may have done whatever he wanted to do, but the responsibility for this has to lie with the Prime Minister of India and with the Union Government which took this decision of sending him. Mr. Jagmohan is only an instrument of Delhi. (*Interruptions*)

I have heard here that Mr. Jagmohan was a partner of the Congress. Indeed, he was. The question is not that he was a partner of the Congress. The question and the relevant point is, why did the Congress decide to do away with his advice? Why did the Congress refuse to listen to his advice. When that advice began to conflict with the national interest. It is tragic such advice, inspired, helped and abetted by those whose motivations were political, those whose

motivation had a view towards the electoral fortunes, is now being accepted. Perhaps the appointment of Mr. George Fernandes as the Minister for Kashmir is an attempt to bridle Mr. Jagmohan, is perhaps a recognition by the Prime Minister himself that the decision that was made earlier was wrong.

If that is so, I welcome it; and I hope a new course will be set for Kashmir. I hope that a new course will be set for Kashmir because I have said this before, and I repeat it—the problem is not a partisan one. It is perfectly human, perhaps; it is perfectly human that when a member of the Opposition hears of mistakes being made by the Government, there is a small element of glee in it.

[*Translation*]

That let it commit mistakes and let it this bring own downfall.

[*English*]

But on this issue, it gives us absolutely no joy to watch the Government making mistakes. It is no joy to watch the Prime Minister making mistakes of serious nature, because the issue is no longer just a self-destruction of the Government.

MR. CHAIRMAN: I am sorry to interrupt you. How much time more would you want?

SHRI M.J. AKBAR: A little more.

MR. CHAIRMAN: I have a time constraint within which I have to function. I do not like to interrupt.

SHRI M.J. AKBAR: I would like to make one two more points as briefly as I can. But this I want to say, that the issue before us is no longer just the self-destruction of this Government. If this Government self-destructs, I think there will be a large sigh of relief heaved by a lot of people; But, much more dangerous is the reality that this Government might be presiding over the self-

destruction of this nation. That is the danger, that is the problem that we have to face, jointly I presume. And perhaps this morning's consensus is an attempt to stop this process of self-destruction, a recognition-implicit that side, and explicit this side—a recognition that what has happened in these three months, has been taking the country towards self-destruction. So, let us forget our partisan problems, our partisan views, and get together in order to help solve what is a national problem and a national crisis.

While we in Delhi are making, I hope, honest attempts to meet a national crisis in a national manner, in the form of a consensus, we have reason to believe that some of the decisions, some of the political ideas that are in the process of being implemented in Kashmir, will create far, far greater havoc than we have already seen.

I have now to speak about a creation similarity in the ways of the Government in handling both Punjab and Kashmir. In Kashmir, in particular, one gets a distinct feelings that the Government has boxed itself into a corner. The Government has contributed to this situation by its own admission. The Governor says that the civil administration has collapsed. Is this not a self-indictment? And what temerity; If civil administration has collapsed under the present Government, then this Government has no business staying around even for a day more, not just in Srinagar, but even in Delhi. How can you admit that the civil administration has collapsed, and then survive even for twelve hours in Delhi.

I do not want to be personal; but the Home Minister should have an answer to this. How can he allow the present in-charge to say that the situation has deteriorated to such an extent that all civil administration has collapsed? But not only is there no condemnation, there is condonation of this. But while matters are slipping out, very curiously, we hear a very faint cry. In Kashmir, the Government is now toying with something which is very dangerous to our future. (*Interruptions*) Having destroyed the alliance

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Government, and after having spent the last few months doing nothing more except to destroy the political process and the political parties which had any relevance in the Valley, the Government is now attempting something which is very dangerous. It is attempting to shore up and create, first by the dissolution of the Assembly—which will go down in the history of Kashmir as one of the worst decisions. I find also that the Centre is shying away from taking responsibility for that decision. There is an effort to say that the decision was taken unilaterally. How can you allow a Governor to take a decision unilaterally? The Prime Minister cannot condone and continue a policy in which, if there is any success or any praise to be taken, then he stands bravely in front to take the praise; but if there is any mistake, then it is somebody else's responsibility. Then it is somebody else's fault .

The Government cannot be run like that. So, the dissolution of the Assembly is an awful mistake, a terrible mistake. I have noticed that the Central Government and the Prime Minister are trying themselves to disown this mistake. But these matters of personal claim, personal fame apart, this decision is injurious to the nation; it is injurious not only for the contempt with which the political process has been treated but also what lies in the future.

It is being said that there will be elections within three to eight months. Then, an effort is being made by the Administration, by the Government, to prop up JKLF activists. Phrases have been used in Srinagar where the Governor or has said,

[Translation]

"You can have freedom"

[English]

What does this mean? It means that having run out of options, expressing inability to comprehend the problem, having run

out of solutions having run out of ideas, now you are making the most dangerous mistake, which is helping and befriending and holding the hands of the worst elements; are trying to bribe them and solve the problem. If you hand over Kashmir to JKLF and hand over Punjab to the Mann, group it will not solve the problem of secessionists either in Kashmir or in Punjab, it will only further worsen it because their game is far, far deeper and longer. There is an ideological factor. They are fighting an ideological battle against India and they are playing a game with weak government, which has not been able to see even beyond the facade. They are looking for a short term option, short term solution in order to buy time, because, they have no answer.

We are often asked about a solution. The problem is more than 40 years old and the solution is not going to be so easy. There have been many mistakes, perhaps too many mistakes made. We have to do yet something about it. We cannot give up and hand over the responsibility and authority to those who are committed to the destruction of India. If we have to begin process, we have to see what Jawaharlal Nehru did. There is only one way and that way is of Jawaharlal Nehru, the way of Indiraji. What did Jawaharlal Nehru do? When Sheikh Abdullah was arrested, he went to Bakshi Sahib, he went to Sadiq Sahib, we went to Kashmiris. The same way, the same process, the same philosophy made Indiraji forget the past and bring back Sheikh Abdullah. Of course, she knew that it was important that Sheikh Sahib should ultimately lead the Indian Tricolour. In that process, it is very important that a political government be restored in Srinagar at once and this business of trying to become "Tough" should be stopped. When you analyse the policy of the government carefully you will realise that it seems to shake hands with terrorists and terrorise the innocent. It is immediately imperative that a civilian Government or political Government be restored. If the Home Minister looks after Kashmir, we would be happy; at least, I would be happy. He is from that State. Let him take charge of Kashmir at this sensitive moment. The future

of India is involved there. If Kashmir cannot be saved, I know even Kishanganj cannot be saved. We would be happy to cooperate with you if you want to find a reasonable solution, a political solution. But we cannot cooperate with you if you adopt a policy which, even with the best of intentions is self-destructive.

SHRI SAIFUDDIN CHOUDHURY:

(Katwa): Mr. Chairman, Sir, as we have all agreed that none of us will try to score political points on this very sensitive issue, I shall refrain from appointing blame on one or the other.

I strongly feel that what is at stake in Kashmir is the unity and integrity of our country and the situation that is prevailing there has not occurred overnight. It is the cumulative result of many years of neglect, maltreatment, miscalculation and all that go with it.

We have said that Kashmir symbolises to every Indian an example of secularism, a glorious example when the country was divided on the basis of religion and Pakistan was created on the basis of Islam, a Muslim majority State decided to join India. We are all proud for that act. But Kashmir acceded to secularism. If we can read the statement, the emotions, the sentiments that were expressed at that time we will find that they rejected the Islamic fundamentalists because they could not identify with that kind of sentiment though they are by birth Islam. So, what attracted them is the secularism of India. Now apart from corruption, apart from scuttling of democratic process in the Valley or in that State, apart from nepotism, apart from maladministration, I understand, what has hurt the psyche of Kashmiri very much is the collapse of secular principles in our country. If we are to be sincere and if we are to search our souls, it is not in order to apportion blames on each other, we have to find out sincerely how the people who have this glorious tradition are now overwhelmingly swayed by the appeal of the secessionists. Some of them are wanting to join Pakistan. Some of them are wanting independence. India has no attraction for them now.

How is it! Here lies the crux of the question. What mistakes have been committed in the past are all known to everybody. One very great mistake that took place was in presenting India in the form of its government in Delhi to the people of Kashmir and the failure to ensure the development of other democratic parties in the Valley. That suspicion really alienated the people. We thought that the integrity of the country will be safeguarded in Kashmir if they are only to be identified with the ruling party in Delhi. It is the rigid understanding and on that basis the imposition of leadership and the political process which really suffocated them. The other point which really hurt them, I believe, though that cannot be an argument for the kind of demand that they are making is the erosion of federation over the year. I have no doubt in my mind that secession cannot be talked of with them also because Kashmir stands as the guarantee of secularism in our country. I took part in the delegation, . We had an opportunity to talk to some people who came to the hotel.

They had nothing to demand but secession. They had nothing to ask but independence. And we asked them: "Do you understand what you are claiming? If you go out of the country, what will happen to the rest of India? What will be India like? And if you are believers of some religion, what will happen to the members of the same religion in other parts of the country? But they had different kind of answer. They said: We have been witnessing the same kind of things—Bhagalpur, Meerut and all that—but we have now this option to go out." But what I appeal in all sincerity to everybody in the rest of the country is that we have to be very responsible in our adherence to secularism. That is very important.

The question of article 370 has come. Now one may argue that article 370 is not the point when the question of secession has come. How has that come? I believe, we may not try to trade charges. But the point is that we all are now coming to an understanding that we will have to have a national approach on this issue. My party might be

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having a particular understanding about the Kashmir situation. But it is a question of taking a stand unitedly even on article 370. Just two days ago, we had an all party meeting and there we had adopted a unanimous resolution. In that resolution we had said that the legitimate aspirations of the Kashmiri people will be safeguarded within the framework of the Constitution. That means what? That means, the recognition of the fact that article 370 will also be honoured. We are signatories to that. BJP is also a signatory to that. If they come to take power exclusively, they may try to undo it. We all understand the compulsion of the situation.

Regarding the question of appointment of Mr. Jagmohan, as an administrator I have nothing to say against him. He never wanted himself to go there. But the Government has sent him there. What option Mr. Jagmohan is having there in Kashmir? I have no answer for that. But I may have asked a question: what option Government has? Only Mr. Jagmohan or something else? That is the point. It is not that only by administering everything is lost. Military is going, BSF is going, para-military is going. Or are you to do something else also. I do not think that only by BSF, para-military forces you can keep Kashmir with you. No, you cannot. It is an emotional question now. Not much of terrorism also took place as we had witnessed in Punjab. There were not very many killings. But the danger of secession is more in Kashmir than in Punjab. There is not much in terms of physical feeling; it is emotional feeling. It is true that for the time being all the political parties are irrelevant. But then the Governor there has to act more responsibly. Before dissolving the Assembly, did you have no other option. If you had the option of BJP there, CPM there, Congress (I) there, some after party there, well, dispense with National Conference or congress. Let some other nationalist take the option. What is your option? You have made them all redundant. I am opposed to Congress (I). I am also opposed to National Conference. I blame them for many things that happened in the

past. But they were at least holding the tricolour there. In the National Conference also there are patriotic elements. Lack of development is one of the allegations raised by the people there. Corruption is there. But corruption alone cannot make the people go over to secessionism. There were so many allegations of corruption against the previous Government at the Centre. Where would they secede them?

Will they secede from India at the Centre and join Marcos of Philippines? That is not the point. It is the emotional point that has to be kept in mind. Now, for the time being, they are swayed by the appeal of the fundamentalists, by the anti-national elements. I want to know the kind of help that they are getting from across the border. Why can't we prevent that kind of intrusion from the border? Why can't we prevent that kind of intrusion from the border? Why can't we prevent that kind of supply that they give to the terrorists, to the secessionists? We have to take every measure to see that this border cannot be used for that purpose. Now, the fundamentalists of Islam are trying to exploit the situation. They are trying to destroy the glory that the Kashmiris had. May be they are trying to use the mosques for propagating their secession. Jamait-e-Islami is precisely doing that. I have a document with me. We asked the Governor there that who are all the foreign people helping the anti-nationals. He said Pakistan, of course, but he did not have any document regarding the Afghans—Hikmatyar and all that. I have this letter from Hikmatyar to his party commanders. Here it says that on that Jihad, the Muslim world has to be taken out from the oppressors. Regarding Kashmir, particularly they have said that our brothers are fighting there and we have to reach all help to them. They had this meeting on 4th February, 1990. I am not reading out the whole thing. I will give you a copy. Mr. Home Minister. I must also place it on the Table. so, now they are trying to do that a kind of religious colour is being tried to be put on them. We also met so many people- Central Government employees at the hotel and also some Press people outside. They said: "For God's Sake"

—I do not believe in God, so I have nobody to hold on to "do not say it is a communal question here." It is true that in a very big way the minorities are migrating from the Valley. True. But no patriotic people can now feel secured there. Such is the situation there, no doubt. That is due to the totality of the circumstances, not due to a particular kind of communal passion that we find elsewhere. There may be this kind of elements who are trying to give colour on communal line. It is very necessary that those who are migrating from the Valley are provided shelter and succour properly and no attempt should be made to make political use out of this. It will be very dangerous for the country. You take measures on war-footing to see that those who are coming out are kept very properly and they are not agitated and travel across the country and vitiate the atmosphere. May be, by natural expression they will say something that will inflame the situation. It is a very serious matter. There should not be any attempt to communalise the situation. That is the first thing that we can do.

Now, what has been absent in the Governor? You know that we opposed his appointment. We in no way associate ourselves with the continuance of the Governor because we know that day by day he is alienating the people there. Strong measures can be taken by anybody else....(*Interruptions*)

SHRI IBRAHIM SULAIMAN SAIT (Manjeri): Did he consult anybody at the Centre before the dissolution of the Assembly?

SHRI SAIFUDDIN CHOUDHURY : I say that the dissolution of the Assembly was a criminal act. Whether they consulted or not I do not know. But the point is that to me the question was how to reach out to the people, how this Government will reach out to the people there. We understood that there was an attempt to undermine the delegation that visited the Valley. But I do not undermine the visit of the delegation. The situation was such that we could not go out in the streets.

If curfew was to be relaxed, then in lakhs people would have come and told us something. May be they would have demanded secession, they would have demanded independence.

AN HON. MEMBER: I think the relaxation was demanded.

SHRI SAIFUDDIN CHOUDHURY: Relaxation was demanded but anyway there was some administrative problem. We also did not insist on that. He said it would be an administrative problem how to tackle those millions who come out. Anyway, that is another point. I am not at all going into that. Mr. Governor may be right in that also. I say that was the beginning of political process on the ground there and that has to continue, and in that now Jagmohan is irrelevant to me. Anybody can do the administrative job, any strong man. I do not think only one man we have in the country, that is Mr. Jagmohan. No. No, that is necessary. You want to have firing on the people and you also want to shoot them down. Any body can do that. But then this new initiative that is being taken at the all-party consensus is that there has to be a Minister for Kashmir Affairs, may be an Advisory Committee and all that and they will provide political opening for the people. That is a very good suggestion. Now, let them evaluate the situation. I believe that the kind of feeling is now prevailing there. One can say that it is almost out of hand. But they must be told clearly that independence can never be given to them. They must come to terms and they should ready for it. Now, it is commonly talked about plebiscite or genocide. Well that is the feeling. But they must be told that they are not to secede. They have to be with this country, not for any strategic purpose. I am telling this thing. I am telling this for the basic principle of secularism. If Kashmir goes out of this country, then tigers will devour this country. That cannot be allowed and that they must be told. They may be ready to shed all the blood; they may be ready to die there in the Valley. But that will be a sad affair in the sense also that it will produce no results. What all that can be done for them cannot be questioned and the

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question of Article 370 is intrinsically connected with the overall question of federalism of our country, and that had eroded over the years in the past. We have to have a fresh look at the whole thing. Secession cannot just take place on corruption and rigging and this and that. There has to be something more serious than this and I believe there are only two points—federalism and secularism. These are the two pillars for keeping Kashmir with India, not only Kashmir but to prevent the emergence of secessionist movement in other parts of the country also. It is very important. With these words I conclude and I have every hope that the Government will take the most right decision and will tackle the situation as it is demanded now. With these words, I thank you Mr. Chairman.

MR. CHAIRMAN: Thank you very much Mr. Saifuddin Choudhury. Now, I have to consult the House in a certain matter. This discussion under rule 342 has already taken, I think, about two hours and 45 minutes.

AN. HON. MEMBER: Sir, we also come from Kashmir and we should be given a chance to speak.

MR. CHAIRMAN: I don't think there is any assumption that you will not be granted time, by establishing a pattern in our working. We have already taken about two hours and 45 minutes. The hon. Prime Minister will intervene at 4.00 P.M. I would like to take the sense of the House that we continue to sit beyond 6.00 P.M.

SHRI VASANT SATHE: Everybody should have a chance to speak. In such a matter, I don't think we should curb anybody desirous to speak.

We should give them maximum opportunity. Even if it is in the late night, we are willing to sit or you can take it tomorrow.

MR. CHAIRMAN: I will not take the sense of the House; whether we will con-

clude this discussion today itself and we will give opportunity to as many Members as possible who wish to participate and express their view points, of course, not from the same party. So, all that I would appeal to the respective party whips is please limit your intervention because I would not be able to permit intervention as if we are moving in accordance with the standard allocations of time. We have to limit the intervention. Now, do I have the sense of the House that we will sit till 7.00 P.M. and attempt to conclude the discussion by 7.00 P.M.?

SEVERAL HON'BLE MEMBERS: Yes, Sir.

MR. CHAIRMAN: Yes, we will sit till 7.00 P.M. I will now call upon Mr. C.K. Tyagi

[*Translation*]

SHRI K.C. TYAGI (Hapur): Mr. Chairman, Sir, I would like to take up the points raised by the senior opposition leader. Shri Sathe while initiating the discussion on the motion. The gravity of the situation in Kashmir can be well judged by the fact that within three months of his assuming office, the Prime Minister has created a separate Ministry for Kashmir Affairs. It is only last week that an all party delegation visited Kashmir under the leadership of the Deputy Prime Minister. Sir, a situation similar to that prevailing in Punjab has emerged in Kashmir also. I would therefore, like to make a fervent appeal to all the hon. Members to rise above their party considerations and think in the terms of national interest. I make this appeal in the light of our past experience because in those days politics was injected while dealing with the Punjab problem and as a result of it, the then Prime Minister of the country had to lose her life. Today exactly the same situation has arisen in Kashmir also. It is not the creation of Shri Vishwanath Pratap Singh's government which is only 130 days old. It started long back and it is a long story. I am very proud of Mr. Sheikh Abdullah for the contribution he has made to the secular character of the country. In this connection I would like to make a reference

to a past event when Shri Mohammed Ali Jinnah went to Srinagar to enroll members to constitute a Political Affairs Committee of the Muslim League, but he could not find a single man for it in that state just because of the tradition of secularism the people of that state had inherited. In 1952 during the course of an emotional conversation with Nehru, Sheikh Abdullah had sought to know if the Muslims would continue to get the same status and regard in secular India even after Nehru. I am pained to say that by 1957 Mr Nehru, who was a great votary of secularism, had to sign an order for the detention of Sheikh Abdullah. Within a period of 6 years thereafter the situation in Kashmir deteriorated further. As at present there is no section of people in Kashmir who thinks on the lines of Pandit Nehru. Here you can say anything. But in Kashmir the same anti-Hindu lobby is working which had guided Shri Nehru during his times, misguided Shrimati Gandhi and Rajiv Gandhi and it is due to them that the present situation in Kashmir has deteriorated to that extent. I am trying to make my submission rising above the party lines. The people like me are of the view that they the day, elections were held in Kashmir in 1983, the secessionist move started in that state. In those elections the National Conference received a massive mandate. Of course, our party was not supporting their Government. After the election we used to sit in the opposition. Shri Farooq Abdullah was a close friend of our leaders. He used to sit and dine with the leaders like Ch Charan Singh, Atal Behari Vajpayee, George Saheb, Somnath Chatterjee and Indrajit Gupta. I remember that an all party conference was held in Calcutta and a conference was also held in Srinagar. The then ruling party maltreated Farooq Abdullah at that time and the day the ruling party dismissed the Farooq Abdullah's Government and gave Gul Mohammed Shah an opportunity to form Government the foundation stone of secessionism and disintegration of the country was laid. They may recall that they were a partner in the Government and at that time a white paper on Kashmir was published in which Farooq Abdullah was dubbed as an agent of Pakistan and this

plea his Government was dismissed. You were a party to his Government when the morale of people of Kashmir was weakened, and that is what has led to the present situation in the State. You talked of nationalism and the persons like me who are new Members of the House may appreciate it but I would like to recall that Farooq Abdullah's brothers were in the Pakistan delegation to UNO to assert that Kashmir is not part of India. And the same person was given a senior position by the then newly formed Government under the leadership of Ghulam Mohammed Shah. You adopted such a national attitude. But I would reiterate that this is not the problem solely related to Janata Dal Congress (I), CPM or B J P. The leaders of the political parties and the infrastructure of the parties are well disposed from this point of view. This problem would be solved only with the joint efforts of all the people, the Parliament, the whole country. We will have to show compassion. I would like to congratulate our Hon. Prime Minister who has initiated the politics of reconsideration in place of the politics of confrontation. The beginning has been made in Punjab. The places where Shri. Rajiv Gandhi and Shri Buta Singh could not dare go without the security umbrella of BSF, CRPF or military forces, have been visited by our present Prime Minister in an open jeep. This is the beginning of the politics of reconsideration. Thus the new process started by Shri Vishwanath Pratap Singh in the country is neither the sole initiative of Janata Dal nor the personal initiative of Shri Vishwanath Pratap Singh, rather it is prompted by the concern for the unity and integrity of the country. Thus the need is to rise above the party politics while thinking about the Kashmir problem, I fully agree with Shri Saifuddin Choudhury that some fundamentalist forces are engaged in weakening the morale of Muslims in Kashmir. In order to meet this challenge the morale of Muslims of Meerut, Aligarh, Bhivandi and Bhagalpur will have to be boosted. If the Muslims of Bhagalpur feel disheartened and if the people residing in my constituency in the adjoining area of Meerut to Hashimpur are shot dead, the people of Kashmir would definitely feel disheartened.

[Sh. K.C. Tyagi]

Thus the moral of thousands of Kashmiri people who are inclined towards Pakistan will have to be boosted. Myself, my leaders and our party believes that the country can never be united with the help of guns and swords. If it would have been so, the Government would have succeeded in Punjab. But this State has taught a lesson not only to the Government but to the whole country and to our party in particular that the hearts of people can never be won over by guns and swords. For this purpose, the Government will have to take certain positive steps. I would like that Shri Sathe and his party leaders should follow into the footsteps of other political parties to rise above the party politics in order to find out a solution to this problem.

I agree that if Kashmir is divided today, no part of the country would remain unaffected. National integration has been achieved by the flags of our parties. Thus the need of the hour is to rise above the party politics while thinking about this problem. I would like to mention the gravity of the prevailing circumstances there and reiterate to Shri Sathe, that the persons who learn lessons from history try to set new examples by improving upon the mistakes. My assertion is that there are charges of corruption against the National Conference Government and you also agree that such incidents took place in the valley.

MR. CHAIRMAN: *What more time would you require.*

SHRI K.C. TYAGI: It is my maiden speech, I would conclude within two minutes.

MR. CHAIRMAN: I don't want to interfere.

SHRI K.C. TYAGI: That is why my submission is that the morale of our Muslim brothers in Kashmir is weak. Shrimati Benazir Bhutto has stated that if the Berlin wall is removed, Wagha border should also be

opened. Through you, I would like to submit to Shrimati Benazir Bhutto that if the wall of Berlin is removed, if Wagha border is opened, refugees who have migrated from Sind and have fighting against the dictatorship, would come to India. Wagha border will be opened not for the Kashmiris only.

15.00 hrs.

Thus the Hon. Prime Minister and the Defence Minister have repeatedly warned against the threat before the nation. The need, therefore, is to rise above the party politics and look into the matter. This was emphasised in the meeting of our Parliamentary Party held yesterday and earlier too in the Address to the nation and in the Address by the President. Our party and our Government has resolved that despite many dangers we won't let anybody take even an inch of our land on any of our borders whatever sacrifice we may have to make and whatever price we may have to pay for ensuring it. Thus Mr. Chairman, Sir, while concluding my speech, I would again submit to the hon. Member of the Congress Party Shri Sathe and their leader Shri Rajiv Gandhi that they would welcome from the core of their hearts the effective steps taken by our Prime Minister in order to give a healing touch to the wounded and disheartened people of Kashmir.

[English]

SHRI KAMAL NATH (Chhindwara): Mr. Chairman, it is for the first time, I think, at least to my knowledge that in Parliament we are discussing an issue which has come to such a brink, an issue which is threatening the integrity of the country. We have in the past discussed Punjab and problems in the Northeast. But I think, this has reached a climax impinging on our integrity. I do not think, since our Parliament was constituted we had an occasion to come to such a brink, to such a situation when the bureaucracy and the people of Kashmir are so alienated from the rest of the country.

15.02 hrs.

[SHRI VAKKOM PURUSHOTHAMAN—
in the Chair]

Kashmir is just not a piece of land, not just a tourist spot, not a scenic place but it represents India's secularism, nationalism. It represents an area which has been a subject-matter of dispute many times with our neighbours.

Just looking at it in isolation, will not get us to the root of the problem. We must evaluate the entire scenario. What is the signal, the message the Kashmiri is getting? What is the message which he gets from the rest of the country, which he believes, is voiced through Delhi? What is happening? This is the point to consider. We are talking about terrorism and anti-national forces. What is the message he is getting? What does he see when he looks at Delhi? He looks at the Government, component of which stands for article 370 and another Component the B.J.P. against article 370. The B.J.P. is the prop of the Government the foundation of the Government. We must understand this. He sees the Government which is installed by virtue of this contradictory prop. It can have its own opinion, no doubt. But when one segment is for article 370 and another segment is against article 370 it is a serious matter and gives a serious signal. We cannot be slipshod over it. When you see the BJP, it is having a different view. When you see CPM, it has some other view.

What else does the man from Kashmir see. We have a Home Minister, we are proud and we are happy that the country has the first Muslim Home Minister we are proud of that, undoubtedly. Mufti Saheb is the first Muslim Home Minister of our country. But what does the man on the street of Kashmir see. happens For the first time, when a minority issue comes up, the Home Minister in India who also happens to be from Kashmir and who is also from Muslim minority is quietly moved away and another Minister in-charge of Kashmir affairs is appointed. Is this not an aberration of the whole system?

SHRI SOMNATH CHATTERJEE (Bolsur): You are very much worried for him.

SHRI G. M. BANATWALLA: It is devotion of the Home Minister.

SHRI KAMAL NATH: I am using a lighter word and he is using a stronger word. Is this not an aberration of the whole system, of the whole Government? Is this not a kind of a stunt? Does not he have a feeling that one of our brothers who happens to be the Home Minister is quietly sidelined, is pushed aside and we have a separate Minister for J & K.

SHRI SOMNATH CHATTERJEE: This is the national consensus.

SHRI KAMAL NATH: This is the aberration which gives a wrong signal and message to the Kashmiri and in this respect we are in great trouble and we cannot just put this aside. We have to answer these two aspects. Then only can we answer the people in Kashmir. What do we see? If we trace back the entire scenario, first the Governor is appointed. I am told that the Chief Minister at the time informed the Government that "if this Governor is appointed, I shall resign." Anyway that very Governor is appointed, what does he do? He not only goes there with pre-conceived notions but also with mis-conceived notions. And what is the scenario which emerges? It becomes a matter of conflict within the State, within the political forces and the other forces. So, again we are causing a dividing line. There is no question of consensus. Here we have a political party, good, bad, or whatever it was, it was a political party it was a nationalistic party. There were no charges that it was anti-national. The Administration was functioning. It may or may not be functioning perfectly. I am not going into that aspect. But, it was functioning to some extent. When the Chief Minister has already informed the Government that if such and such person is appointed as the Governor, the Chief Minister shall resign, he is still appointed. When he goes there, there is sharpening of bayonets and there is curfew and the alienation

[Sh. Kamal Nath]

becomes total. When this alienation becomes total, what happens? There is dissolution of the House and, I am told, I would request the Government to correct me in this please contradict me in this, that the Governor then tells the JKLF and the Jamaat-e-Islami after the dissolution— I am told that this is on record with the Intelligence Bureau and with Home Ministry and I would like a categorical contradiction to this— he calls them and he says "Now you have what you wanted. You have your Azadi because after this you can elect yourself. You can get yourselves elected and come to the Assembly.," He tells this to the extremist forces. In other words, he tells them "You have got your Azadi." In fact, he used the same words and says " You have got the Azadi."

This dangerous portent is for us to recognise. It is a very dangerous portent, the game which the Governor has been playing, After all the Governor is nobody but an agent of the Central Government. Let the Government sitting at Delhi say "We all go with what the Governor is doing".

But I find that there are certain inherent contradictions between what the Governor is doing and the postures, the stand and the pronouncements which the Central Government is making. Is the Governor making merry on his own?

These are the points to consider. As much as you have the right to appoint and dismiss him. Please do not be taken for a ride by anybody because it is going to be a very expensive ride, not like the ride which you could afford and which you took in Punjab, Mr Prime Minister, this will be a different kind of ride.

When this is the situation in Punjab, the dissolution has taken place, whether the dissolution is right or wrong, is not merely a legal issue. It was a dangerous thing to say that this Assembly is not representative in character. A subjective judgement like this by the Governor sets a very wrong prece-

dent for the country. Not only this. There is no residential consent to this. Forget the legalities of it. What is the sanctity? Today a Governor may take a decision in any part of the country. There can be any Government. Today it is this State Government, Tomorrow it can be some other State Government. It can happen in any State. That the Assembly has not been representative in character and so it is dissolved, is exactly what Pakistan has been saying. They say that it was rigged, so does the Governor. There is a common nexus being formed by default. I am not saying that this is by design. I am not saying that the Governor is an agent. But this is a happening by default, a nexus between what the anti-national forces are saying, what Pakistan is saying and what the Governor is saying. It is all heading towards that common anti national end. We have to understand this dangerous portent. We have to understand as to what is happening there. We cannot stand on ceremony just because we have appointed a Governor, taken a course of action and it will be below the Government's prestige to go back on it. We have reached critical a point. Unless major decisions are taken, major change in policy perception is made, it will be difficult to solve the problem. I think there is a fallacy in the perception. There is the question not only of the Kashmiris in the Valley but there is the question of the Ladakh Kashmiris, Poonch Kashmiris from the Poonch-Uri Sector, there is the question of Jammu—Kashmiris, Are we looking into all these problems there? Are we looking at some common denominators there? The problem which has come up now is not just a problem relating to the Valley. Today it is in the Valley. Tomorrow, it will extend to Ladakh and day after tomorrow it will extend to Poonch and the Uri Sectors, After that, it will extend to all other places. The day is not far off. Are these matters being looked into? Are these matters being considered? I think the magnitude of this problem is just not being understood. There should be a change in perception. A political process has to be started to achieve our ends— of course a national political process. Let it be done by any method. We are in deep trouble today. Our effort has

been to cooperate. If we do not speak louder than words today then it will not stop there because international opinion is building up. There is a major international effort being made by Pakistan. We have to counter that. After the snow melts there, there is going to be a different kind of threat. I am told that already there is infiltration into some refugee camps. What will happen then? When the summer comes, these areas will more be accessible. We have to see this threat perception from right now onwards. It is not only a question of internal threat but there is also the external threat.

Finally, I would like to conclude with an appeal because it is not just scoring a debating point. We have to speak louder than words. We have to get on with the only possible way i.e. the political process. We cannot do it with the bureaucratic process. We cannot do it just by the medium of a Governor. We have to get everybody together. There has to be interaction between the Kashmiris and the people of India. That interaction is only possible through a nationalistic political process.

SHRI INDRAJIT GUPTA (Midnapore)
Mr. Chairman, Sir, those who are in the leadership of the Congress Party and of the National Conference also are emphasising what has already been said on this side of the House that every possible effort and initiative must be taken, in mutual cooperation, to revive the political process in the Valley. But they do not say what they propose to do about it. On their own claim, they are the only relevant political force in the Valley or in the world. At the moment, I don't think anybody is relevant. They are the two major forces. But the leaders are all sitting here. They do not tell us what they propose to do. Their followers are there. Their cadres are there facing tremendous risks, I should say, to their lives, safety and security of their families and all that. So, kindly tell us something apart from hinting that the Governor should be changed, which is the only suggestion that they are making—that too implicitly. Nobody is spelling it out saying that immediately the Government should

recall the Governor. The Governor can be recalled—may be he will have to be recalled at some stage.

PROF. SAIFUDDIN SOZ: Why don't you do that?

SHRI INDRAJIT GUPTA: Somebody else will have to be put in his place. We have to make a constructive approach. Some kind of healing touch is required today.

PROF. SAIFUDDIN SOZ: Mr. Jag Mohan will not give healing touch today. We shall do that.

SHRI INDRAJIT GUPTA: I am waiting for that (*Interruptions*).

The Government may have made many mistakes. The previous Government made even more mistakes. And after all the purpose of this parliamentary debate is to advise the Government to help the Government with our suggestions and our proposals as to how to tackle such a tremendously difficult situation. The Government has already taken some steps which I believe will go a considerable way in replacing the purely administrative outlook. That is what is required today, above all, and that is a political outlook—whether they will succeed or not, I cannot say. I think the depth of the crisis is such that as has been stated already by several speakers it has gone beyond, for beyond the question simply of the individual personality of the Governor. People of Kashmir have reached a stage. Why have they reached that stage of total alienation from India is something which we should all ponder about. We are all proud of that stage in our history when Sheikh Abdullah was at the helm of affairs in Kashmir when he was the undisputed, unchallenged and the tallest leader of the people of Kashmir and but for him, Kashmir would never have become a bastion of secularism and of integration with India. Why has the whole situation changed so much that we should ponder about? Why today the people of Kashmir, almost unanimously, it seems, I do not know—are demanding independence and freedom from India.

PROF. N.G. RANGA: (Guntur): How do you say that?

SHRI INDRAJIT GUPTA: I do not know. I do not believe that everybody in Kashmir is a terrorist or a secessionist. I do not believe it. Some are and some are cowed down by fear and would not be able to speak out. No doubt. But the main point is and I hope, the Prime Minister will also underline that face that the battle for secularism, the battle for Indian secularism is being fought primarily today in Kashmir. We have to understand that. If you want to win that battle, we have to behave responsibly in our own country. If you want to help the secessionist, whether it is in Kashmir or in Punjab or all those groups of youth, I should say, in many North-Eastern States who are taken to the guns and saying that they should also have separate States outside India, then the best way to do is to promote the idea of communalism and fundamentalism in our own country. That is the best provocation that can be offered. Therefore, we also have some responsibility in Kashmir. A Member over there has very correctly underlined the fact that you cannot go on in our country allowing theories to be expounded about the nature of the state having to be made into a theocratic state owing allegiance to a particular religion or theories about minorities not having any identity of their own and not having rights of their own. If you go on allowing such theories to be propagated in our country you are doing nothing but giving ammunition to the secessionist in different parts of the country.

Therefore, you must also learn to behave with some sense of responsibility if you want to save the country/

Sir, much has been said about the Governor's role now. I do not defend it. We were opposed to his selection as Governor. For nothing else. I do not know him personally. We were opposed because we knew that he had a big confrontation with Shri Farooq Abdullah during his earlier stint as Governor. It was obvious that his selection could not be welcomed by Farooq Abdullah. Please tell us, whose instrument was he at

the time when he was used to topple Farooq Abdullah's Government and to replace him by a Government of defectors? Whose instrument was he at that time? So, it is not surprising that Farooq Abdullah should have reacted so strongly to his selection this time.

Now that same man is again there as Governor and it is upto the Government to decide whether they will replace him by somebody else immediately or later on. It is a fact which has been confirmed that he took the action of dissolving the State Assembly without consulting the Centre. He took his stand on Article 53 of the Jammu and Kashmir Constitution which technically of course empowers him to do that without bothering about the Centre. But is that the way any responsible Governor should behave in a political crisis like the present one? Obviously not. It was an irresponsible and arbitrary act to dissolve that Assembly without consulting the Central Government here whose leading members including the Prime Minister, the Home Minister were all very much involved at that time in the Assembly election campaign. So he got away with it. Of course it has done a great deal of harm and damage; no doubt about it.

First of all want to say one thing about the repression. There is nobody in this House who cannot view except with extreme pain and sorrow the killing of people by firing—innocent people who became victims of such actions. I also view with pain and sorrow the killing of innocent army personnel. Just because they are army personnel, they do not deserve to be killed. A group of Air Force personnel who were standing on the road side waiting for buses to come and pick them up were mercilessly shot down. We should condemn that also as we condemn the shooting of innocent civilians.

As far as I know until this recent incident took place when an attack was made on a military convoy, thousands of people were being allowed to come in peaceful demonstrations from different parts of the State who ostensibly were coming to present memoranda to the United Nation's Observer's Office

in Srinagar. Day after day they were coming. According to the Press Reports some of these demonstrations ran into thousands. No attempt was made to disperse them by force, no firing, no lathicharge, no tear-gas nothing took place.

Earlier than that the whole trouble had started just when Shri Jagmohan was appointed. I do not know whether he had actually taken the office or not when these midnight searches took place in the city.

PROF. SAIFUDDIN SOZ: He had assumed the Office.

SHRI INDRAJIT GUPTA: Well, may be. That provoked the people and created a lot of resentment, indignation and trouble. But you cannot say that these demonstrations which were coming obviously to present anti-Indian memoranda to the United Nation's observers were in any way being sought to be suppressed or shot down. But these people also must realise. After all, if you make unprovoked attacks on the army personnel, who will control those army personnel? You know what happens. If the military is attacked, they spontaneously will react. A very unfortunate things has happened. The children of army personnel who were going in two school buses were sought to be attacked. So the military has retaliated in a way which is very severe and of course which is something beyond anybody's control.

PROF. SAIFUDDIN SOZ: It is the Governor's version that a Supreme Court judge must look into this.

SHRI INDRAJIT GUPTA: Wherever excesses took place by security forces or serious allegations existed, whether it is there in Punjab or anywhere else, we have always been supporting the proposal that there should be proper impartial inquiry and investigation into those excesses. No doubt about it.

Shri Soz has been shouting from yesterday here that nothing has been going on there except massacre, massacre, every-

where. So, I wanted to put the records straight. This is deplorable, whoever is killed, whether civilians or innocent military personnel or the Station Director of Doordharshan in Srinagar. What crime has he committed? He came back from work, when he was getting into his house with his key, he was mercilessly gunned down from behind. Why don't you mention that? (*Interruptions*)

PROF. SAIFUDDIN SOZ: Should I tell you what happened? (*Interruptions*)

SEVERAL HON. MEMBERS: No (*Interruptions*)

PROF. SAIFUDDIN SOZ: It is not correct. (*Interruptions*)

SHRI INDRAJIT GUPTA: You go to Srinagar. You don't sit here.

PROF. SAIFUDDIN SOZ: I had been to Srinagar. But my only request is that you do not go according to the Governor's version. (*Interruptions*)

SHRI INDRAJIT GUPTA: I do not want to . If my friend Shri Soz would not go on taking up my time, I would lie to compliment both the Prime Minister and Advaniji for the courage of their respective convictions. I may not agree with both of them. But I certainly agree with the Prime Minister. But, at least both of them, on the floor of this House had the courage of their convictions to speak out clearly their stands regarding Article 370. They did not try any kind of hide and seek. Opportunist dodging in order to meet the criticism of this Congress opposition. But we say, "You are opposed to each other. How can you hang together?" (*Interruptions*)

SHRI A. CHARLES (Trivandrum): What is the policy of the Government?

SHRI INDRAJIT GUPTA: They made it abundantly clear what their respective stands are and therefore you will not be able to make capital out of this (*Interruptions*) In spite of that difference, which is a very impor-

[Sh. Indrajit Gupta]

tant difference, the whole future of Kashmir today is not dependent on a controversy or a debate about Article 370. That is not the position. Well, you may try to inflate it into a very big issue, just now. Therefore, I think that it is a good thing—such courage of convictions should be there, whatever the ideas which may be opposite to each other—and I would like our friends on this side of the House to speak with the courage of their convictions. (*Interruptions*)

SEVERAL HON. MEMBERS: They do not have.

SHRI INDRAJIT GUPTA: In the newspapers, there is a statement by one of the Secretaries of the Congress (I) party in which he is trying to say now and he claims that everything that was decided in this recent all-party meeting, which took place for two or three days in the Prime Minister's house—every initiative which has been decided on there every decision which has been taken about a separate Minister and Advisory committee and all these things—has emerged from the brain of the Congress party. It is in today's paper. So, please make up your mind. On the one hand you go on attacking the Government and on the other hand, you want the credit for everything that is being done. That is not the honest way of dealing with the matters and certainly not. (*Interruptions*)

SHRI SOMNATH CHATTERJEE: Take the credit for the Kashmir situation. (*Interruptions*)

SHRI INDRAJIT GUPTA: One more thing I would like to say, Sir, and that is on the question of curfew. It is really a fantastic thing, the delegation reported to us when they came back. What kind of curfew is this? I can understand what tremendous suffering, the ordinary civilian population is going through. But I want to say one thing, if I am allowed. During these recent parleys, none other than my friend Shri Farooq Abdullah said, "If the curfew is lifted today, in Srinagar"

—these are his words—"do you know what is the first thing that these people will do? They will go to Hazratbal, dig out the body of my father and hands it publicly in the square in Srinagar." This is what he said. He also said that things have come to such a pass that curfew cannot be lifted also. "The moment it is lifted, thousands of people will gather, go to Hazratbal, dig out the body of my father and hang it in the public square in Srinagar. "it is a horrible thing for a son of an illustrious father to tell us. It makes your blood run cold. So, please understand as to where the situation has gone. This is not just a question of one Jagmohan sitting in Raj Bhabvan there. Whatever he may have done wrongly, arbitrarily and in a way which will alienate people, of course, the Government has to deal with that, and we are taking steps. I hope the Government is taking steps to correct that and to see that a proper political initiative is taken. I just simply want to say that, as my friend Shri Saifuddin Choudhury said, this thing has not developed overnight in one day. It is the cumulative effect of so many things that have happened. Personally, I am of opinion that if you want to have a break through now, the first step necessary in that is that Farooq Abdullah and his National Conference Party—which, I believe, he still represents, potentially the major political force in the valley—should be delinked from this party. If they are not delinked from this party, you will never be able to regain the confidence of the people of the valley. (*Interruptions*) Their alienation is from Delhi, from what they feel rightly or wrongly, over the years has been done by De'hi to the people of Kashmir. The treatment which they have received from Delhi is a symbol to them—a symbol of forces rightly or wrongly. It has become a symbol of forces which have neglected the whole valley—the development of the valley, the condition of their young people, who are unemployed, jobless, complaint of discrimination in employment against the local Kashmiris, the fact that nobody bothers to set up any development projects there etc., etc, and the way they treated Sheikh Abdullah and after him, Farooq Abdullah and all that. It has taken place over a number of years. I believe that

the credibility of the National Conference has ultimately been destroyed because of his close association with Mr. Rajiv Gandhi's party for the sake of winning some seats in the election, for the sake of getting some votes in the election.

PROF. NG. RANGA: You have succeeded in delinking each other.

SHRI INDRAJIT GUPTA: Yes, Don't worry. I even hold hopes of delinking you one day from that party. For some time you were not in that party. You were delinked from that party. I am not just making a joke or some such thing. The point is that from the day Mr. Farooq Abdullah—for whatever reason and whatever calculation—decided to tie up the National Conference with the Congress (I), he has become suspect in the eyes of the people of the valley as being a partner, even worse as becoming, on some occasions, an agent of that Delhi throne which has become the symbol over the years of neglecting the Kashmiris and denying their rights and all that.

Therefore, I think, a beginning can be made. But that beginning requires courage on the part of the National Conference leaders and cadres who are in a state of immobility today, paralysed to a large extent. I blame Farooq Abdullah party for it also. You see, he has contributed to paralyzing and immobilizing his party. They had lot of cadres in the villages—at least in the rural areas, we know. They may not be able to function in the city of Srinagar but they can still be mobilised gradually. They can be brought into political activity. But who is to do it? Only the leaders of the National Conference themselves can do it if they take the courage to break this association with the Congress Party which is not required also any more because they are finished. They are down and out. (Interruptions) They were riding high at that time. But now it is required. If they want to save themselves and save Kashmir....

SHRISANTOSH MOHAN DEV: (Tripura West): Communism is collapsing all over the world.

SHRI INDRAJIT GUPTA: Don't worry about all the world. You worry about here. (Interruptions)

MR. CHAIRMAN: Order, Order.

(Interruptions)

SHRI INDRAJIT GUPTA: I am afraid, Sir, those people who are dreaming of the collapse of socialism are going to have a rude awakening. They are going to be very much disappointed. Those people who think that socialism is finished and capitalism must triumph all over the world are going to be disappointed. (Interruptions) Just wait. The next speaker, whoever he is going to be very much interrupted by me—I can promise you—if you go on like this. Therefore, Sir, I would just conclude by saying that there should not be such a glaring contrast from this House at least. A very valid point was made by my friend, Mr. Jaswant Singh that there should not be glaring contrast between what goes on in our sovereign Parliament and what is going on in Pakistani Parliament. Benazir Bhutto has uttered quite an ominous threat which you must have seen where she has said that she agree that these matters should be sorted out bilaterally on the basis of the Simla Agreement. But that does not preclude our right from taking it up in the United Nations on the basis of the resolutions of the United Nations". She has made this statement. So, that game is going to go on. And after all, we should not be surprised if they are trying to get their back on us for what happened in Bangladesh in 1971. From that day, there are hawks in Pakistan who have always been saying", These people broke the unity of Pakistan. They sent their armed forces there in order to help their revolt in Bangladesh. A big part of our country separated and became an independent State." Do you think that they have forgiven us for that for ever? Their target, therefore, is Kashmir. They want to do the same thing in Kashmir also. We should not have any kind of complacency about what is likely to happen.

SHRI VASANT SATHE: Are you blaming the Congress for Bangladesh also?

SHRI INDRAJIT GUPTA: No I am praising you for a good thing you did... (*Interruptions*)... I myself praised Mrs. Indra Gandhi for her role in the Bangladesh affair. I am not ashamed to say that I myself praised her publicly in the Central Hall in a special function. But I you should not expect forces in Pakistan who are the real people who count; they may be stronger than the Prime Minister of Pakistan to forgive us. They are certainly out for revenge or vengeance. This is one aspect of it. The other aspect is to internationalise the issue, embarrass India and isolate India which they have failed to do up till now. There was a list of even Islamic countries who have not come out openly in support of Pakistan's stand on Kashmir. They have failed miserably. That is to the credit of our Government. Therefore, we should be vigilant and we should keep ourselves fully prepared. We are heartened by the assurances given repeatedly by the Government. If Pakistan takes it into its head, which I do not think they will, and if they try to launch any kind of military adventure across the border, we should be more than prepared to meet them and repel them. I think they also know that very well. So, internal unity of the country is no less important and that has to be demonstrated before the whole world and we should not be fighting and squabbling with each other always. The main thing is secular ideas and our fundamental commitment to secularism. India is a country which we are proud of. It is a multi-religious, multi-lingual and multi-cultural country. It is that whole composition which makes up India which has baffled the people in the West. The Europeans and the Americans cannot understand as to how a country like this has survived for so many years without breaking up and going into pieces. In fact, they write volumes on that. They cannot understand it as to how the Indian people, in spite of all these differences, variations, religions languages, cultures and all that, manage to hold together and keep the country united for the last forty years. We should assure them that this will

continue and that the country is not going to be broken up. We are not going to allow the country to be broken up by any kind of extremist or sectarian ideas which are wrong ideas which put our people against each other. They provoke them to fight among each other. So, that will be our doom. Therefore, Sir, I conclude by saying that we are supporting the Government on the initiatives which they have decided to take in respect of Kashmir and we should help them with further suggestions and proposals. We should also help them by contributing something in Kashmir for the revival of political activity. You say that your party is stronger and National Conference is very strong. So, show us the way.... (*Interruptions*)... We reaffirm our allegiance and loyalty on all possible occasions. We will try to keep the people together.

I do not think that Kashmir will be lost since we have all come together and we have sufficient strength to keep the Kashmiri people with us. Territory and the land can always be kept because the army is there. Army can keep the territory, but they cannot keep the minds and the hearts of the people together. That only we can do here, working together. Therefore, let us act with a sense of real responsibility and in a proper spirit of secularism and go ahead so that this chapter can be closed, though it is going to take a long, long time; much bloodshed, sacrifice and a large effort would be required.

It is not a matter which we would be able to settle in a day or two. Even realising that let us all put our shoulders together in the interest of the country.

SHRI PIYARE LAL HANDOO (*Anantnag*): Mr. Chairman, Sir, at the outset, I join my esteemed friend, Shri Indrajit Gupta, when he says that let us put our shoulders together to see that we do our best to solve, what is now commonly known, the Kashmir problem.

I will be honest to the House if I straightway say that this morning I had a pleasant surprise and the pleasant surprise was

caused by publication of three confidential letters written by His Excellency, the Governor, to the Government of India some years before and the extent of surprise slightly increased and became of a very peculiar hue when I read a confidential letter written by his Excellency, the Governor very recently, as recently as 30th January 1990. The extent of surprise became boundless when immediately thereafter, I saw the revised business of the House for the day. It came to me at 8.30 this morning and found that at item 8) Government was proposing to initiate a discussion about the situation in Kashmir. Two things, publication of confidential letters in the columns of the *Indian Express* and the Government decision to initiate a discussion about the situation in Kashmir, my dear gentlemen esteemed Members of this House, it is not a coincidence. For a man like me who comes from Kashmir, who wishes to hear a few words spoken by the wise and wiser people of this House, it was not a coincidence. And if you do not find meaning in the publication of those letters today and Government's decision to initiate discussion today you will be missing something and perhaps will excuse me if I use the expression that you will fail to understand what is happening in Kashmir.

I will take you first to the latest letter. That is the point I wish the elder statesmen of this House hon. Shri Jaswant Singh and Shri Indrajit Gupta to ponder over. The latest letter disclosed today gives a recommendation which is supposed to have been made by the Governor, about the dissolution of the Assembly in Kashmir. Why should it be published today? Who leaked that letter for publication today? And when did the Government of India receive that letter? If the Government of India does not make it known, I am not one of those credulous people who believe that the Governor of Jammu and Kashmir took a decision to dissolve the Assembly of Jammu and Kashmir of his own. The tallest of the political leaders told me and I said. Because you say so, I agree, but I am not that credulous to believe that the Government of India, Home Minister did not

do it. And today, I find I have been proved to be correct, that there was a document recommending the dissolution of the House received by the Government of India in the Home Ministry according to the *Indian Express* on 30th January, 1990. I am not concerned with what the Government of India did, whether they kept it on the shelf and allowed dust to collect over it, or telephonically informed the Governor to go ahead and said that the option was acceptable. But what pains me and what the Government of India should tell straightaway is this. Do you agree with that kind of perception communicated to you by His Excellency, the Governor? Because, if that kind of perception is the Government of India's perception then the National Conference man like me has to tell something else to the House.

The Government is a statutory authority under the Constitution of Jammu and Kashmir. I accept it. Government can impose Governor's rule under Section 92 of the Kashmir's Constitution. We accept it. But with folded hands, I ask the esteemed Members of this House to kindly try to go back to 1952 and try to understand what is the genesis of Sub-Section 5 of Section 92 of Jammu and Kashmir Constitution. It is a Sub-Section the like of which, you do not find in the Constitution of the country. For what reason? Sub-Section 5 of Section 92 of the Kashmir's Constitution does not permit the Governor to issue a proclamation imposing Governor's rule, except with the concurrence of the President. It was a great lawyer, Sir Gopalaswamy Iyengar, who after days of discussion with the then representatives of the Kashmir people in the Parliament, had to find out a link which had to remain in existence to show that the Governor's rule has been imposed in Kashmir because Kashmir is the Unit of the Federation and the President must go about the imposition and the causes thereof. Can anybody tell me why the Governor, His Excellency Shri Jagmohan, issued an order-not in consultation with the Government of India? The concurrence of the Government is needed. If there are friends in the Government of India who say that the order was wrong, the order was

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arbitrary and someone argued that the order was a criminal act, do you still say that Shri Jagmohan should still continue after committing a criminal or an arbitrary act? I am not talking about Jagmohan as he is. He is a great personal friend of mine. He is praised when it is due to him. Now, the supporters of the Government of India say that he has acted arbitrarily in the sensitive State like Jammu and Kashmir. Do you still find justification to say "let us try him for some more time?" Again I am warning you about what next he is capable of doing.

I am not going to raise a controversy about Article 370— what he did or what he did not do. After the disappearance of the Constituent Assembly, there could be no authority which can deal with Article 370 except in the manner in which it can be used now, for extending the laws of the country to the State of Jammu and Kashmir. If somebody wants to find pleasure in saying that we do not want to extend some laws—beneficial or otherwise—to the State of Jammu and Kashmir by removing Article 370, let him have joy out of that perception. It is unthinkable. But as it is, I again remind you what the the great Gopaldaswamy Iyengar did when a controversy arose as to who will be the Government of Jammu and Kashmir in terms of Article 370. Article 370 was a part of the Indian Constitution. It was not a part of the Kashmir's Constitution. The Government of Jammu and Kashmir had to be defined and was defined for purposes of Article 370. The Governor should be aided and assisted by the Council of Ministers". That was the spirit of Delhi agreement. The Governor in his wisdom in 1985—despite the fact that we went to the High Court for prohibiting all these things—said that under Article 370, 'I am the Government of Jammu and Kashmir.' But again I would say be cautious. Hon. Prime Minister, there is a move which was made earlier also and which may be made even now that there is acute goading by His Excellency, the Governor, to assume the authority of Jammu and Kashmir government which is defined in Article

370 and seeks certain transformations which will ultimately kill the psyche of the people of Kashmir. The kind and quality of perversion would be introduced which you will never be able to undo, come what may. No National Conference, no Congress, no Janata Dal can undo that. Last time, I cautioned this hon. House. The only thing that I can do sitting where I am, belonging to a party which is in a soup these days and for reasons which you know, is this. We can only say: Sir, these are the facts. Ascertain them, and then draw your own inferences. Do not depend upon the inferences that we draw. Do not consider what the National Conference will do next. We want only one thing. We know, as political activists, that we can work even if there is the worst Fascism. We will not seek anybody's protection. But we must know only one thing: Do you share the perceptions of the present Governor, or not? If you share them, we say good-bye. I cannot be a party to any unanimous decisions taken by the Government of India or any party unanimously or with no party unanimity. How can the perceptions be known? (*Interruptions*)

You can know party's perception by what it says. There are four Press conference held by His Excellency the Governor. It is for the Prime Minister to get the verbatim reports of these four Press conferences. In these four Press conferences he has made his perceptions known. Tell the nation, in the spirit of democracy. Tell the people of Kashmir whether you share those perceptions. If you share them, it will be a sad day. I will not take up cudgels against anybody. I would say that you have a right to have your own opinions, but I will certainly say that I am a sad man if you share those perceptions. He is your representative. I am 100% sure that no Minister of the Union of India (*Interruptions*) minus three of them, can share those perceptions. When I say minus three of them", that will indicate to you the scale to which His Excellency the Governor has gone in Kashmir.

You have been criticising the Congress, as if he was their man in 1984 when he was sent as their hatchet man. No; even they

were the victims at that time, the way the present Government has been the victim, this Government which has made the same selection. If you do not know the common denominator between the two points of time, you will never be wiser as to what has happened. The common denominator is my friend. (*Interruptions*)

The 2nd of July 1984 was the result of an action to which he was a party, and on 19th January 1990 there is an action to which he is not just a party, he is the author of it.

A man like me who known the Mufti Sahib—I have great respect for him—with due defence to him, would say that he has his own limitation, of course. Last time with folded hands I told him Mufti Sahib, you are no more the PCC (I) President, you are no more the Janata Dal President. You are the Home Minister of a great country. Kindly rise above the limitations of your party, of your likes and behave in a manner which the objective reality calls for.

Shall I tell you a very brief incident which has been revealed by Indian Express this morning? I do not know how many of you will like it. But His Excellency the Governor says why he proposed the dissolution of the Assembly. These are independent of the three other reasons gives by the Governor at the time of the Press conference. I shall reveal them before you, which I did even in the joint party meeting.

Today he says that this step has become necessary because Dr Farooq Abdullah has been telling people that he is going to return as the Chief Minister soon, and that this disturbed the equilibrium of the Services—the Services which, according to him, did not exist. I told the hon Prime Minister in a very recent meeting that even this reason is not correct, because the same His Excellency the Governor said at the Press conference that this had to be done because the machinations of some elements had to be curbed. I leave it to the hon Prime Minister to tell me which are the machinations which

were there, and who are the elements which had to be curbed. And the only machination was the one to which the hon Prime Minister was a party, i.e. sending for Dr Farooq Abdullah and getting him to Delhi for some talks. Within four days of those talks initiated by the Prime Minister—Dr Farooq Abdullah was called from Srinagar to Delhi—once he saw that the Prime Minister was taking such a bold step as to call Dr Farooq Abdullah for a talk—I do not know for what kind of talks, and about what weather, climate or even the possibility of reviving the Assembly, one does not know. Only a few people know. Mr Jagmohan stalled that development immediately within four days, by imposing the Governor's rule, by dissolving the Assembly itself. And if you share that perception, kindly be sure that today's publication in the Indian Express is a method, and a sinister method to stall the process which you are initiating through George Fernandes. I tell you here and now, otherwise, what is the utility of telling me through the mouth of His Excellency the Governor that in 1987 he wrote a letter to me, namely P L Handoo. I am P L Handoo myself.

What is the utility of telling the nation today by mentioning it in the *Indian Express* that you wrote a letter in 1989 against the doings of Dr Farooq Abdullah? What is the utility of publishing a letter saying that you wanted Governor rule as late as May 1989. Most of the hon Members must have noticed that, at the time of departure of a delegation consisting of Members of Parliament which went to Kashmir, packages were handed over to some of the members, those packages contained nothing but what I saw today in the *Indian Express*. If you want to enter into some controversy, you can do so, I have got some documents. It is again for special consideration to the Prime Minister. The document which was shown to me indicates the genesis of the formation of the Muslim United Front in 1985-86. Somebody said today and said rightly, "What had happened after the tall leadership disappeared, that is Sheikh Abdullah disappeared," if you try to find out even casually how the question of succession to Sheikh Abdullah was dealt

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with by those who were in Delhi you will know the whole story. Who allowed whom to get stabilised in Kashmir right from 8th of September, 1982? Shri Mufti Mohammad Sayeed will be able to tell you certain secrets from the inside story. I am reminded of two speeches which are directly concerned with the Motion today in this House made by Prof. Madhu Dandavate and Shri George Fernandes on 30th July, 1984. If they slightly try to recapture what they said on 30th July, 1984, in this House, they will know half of the story of Kashmir of today. You will find that it is not his Excellency, Jag Mohan, working in Kashmir alone, it is the axis working; it is the axis of the present Home Minister and Jag Mohan; the axis the roots for which had been laid on the 2nd of July, 1984, the roots which led to developments by January 1986, February 1986, which became the whole context in which you had the first Governor's rule in the history of Kashmir in the context in which it came on the 7th of March 1986.

After the imposition of Governor's rule on 7th March, 1983, the Assembly was not dissolved; his Excellency did not dissolve the Assembly then. But the controversy arose. I have referred to this because a controversy shall soon crop up and the hon. Prime Minister will have to take a very enlightened view about it. What is the prospect that you keep before the people of Kashmir? If you finish terrorist activities, it will be welcome. I welcome every step that you have taken for consensus. The hon. Prime Minister is with us. About this danger I would not have made a reference since this Committee has to function, but I have done this because of the discussion today. If it had been delayed by a week, nothing would have happened. But the great danger is that soon the Governor will come to you with a proposal the kind of which he brought before esteemed Rajiv Gandhi earlier. Under Section 92 of the State Constitution it is stated that the Governor's rule can last for six months, but the Governor, it is apprehended, is proposing to read it as if it authorises that after a break of one day he can again impose it for six months

more. It will hurt the psyche of Kashmir so much that you can never retrieve the situation so far as the people of Kashmir are concerned. You should be wary of imposing the President's Rule in Kashmir when confrontation will be directly with the Union Government. It will assume a very serious proportion. If you do not keep the prospect of holding election within the next six months, you will be overtaken by events and overtaken by his Excellency, the Governor.

We agree that the situation is very grave; we also agree that all political parties are immobilised; we also agree that unless we start a political move nothing can happen in Kashmir. You cannot win back the people, because it is not a failure of the National Front or Congress I or the Communists.

16.00 hrs.

It is the failure of an ideology. The first causality in Kashmir is the ideology. And the very fact that this ideology has failed should have put every political worker on the alert in the country. Why has it failed? I am not a representative of Kashmiri pandits. By chance I happen to be a Kashmiri pandit. My father and mother were Kashmiri pandits. My grand mother too was a Kashmiri pandit. Today you see a Kashmiri pandit in the streets of Delhi with a placard in hand raising the slogan "Kashmir should be made a Union Territory and we will go back to Kashmir. It put me to more shame and much more in agony to hear this slogan in the streets of Delhi from the Kashmiri pandits, who are sisters and daughters. I know what it means. It can mean a danger to those who are left there. How many political parties have told those young men who are in distress here that such slogans should not be raised? Please do not call them refugees. They have come from one part of the country to the other. Refugee is one who came from one country to another country. Those who take pleasure in calling them refugees, create a shiver in my mind. Kindly do not politicalise those people in distress. Instead help them. It is not an accident. The Home Minister also should know that when the All India Party

delegation visited Srinagar, there was procession in Jammu as well as in Delhi. simultaneously How is it that on the same day within hours of arrival of this delegation in Srinagar, such a thing could happen? After all, refugees have not come on that day. They were in Jammu one and a half months before. They were in Delhi twenty one days before. How is it that identical processions are held and identical slogans are raised on the same day? It hurts me as a national of the country. Slogans were raised against Dr. Farooq Abdullah in Jammu and against Mr. Rajiv Gandhi in Delhi. Their slogan was:

[Translation]

"Mr. Jagmohan go ahead, we are with you"

[English]

This slogan was raised in Jammu only. I leave it to Mr. Mufti Mohammad Sayeed to find out what kind of reactions it can have in Kashmir. This communalises the situation, which can have serious repercussions. Kindly consider what it means. The way it is communalised, the things happening within the territory of Jammu and Kashmir is something which should be taken notice of by the Prime Minister. It is not the work of the Advisory Council to deal with such subject. My fear is that the work Shri George Fernandes is about to start is being stalled. It appears that there is a conspiracy to scuttle the efforts being initiated by the new Government through Mr. George Fernandes.

My second submission is this. Kindly remember one thing. You have not discussed Kashmir only once. I was trying to recollect. You have discussed Kashmir seventeen times in this Parliament since 1952. One feature which is common these is that we are trying to be wise after the event. Something has happened and you retrospectively start thinking that it should not have happened. Sometimes we become wiser then the wise and say and feel that certain steps should not have been taken. But for God's sake,

come to grips with the total situation in Kashmir.

Let us try to be wise today while the event is happening. In this context you should ask all your local branches also to reflect the attempted unanimity tried at the national level. Let them also say in one voice what you are asking me to say here. Let us not, among ourselves sit and say this must be done and leave our partymen to do whatever they want. Our hon. Prime Minister despite his preoccupations initiated very good moves for all party agreement and certain attempts were made. But before the delegation reached Srinagar, somebody in Jammu says that this is an attempt to revive the Assembly. The question of revival of the Assembly has never been on the agenda. Immediately the Working Committee of such and such party met in Jammu today and passed a resolution unanimously that no attempt should be made to revive the Assembly. Who the hell want the revival of the Assembly? Has it ever been on the agenda? But it was only to show that despite an all-party meet going over to Kashmir, here is a force who would like to act like an old phrase 'you are becoming more loyal than the king'. Some feel that Janata Dal is ruling the State of Jammu & Kashmir. The Janata Dal must make its opinion known about the State of Jammu & Kashmir. Mufti Saheb knows the kind and quality of his party. BJP people know the kind and quality of their party. I know the kind and quality of my party. But what is dangerous and difficult is that it introduces into the whole situation certain variable elements which you cannot depend upon whether they will lead in the direction in which you seek to take the things or they will take in the directions which will ultimately ruin the things. This is one aspect.

The other aspect about which I want you to be careful and what I am perturbed by is the statement which came from the Secretary of State of America on the day when there was some firing allegedly by the Army people— I am not going into the justification or otherwise of it—that Government of India should immediately start talks under the

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Simla Agreement This word 'immediately' was intriguing because it reminded me of the midnight knock that Pandit Jawaharlal Nehru got one day through the message which came from Truman that; If you accept mediation today, we will give you this, we will give you that. Kindly do not fall into any such trap. That may be seen even under such a very pleasant and presentable slogan of dialogue with Pakistan according to the Simla Agreement. You must first know that items of Simla Agreement have been violated by Pakistan. Unless those violations are undone, you should not show your readiness for dialogue with Pakistan according to the Simla Agreement. Ultimately we have to face the phrase from America let us arbitrate on Kashmir again. We must be careful about that.

16.07 hrs.

STATEMENT REGARDING RELEASE OF ANOTHER INSTALMENT OF ADDITIONAL DEARNESS ALLOWANCES TO THE CENTRAL GOVERNMENT EMPLOYEES

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Sir, on the basis of the recommendations of the Fourth Central Pay Commission, as accepted by the Government for Central Government Employees, *dearness allowance at the revised rates* has become due for consideration with effect from 1.1.1990, on the basis of percentage increase in whole numbers in the twelve monthly average of the All India Consumer Price Index Numbers of Industrial Workers (General) (Base 1960=100) for the period ending 31.12.1989 over the index average of 608, the base figure to which the revised pay scales are pegged. The twelve monthly average Consumer Price Index for the period ending 31.12.1989 is 842.58, which works out to an increase of 38.58% over 608. Employees drawing basic pay upto Rs. 3500/

- are to be allowed 100% neutralisation, those drawing basic pay between Rs. 3501/- and Rs. 6000/-, 75% and those drawing basic pay above Rs. 6000/-, 65% neutralisation. These employees are, accordingly, entitled to revised D.A. of 38%, 28% and 25% of the basic pay respectively from 1.1.1990, as against 34% 25% and 22% of the basic pay respectively being drawn by them at present since 1.7.1989.

Government have decided to pay the instalment of dearness allowance due to Central Government employees from 1.1.1990 in cash. Order in this behalf shall be issued by the Ministry of Finance.

The annual cost of this instalment of D.A. payable to all Central Government Employees with effect from 1.1.1990 is estimated at Rs. 294 crores. The total expenditure on this account in the financial year 1990-91 will be Rs. 343 crores.

(Interruptions)*

THE CHAIRMAN : You cannot ask any question. As per rules, I cannot permit you to ask any question. I am sorry, I cannot allow you to ask any question.

16.10 hrs.

MOTION UNDER RULE 342

Situation in Jammu and Kashmir— Contd.

THE PRIME MINISTER (SHRI VISHWANATH PRATAP SINGH): (a) Sir, I have listened with great attention the views of hon. Members and it clearly reflected a deep and a shared concern about the situation in Jammu and Kashmir. This House does not only represent the political parties only. It represents the people of India, and when we address ourselves to a national issue like Jammu and Kashmir, I think it is in that role that we have to respond. It is certainly, as has been expressed by various hon. Mem-