

16.35 hrs.

DISCUSSION UNDER RULE 193

Assassination of Maulvi Md. Farooq Mirwaiz of Kashmir, in Srinagar on 21st May, 1990

SHRI SONTOSH MOHANDEV (Tripura West): Mr. Chairman, Sir, I rise to participate in the discussion under rule 193 on the statement made by the hon. Home Minister. I am participating in it with a deep sense of regret and sorrow today which is initiated mainly for the death of Mr. Maulvi Farooq, one of the most popular religious leaders of Kashmir and for the whole country.

Sir, at one time, Kashmir was known to be a Heaven in this earth. But, today unfortunately because of the inefficiency of this National Front Government, it has become a hell in this earth. Time and again, here in this House, we have discussed about the Kashmir situation. Few days back, the Vice-Chancellor of the Kashmir University was killed and one of the officers of the Central Government Public Undertaking Mr. Khera was also killed. We had seen the whole nation feeling deep sorrow about it; not only that, the Parliament also joined with the whole nation on that issue. Today, in this House, while we are discussing this issue, at the very outset, I must make one point abundantly clear to Mr. Vijay Kumar Malhotra. The other day, he raised a question regarding the policy of the Congress-I on terrorists. We feel proud to say that we, as Congress party, when we were in power at the Centre, we had never compromised with terrorists. We had made it sure that terrorists who were against the interests of our country were dealt with severely by the administration. We made it clear that unless they shun the path of violence and unless they owe their allegiance to the Constitution, we would never enter into any dialogue with terrorists. Our approach was proved to be correct in Nagaland, our approach was proved to be correct in Mizoram and our approach was proved to be correct in Tripura also. Mr. Bijoy

Rankel had come into the mainstream of the country. So is Mr. Laldenga. We had established constitutional Governments in Nagaland and Manipur. So, there should not be any doubt in your minds. We are firm on our view that the terrorists and militants must be tackled very firmly by the Government, who ever might be in the Centre or in the State. But unfortunately, the present Governor Mr. Jagmohan has become a symbol of repression in Jammu and Kashmir. We had told about it in the initial stage itself. At that time, many political parties did not agree with us. Today, though it is late, the CPI (M), CPI and a part of the Janata Dal leaders have realised that we have nothing against Mr. Jagmohan personally. Mr. Jagmohan personally is not a factor to us, but his actions as the Governor is definitely an issue before the country today. Mr. Jagmohan landed in Kashmir on 19th January, 1990. He did not land in Srinagar; he landed in Jammu. There, the BJP and their supporters gave him a heroic welcome; there is nothing wrong in it. But on that very night, Mr. Jagmohan started repression in Kashmir; house after house was raided. Not only that; we have heard from the All party Group leaders who went to Kashmir and the senior leaders of the Kashmiri people, that the people told that their houses were raided in midnight to the embarrassment of the ladies. I do not want to go into the details of it. But that was not the end of Mr. Jagmohan's reign of terror. One after the other, incidents are happening. In each incident, we are seeing that Mr. Jagmohan has started a reign of terror and repression. He says he wants to find out the terrorists. We also want him to find out the terrorists and take them into custody. If they counter the operations of the security forces, then we also want our para-military forces and local police to take action against them. But in the name of combing operation, how can you go to each and every house and try to say that each Kashmiri is a pro-Pakistani? In your attitude, in the district administration and at the State administration, you give a sense of your thinking that you do not trust the Kashmiris DIGs and IGP rank in district administration or police organisation. That sends a wrong signal to the people of Kashmir.

[Sh. Sontosh Mohan Dev]

Let us not forget the incident that has happened there which we are discussing today. The death of Maulvi Farooq was a slur on the administration of the Central Government I regard to Kashmir. The Prime Minister intervened yesterday and he also said, it is the basic responsibility of the Government to safeguard its citizens, not to speak of Moulvi Farooq. Was it not known to the Government in Kashmir that he was in the top in the hit list of the terrorists? He did not ask for security guard. It is accepted. I also had the opportunity to work in the Home Ministry. In cases of such nature, we used to keep surveillance by sending plain-clothes policemen in the areas to see that such persons do not become the target of terrorists at all. The hon. Home Minister in his statement said that the Mali was on duty. He was asked by three Kashmiri boys and he verified from Mr. Farooq whether Mr. Farooq had given any appointment. He said, "Yes". Then, the three boys went inside. Then, the Mali heard some gun shots. He went inside and wanted to capture one of them. Then, in your statement, you have said, he had been shifted to the hospital. When you will answer, please clarify these points. When did the police arrive at the scene? How far was the police Ricket from the residence of Moulvi Farooq; whether intelligence or the local police took cognizance of the presence of Mr. Farooq at his residence; whether the police was doing its job. You are trying to shadow your Cabinet Minister, Mr. George Fernandes. It is not my statement. Mr. George Fernandes has told it to the Prime Minister. We have heard and read it in newspapers. Whenever he visits there, he is being shadowed by the Intelligence of the Kashmir and the Central Government. It is not only that, it is also alleged by Mr. George Fernandes like this. He wanted to talk to a man to bring him to the national mainstream. These committee members go and visit different places. The next day, your Intelligence people go and ask those people, "What discussion you had with these representatives?" Why do you do so? You are a Cabinet Minister. He is your colleague. You have got the Prime

Minister. Can't you discuss with each other? Why did you ask your Intelligence Department to come and report to you as to what had been discussed with Mr. George Fernandes, and his committee members and the people in Kashmir?

THE MINISTER OF HOME AFFAIRS
(SHRI MUFTI MOHAMMAD SAYEED): Who told you?

SHRI SONTOSH MOHAN DEV: I told you, "I am reading it in the newspapers. You deny it. I am happy. When your turn will come, you deny it. It should be denied, if it is not a fact. You are most welcome to deny it. But denying, denying and denying, you are denying the country of Kashmir! Kashmir has gone to such a stage that the people of Kashmir now feel that they are *persona non grata* in this country. When Sheikh Abdullah was there, when Mr. Farooq Abdullah was there, when you were there in Kashmir politics, do you mean to say, by and large the Kashmiri people were against India? No. It is a microscopic number of people who were pro-Pakistan and against India.

Now, your Governor is there. What has he done? A mourning procession was being taken out and he declared curfew. In your statement, in the statement of the Prime Minister, you did not mention that the curfew was there. What was the necessity of imposing curfew when three lakh people had come on the street to pay their respect to the departed soul of Moulvi Farooq who sacrificed his life for the cause of the country. He never supported the terrorists. He had some hard options with him. He was fighting for the people of Kashmir. There was nothing wrong. There are many leaders; for example, Mr. Bhukari has got certain views which many of us do not support. That does not mean that he is anti-national. We may not support some of his actions but he is also a religious leader. A nationalist stature of Mr. Moulvi Farooq had been killed. He was taken to the hospital. From the hospital, his dead body was taken by the crowd. How good Mr. Jagmohan is as an administrator—I would like to ask my friends from BJP who support

him at any time, anything comes about Mr. Jagmohan.

SHRI RAM NAIK (Bombay North): I am on a point of order.

MR. CHAIRMAN: What is your point of order?

SHRI RAM NAIK: *My point of order is that the Governor cannot be criticised, cannot be named, unless there is a substantive motion before the House. Already you know that when the discussion on Nagaland came, the Hon. Speaker at that time suggested that a substantive motion must be brought against the Governor. The substantive motion came against the Governor and then we started discussing about Nagaland issue and also the action of the Governor. Here also, he alleging certain things against the Governor and I raise the point of order that this is against the rules of the House and that the Governor cannot be criticised without a substantive motion.*

SHRI SONTOSH MOHAN DEV: I fully appreciate the worry and the agony of the hon. Member and his party about the gentleman I name. My purpose is served. Now I will say Mr. X. That will serve the purpose. I do not name him. I will say Mr. X in Kashmir.

SHRI RAM NAIK: My contention is to be accepted by the Chairman, not by you. If you feel that my contention is right, then naturally I may request you to remove the allegation from the records.

MR. CHAIRMAN: No. I can understand what the hon. Member has said that we cannot discuss the conduct of the Governor. I accept it. At the same time, we have to see when there is no other Government there which is heading and he is heading, we cannot discuss the conduct of the Governor. I accept it. What you say is correct. Any allegation must not come if the Member is not here. That I accept. At the same time, do not drag on Governor's name here. Try to find out a via media as to how to tackle the situation.

[Translation]

SHRI KALKA DAS (Karol Bagh): Mr. Chairman, Sir, they made him the Governor there because he was tackling the problem there. They did not want the Kashmir problem to be solved and that is why they are taking it ill. But, in fact, he was appointed as Governor by them and not by the B.J.P.

SHRI SONTOSH MOHAN DEV: You may speak when your turn comes tomorrow.

SHRI KALKA DAS: So are you to order me? (*Interruptions*)

[English]

SHRI SONTOSH MOHAN DEV: I fully appreciate your agony about Shri Jagmohan. Kindly take your seat.

SHRI RAM NAIK: Who are you to order me?

SHRI SONTOSH MOHAN DEV: Then you don't sit. You stand.

SHRI RAM NAIK: If you say "You sit down," I will say "You sit down."

SHRI SONTOSH MOHAN DEV: I will sit down. Now the country knows that Governor was posted there for two reasons. The present Home Minister knows Kashmir politics very well. By inducting that Governor, he knows that elected Government will be out from the state because Shri Farooq Abdulla will never run his Government with that particular Governor in the Chair. So, his purpose was served.

The second purpose that was served in serving a cause which is here. They wanted somebody to go there so that they can play Hindu card all over the country. So, Shri Vishwanath Pratap Singh, the Prime Minister, has pleased both the Home Minister and the BJP. Well, that is good. But what next? The next purpose was to see that Kashmir problem is solved. But today in Kashmir, there are three evils that are working. One

[Sh. Sontosh Mohan Dev]

Administration is headed by Mr. X. One administration is here in the Home Ministry headed by the hon. Home minister and another by Shri George Fernandes and other Members like Shri Saifuddin Choudhury and all that.

I have never heard that a Central Minister and his Committee formed by the Central Cabinet are directed by the Governor not to land there. Even when there was a bad situation, they should have gone and seen the situation there. Not only that. The Home Minister goes; and Minister incharge of Kashmir goes. But they do not go together. They go in different directions. They give their speeches in different ways. One says: "I want to evolve a process by which political process starts in Kashmir." Another says: "Shri Jagmohan is right; he has taken the tough method and that will solve the problem." For a good administrator, you must have a carrot and cane policy. Shri Jagmohan has got the cane method but he has no method of carrot. That is the difficulty with Shri Jagmohan. Shri Jagmohan says to this high power delegation, one member of that delegation is present here, that he has given *Azadi* to Kashmir. What do you mean by *Azadi*? *Azadi* means, people will say that the Government which was installed in 1987, that has thrown back. I understand—I am subject to correction—that one of the CPM Members asked them: what was the extent of rigging? He said: 14 seats were rigged. What is the number of total seats in Kashmir? It is 76 plus two nominated. When the 14 seats have been rigged how can you expel the whole Government. You can not discharge the Government. But you should not have done that. Why have you done it? It is because he has got the special power under the Constitution. And that matter also went to the Law Minister. As far as I know the Advocate-General said that he should have discussed it with the President because the special power is there, subject to the advice of the President of India. He did not do it. Today what has happened in Kashmir? One lakh migrants have come to Delhi. They

have come as refugees. I refuse to call them refugees. Refugees come from other countries. Refugees do not come from one State to the other. They have been migrated from there. Why? Not for the terrorist activities but because of Shri Jagmohan's policy of declaring *Jehad*. These Committee members when they went there, to their greatest pleasure—if I am wrong, please correct me they were very happy to see that not a single house of the Kashmiri pandit has been touched by the Muslims or by any other person. Not only that. They are giving protection to those properties and other things that have been left there. But the Governor has created a situation saying that they have to come out of Kashmir.

Now what is this procession? The statement says, this procession which came out, there was a firing by AK-47 from the crowd. Sir, I have seen AK-47. I was in the Defence Ministry; I was in the Home Ministry. I have visited the remote areas and defence area. I have myself used this AK-47 in other areas. What I want to say is that AK-47 has been used gunning policy. According to the statement which has been laid before this House, only one commandant and ten jawans have been injured. As against that from the police firing by 303 rifle, how many people have been killed? According to the hon. Home Minister, the number is 47. According to the Members belonging to Kashmir and through other sources, the number is more than 100 and 74 who are critically injured are in the hospitals and the number of other injured persons is 400. Mr. Home Minister: Was it necessary to go to that extent of firing? You kindly tell us. I know you personally. I would like to know from you, are you yourself personally satisfied with the act that was done at that particular time on the mourners in Kashmir? What message has it got? After the killing of Maulavi Farooq, the Bush Administration had given a statement saying that there was excess done by the Indian police on the unarmed people in India. We used to deny it. Now we have no ground to deny it. This is an open secret. The whole nation, the whole world knows it that the mourners have been fired. Not only that, The

dead man who has got so many bullets from terrorists, he departed with some bullets from your police force also. He will not pardon you for that. It is a heinous crime according to our religious rites. That man was made to die again as if there was a fear complex, as if that particular gentleman will come back after *Janaza* from his coffin and again take his position. There is a propoganda in Kashmir that he has been killed by the administration. I don't agree to that; it is not possible. But the administration slackness was responsible for his killing; administration cannot kill him.

SHRI YADVENDRA DATT (Jaunpur): If you don't believe in a thing, why repeat it?

SHRI SONTOSH MOHAN DEV: I am repeating it for your benefit. You know it because everyday you speak to that Governor. His Head office is not in the Ministry; it is the BJP HQs. Which is next to my house!

So today while speaking on this particular subject I would like to say that the Prime Minister himself has admitted that it is a failure of the administration. The Home Minister had deeply regretted what has happened. Regret came from CPM, CPI, Forward Bloc, RSP. I don't know what does BJP think. I strongly demand that Shri Jagmohan must be brought back to Delhi. He cannot remain as the Governor any more. If he remains as the Governor, there will be further alienation of the people of Kashmir from the Indian mainstream.

We want Kashmir to be an integral part of India. We hear that you are taking strong action in the diplomatic world—in the Gulf countries, Arab countries and all that. I have got a Press clipping here where I see OIC is not unknown to this country—OIC has taken a decision against the brutal killing of Maulvi Farooq and the Vice Chancellor of the University. They have said that the Pakistan's claim of repression on the unarmed men in Kashmir, especially against Muslims is correct. I would not say Kashmiris as Muslims; I will not say Kashmiris as Pandits. I will say they are Indian citizens; they are as good as

anyone else of any other caste or religion.

I have visited Kashmir many a time. I do agree there is a section in Kashmir who say that you have come from India. But if you meet the mass, it is not so. Even this Committee the gentleman who is sitting here—I may be incorrect—asked Shri Jagmohan as to what is his information and what is the position in the rural areas. Shri Jagmohan said that in rural areas citizens are much better than the town areas. Shri Saifuddin Chowdhary as a Member of this Committee asked as to why does not he start the political process there. He said he is starting the political process. How? According to him, Congress-I and National Conference have no relevance in Kashmir politics. They are non-entities. He is trying to project a man. Who is that man? His name is Sabir Shaha. What is his bio-data? He was imprisoned and put in jail for terrorist activities from 1982 onwards upto 1989 at least eight times. He has connections with JKLF. He feels that if they come into power and if Sabir Shaha becomes the Chief Minister then only the Kashmir problem will be solved.

Now what happened? The Government of India and the Kashmir Government have declared JKLF as an illegal organisation. Now he cannot come. Now the second question comes.

16.59 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Everyday in this House we hear from our friends from the BJP as to why the migrants from Kashmir—refugees as they call them—are not being given money and medical aid. The assurance comes from the Home Minister that it has been given. They say, it has not been given. I know this is a made-to-each-other contest to give a feeling to the nation that BJP is the only party which is looking after the refugees. Neither to Government of India nor the citizens of Delhi are doing that. This a wrong message. We have also done it and we have raised funds. Each and every MLA has contributed. Not

[Sh. Sontosh Mohan Dev]

only that, the Home Minister himself has said that the Government of India have given relief to these particular people so that succour can reach to them.

The tradition in Kashmir is that they shift the capital for six months from Srinagar to Jammu. What is the expenditure involved? Rs.10 crores. What is the effect? In most of the affected areas the administration is away and they are having a nice time because in the winter months Srinagar Valley is very cold.

17.00 hrs.

This is really a said decision. This time, this should not have been done. It not only costs us Rs. 10 crores, but it deteriorates the process in Srinagar Valley. Sir, the Home Minister is laughing. I am very much happy to see that under any circumstances, he can laugh. But I would like to ask the hon. Home Minister, is it not a fact that a bridegroom party which was going in the bus in your own Constituency was stopped by the BSF? But the CRPF thought that terrorists have captured the bus. So, they opened fire; and in the cross-fire, two BSF men died. Ultimately they could not fire back at the CRPF. Then, the bride was taken out of the vehicle and they have raped. The telegram has been laid on the floor of the other House by one of the hon. Members. But no answer has been given. I would like to know from the Home Minister as to whether this is a fact. If this is a fact, then that gives a reflection as to what CRPF and BSF are doing.

I have seen the Home Minister's very good speech in TV, about seven days back that Pakistan will not be allowed to do anything. But the Prime Minister has said that the whole order is being sealed or will be sealed. It is very good and we appreciate it. But your friend on your right side says that you attack the camps in Pakistan Occupied Kashmir and in Pakistan. It is correct, if you take their advice and do it. You do it. But, by saying something and not doing that, unne-

essarily gives a handle to Ms. Benazir. Ms. Benazir quotes in her international speeches—I have seen in Video—that how can I believe that India is not unnecessarily taking action against us, because their partner the BJP—one of the clutches of the Government—demands an attach on Pakistan Occupied Kashmir and Pakistan training camps.

Yes, you can laugh, Mr. Home Minister because your purpose is served; but the country's purpose is not served because we do not want Kashmir to be treated as a Muslim-run State. We want to see that Kashmir is an integral part of India.

Friends from BJP demands the abrogation of Article 370. But the Prime Minister says, 'no! May I know from the BJP and their hon. Members as to whether they know that there is an article 371A under the Constitution? Under that Article 371A, Arunachal Pradesh Governor has got special powers. According to that, Nagaland Governor has got special powers. Sikkim Governor has got special powers. They say in their speeches at Boat Club that an Indian cannot go and buy land there. Can you buy land in Meghalaya? Can you buy land in Nagaland You cannot. Even in Delhi, even if you have the money, you cannot buy more than one flat. This is the restriction, while you are dreaming to be the Chief Minister. This is the position in Delhi. These are the things which you should not forget. The basic thing in India is 'unity in diversity'. We have got different castes, different religions, different races, but as one Indian, we have always rose to the occasion. Today the time has come when we should...

[Translation]

SHRI GULAB CHAND KATARIA (Udaipur): This problem has aggravated because of your thinking for the last 40 years.

SHRI SONTOSH MOHAN DEV: By repeating the word 40 years time and again,

everything will be lost. Do not waste another forty years.

[English]

Sir, I would like to conclude by saying that the alienation that has been created in Kashmir is not because of anyone; but it is because of the non-policy of the Central Government of which Shri Vishwanath Pratap Singh is the Prime Minister because you have a Home Minister from Kashmir. You do not take him into the Babri Masjid-Ram Janambhoomi Committee. You do not give him the responsibility in the Kashmir issue. You do not want him to involve himself in sensitive issues. But you tell to the people that I have given a Home Minister who is from a minority community. You must prove it. A driver is known by the mud-guards. If he has a good mud-guard, then he is a good driver. If he has a damaged and dampened mud-guard, then he is not. Shri V.P. Singh may be good, but his mud-guards are not. Shri George Fernandes says that I am not allowed to do the work. But Shri Mufti Mohammad Sayeed says that he will listen to the Governor. I say that Governor should listen to you; you should not listen to the Governor. Now, if that be your attitude, then you cannot run the State. I again request that we want to bring Kashmir into the national mainstream, as demanded by CPI (M), CPI as demanded by us, not now, but from the initial stage, that the Administrator there, the Governor there must be called back immediately. If you want to save Kashmir, a policy should be initiated after discussion with all the parties. We can give a message to the people of Kashmir. They are our fellow brothers. We should not give them something which is being done by the present administration. With these words, I thank you for giving me time to speak on Kashmir.

MR. DEPUTY SPEAKER: Prof. Saifuddin Soz.

PROF. SAIF-UD-DIN SOZ (Baramulla): Sir, I never imagined that you would be kind enough to call me now. I was waiting to talk after an hour or so. Thank you very much,

Mr. Chairman, for calling me this early.

There is lot of agony and anguish...

[Translation]

PROF. VIJAY KUMAR MALHOTRA (Delhi Sadar): The time allotted for it was upto 5.30 p.m. Will only two speakers speak till then?

[English]

Now this one side and one version will go on. (Interruptions)

MR. DEPUTY SPEAKER: The time allotted is two hours.

SHRI VIJAY KUMAR MALHOTRA: No, no; you were not here. (Interruptions) It was decided that it will end at 5.30. (Interruptions)

MR. DEPUTY SPEAKER: The time allotted on my chart is two hours.

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF TOURISM (SHRI SATYA PAL MALIK): What was decided in the Business Advisory Committee, that has been challenged. Now we intend to move that let this discussion be stopped at 5.30 when we will take up the Government Bills. This is the position. (Interruptions)

[Translation]

PROF. VIJAY KUMAR MALHOTRA: It was decided that one speaker from this side will speak followed by one speaker from that side.

[English]

They cannot go on like this.

MR. DEPUTY SPEAKER: The time al-

lotted is two hours.

(Interruptions)

SHRI VIJAY KUMAR MALHOTRA: The House decided it.

MR. DEPUTY SPEAKER: How do I know it?

[Translation]

PROF. VIJAY KUMAR MALHOTRA: The Chairman who was presiding earlier should have made it clear before leaving.

[English]

MR. DEPUTY SPEAKER: Unless it is otherwise decided, the time allotted for this motion is two hours.

(Interruptions)

MR. DEPUTY SPEAKER: Please take your seat. I do not know what is decided by whom.

[Translation]

PROF. VIJAY KUMAR MALHOTRA: It was for him to tell you before he left.

[English]

MR. DEPUTY SPEAKER: It is not necessary. The papers tell me that it is two hours and the time allotted to the Congress Party is 41 minutes. The time allotted to your party is 18 minutes and you will speak for 18 minutes.

[Translation]

PROF. VIJAY KUMAR MALHOTRA: It was decided that a speaker each from either side will speak by turn. The allotted time will be over at 5.30 p.m., how then will the other speakers be able to speak? *(Interruptions)*

[English]

MR. DEPUTY SPEAKER: It is not necessary.

(Interruptions)

MR. DEPUTY SPEAKER: Mr. Malhotra, please take your seat. Let me also speak. Every now and then, if you are going to change the time, I am not going to allow the change in time.

(Interruptions)

MR. DEPUTY SPEAKER: You can take it from me. I am not going to allow the change of time because if you have fixed this matter for discussion, you will be allowed to speak. They will be allowed to speak. If you do not want to fix, do not fix it. But every now and then, you cannot just change.

(Interruptions)

PROF. VIJAY KUMAR MALHOTRA: It is not me who decided this. The House decided it.

MR. DEPUTY SPEAKER: Don't try to regulate the proceedings sitting there.

(Interruptions)

MR. DEPUTY SPEAKER: It is not possible.

(Interruptions)

MR. DEPUTY SPEAKER: You cannot just shut out the people.

PROF. VIJAY KUMAR MALHOTRA: We have not shut... *(Interruptions)*

MR. DEPUTY SPEAKER: You will get the time which is allotted to you. On that ground you cannot ask others not to speak.

(Interruptions)

MR. DEPUTY SPEAKER: You ask for a time to speak; I will give you the time to speak.

PROF. VIJAYKUMAR MALHOTRA: Do not dictate us like this. You are always asking us like that.

MR. DEPUTY SPEAKER: You cannot control the House sitting there.

(Interruptions)

MR. DEPUTY SPEAKER: You allow the man who is sitting in the Chair to control.

[Translation]

SHRI KALKA DAS (Karol Bagh): Mr. Deputy Speaker, Sir, there is a misunderstanding. He did not mean that. It is for the House to decide how much time is to be allotted for which item.

MR. DEPUTY SPEAKER: There is no question of misunderstanding. You will get the time for speaking if you want to speak. If somebody rises to speak, how is it possible not to permit him. You will get the time.

PROF. VIJAY KUMAR MALHOTRA: There is an alliance between the Congress and the National Conference. Why have the Members of these parties been allowed to speak one after the other to begin with?

[English]

MR. DEPUTY SPEAKER: You will get the time. Janata Party will get the time. Congress party will get the time.

(Interruptions)

MR. DEPUTY SPEAKER: Please take your seat.

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): With regret I have to tell, whatever is decided in the Business Advisory

Committee is not being strictly adhered to.

PROF. P.J. KURIEN (Mavelikara): By whom? *(Interruptions)*

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Why do you get up? I did not say anything. Sir, you are also aware that this Discussion under Rule 193 has been accepted by the Government, cutting into the Government's time, on the understanding that it will be concluded by 4 PM and between 4 Pm and 8 PM, Legislative Business will be taken up.

MR. DEPUTY SPEAKER: But when was it to start?

SHRI P. UPENDRA: It was not stopped up to 4 PM. At that stage, I rose and submitted that the Legislative Business should be taken up and this discussion can be postponed. But that was not agreed to. Therefore, you have to give your view, Sir. Not a single Bill has been passed so far and so, the Government Business has to get precedence. The whole day has been taken up by Matters under Rule 377, Discussion under Rule 193, Calling Attention, clarifications and so on. If that is so, we need not be here. Let it go on as it is. Kindly fix some arrangement so that Government Business should also be carried out. In addition to Government Business, we can have all other things. But other business should not take precedence over Government Business... *(Interruptions)*...So, my submission is, at 5.30 PM, we should stop this discussion... *(Interruptions)* ...Hear me please. Why do you say 'no, no'? Why are you dictating the whole business? We cannot accept whatever you say. There is a limit to everything. You cannot dictate to the House like that. *(Interruptions)*

SHRI SHIKIHO SEMA (Nagaland) We will not allow the discussion to be stopped. *(Interruptions)*

SHRI P. UPENDRA: It should be stopped

[Sh. P. Upendra]

at 5.30 PM. Let the vote of the House be taken. I am refusing what they say. (*Interruptions*)

MR. DEPUTY SPEAKER: Please take your seats. I do appreciate the stand of the Government.

(*Interruptions*)

SHRI LOKANATH CHOUDHARY: This matter was raised when the Chairman was in the Chair. It was told that the discussion on Kashmir issue will continue upto 5.30 PM and it will be taken up again. It was also told that Bills will be taken up at 5.30 PM. (*Interruptions*)

SEVERAL HON. MEMBERS: Who said? (*Interruptions*)

MR. DEPUTY SPEAKER: Let him make his submission.

(*Interruptions*)

SHRI P. UPENDRA: Sir, I have not completed. You can hear him after my say. We had a discussion in the Speaker's Chamber just now and the main Opposition also represented there. The Speaker has proposed that this discussion will be stopped at 5.30 PM and will be taken up again tomorrow. Bills will be taken up at 5.30 PM and Kashmir discussion will continue tomorrow. So, this is the opinion of the Speaker also. We will be following his decision. I am formally proposing his decision.

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): Before this discussion, the hon. Members wanted to discuss the role of Governor of Nagaland. That discussion is also continuing. Then you came with the Discussion under Rule 193 regarding the role of LTTE in Tamil Nadu. That is also continuing. I don't think that you are serious about any item taken by you. Now, why are you not serious about the discussion on LTTE when you

were wanting it so much?...(*Interruptions*) ... Therefore, Government Business will be taken up at 5.30 PM. And Bills will be introduced and passed. We will not permit to continue your discussion. Hereby, you are blocking the Government Business... (*Interruptions*) ... You cannot deny like that. (*Interruptions*)

SHRI P. UPENDRA: I formally propose that Government Business should start at 5.30 PM. (*Interruptions*)

PROF. P.J. KURIEN: Sir, the Home Minister cannot dictate to the House. (*Interruptions*)

SHRI MUFTI MOHAMMAD SAYEED: You are not serious about any issue at all. (*Interruptions*)

MR. DEPUTY SPEAKER: Mr. Kurien, please take your seat.

(*Interruptions*)

MR. DEPUTY SPEAKER: I do agree with the Minister that the Government business should be transacted and I would request the Members to help the Government to transact the business. If it is necessary to sit late, let us sit late; if it is necessary to sit for more time, let us sit for more time, for more days but the Government business should also be transacted. That is one thing.

Secondly, after a discussion has been started on this point, let the Members have their say on this. If we do not want to take up any other item under Rule 193, you decide and we do not take that up. But having started on this, I would not like to shut out any Member on this point.

Thirdly, for closure and all those things, well you can propose it only with the consent of the Speaker, and if he allows, you can do that. But I would request the Government not to take this stand.

I would also request the Members to finish their say within the time. I would further

request the Members to see that the Government business is also transacted. If the Government wants that we stop discussing this issue at 5.30 p.m. and tomorrow you want to take it up, you can take it up. But tomorrow, you shall have to take it up. I would not like any Member to be stopped from taking part in this. BJP will get the time, the Communist Party will get the time, the Congress Party will get the time and they also will get the time. But no closure; I am not allowing that.

(Interruptions)

MR. DEPUTY SPEAKER: It is not necessary. I have clinched the issue. Do not prolong on this. Let Mr. Soz speak. Mr. Soz, you speak only on this point. If you are off the mark, I would be constrained to remind you that you are off the mark, because others are also there.

(Interruptions)

[*Translation*]

MR. DEPUTY SPEAKER: You should not say like this.

[*English*]

You cannot dictate me from there.

PROF. SAIFUDDIN SOZ (Baramulla): Mr Deputy-Speaker, Sir, there is a very deep anguish in my mind and in my heart and I start with Ghalib who addressed unto his ownself a verse:

*"Rakhio Ghalib meri Talakh Navai Ko
maaf,
Aaj Kuch Dard mere Dil Mein Sawa Hota
Hai"*

Ghalib says unto his ownself that if I am bitter today, you forgive me for the agony in my heart is somewhat more today.

Assassination of Mirwaiz Moulvi Mohammad Farooq on 21st of this month is a situation that has filled the hearts, I would

say, of the people of the continent. There were protests at the international level, but as far as Kashmiris are concerned, that assassination and the subsequent misery and killings that took place have filled their cup of misery and agony to the brim. There is a situation of death and destruction in Kashmir and I am pained to see that the Central Government has yet to respond to that situation.

Mirwaiz Moulvi Mohammad Farooq's assassination has raised a question. Our memory is usually short. We must go back. Some people forget and they try to compare the situation when Farook Abdullah was running the administration. There is no comparison, there is no question of that. It was that fateful day of 18th January, when the Central Government took a wrong decision without consulting the Chief Minister rightfully on the appointment of a Governor. Rightfully on the appointment of the Governor, they took a suicidal decision to which may be our Home Minister was a party. Therefore, they saw that duly elected Government out. During that night of 19/20—we have to remember that night, i.e. the night when atrocities of a very unprecedented dimensions started taking shape in Kashmir—people in thousands were taken to mosques and searched under no orders.

Mr. Deputy Speaker has already alerted me that I should not get down to details but some points of time are very important. There was a massacre known as Gaw Kadal where 60 people died. Figures supplied by Governor are wrong. Nobody has taken up this toll of death in Kashmir. So, on the 21st of January it was Gaw Kadal massacre and on the 26th of the same month there was a situation worse than an intifada. A small child made a show of Kangri—a fire pot—and six people open fire. They were going in a jeep and six children standing before a shop got killed. Sir, I compare this situation even worse than an intifada. In Israel a stone can get a person bullet. It can be a bullet for a stone but for a show of Kangri it was a death for six people. We cannot forget the day in the history of Kashmir.

[Prf. Saif-Ud-Din Soz]

Then in the first week of February at Handawara, people in their misery, agony, and anger wanted to burn a panchayat which they should have burnt but in order to save a panchayat ghar 40 people were killed. The 1st of March is remembered as a day when paramilitary forces—and it is on the record, we raised a discussion here—participated and 60 people were killed at Tenggura and Hawal.

SHRI MUFTI MOHAMMAD SAYEED: I think Mr. Soz is giving wrong figures (*Interruptions*)

PROF. SAIF-UD-DIN SOZ: I am giving you these figures because I have come prepared. (*Interruptions*)

SHRI MUFTI MOHAMMAD SAYEED: Sir, he should not quote figures without verifying them. I must say that the figures which you are quoting are concocted, they are not real and they are baseless. I must say it with authority: (*Interruptions*) ...The source of this information is terrorists... (*Interruptions*) ...He should not quote these figures. (*Interruptions*)

MR. DEPUTY SPEAKER: Mr. Soz are you hearing me? As you know, this is a very delicate matter. Anything you are saying, you should say it with responsibility. If they are verified only then you can quote.

(*Interruptions*)

PROF. SAIF-UD-DIN SOZ: Unfortunately, Sir, the Home Minister should wait till I finish. I will prove to him that his statement the other day misled the Prime Minister and may be his ministry misled the Home Minister. (*Interruptions*)

SHRI MUFTI MOHAMMAD SAYEED: Sir, all the figures are concocted.

PROF. SAIF-UD-DIN SOZ: I am ready to prove it. (*Interruptions*)

MR. DEPUTY SPEAKER: Let us be very careful.

(*Interruptions*)

PROF. SAIF-UD-DIN SOZ: If the Home Minister has some patience, I will prove that the figures are correct. They are not the figures that have been cooked by Jagmohan and passed to the Home Minister. I will tell you, what I explained to the Press.

MR. DEPUTY SPEAKER: Reference to Mr. Jagmohan will not go on record.

PROF. SAIF-UD-DIN SOZ: In March, I had put the figure of killed as 450. The Governor Mr. Jagmohan contradicted that. He wanted me to give the list. I just retorted him by saying that he should take me along. We will go to the people who have lost their young sons and daughters. We will go to their houses. We will go to the hospitals and count the wounded. He has never visited a hospital. How can he say about the wounded and the people who were dead? That was in March.

MR. DEPUTY SPEAKER: Mr. Soz, you should remember one thing. The conduct of the Governor cannot be discussed in this House without moving a Substantive Motion. Please remember that.

PROF. SAIF-UD-DIN SOZ: It is so kind of you that you had allowed me. I am discussing the situation of death and destruction in Kashmir. For that, through you, I requested the Home Minister that he should have patience, I am discussing the policy of a Governor. I am discussing a situation cutting it very short. On 6th of April—when Mushir-ul-Haq was kidnapped along with his Secretary and Kheraji—he imposed a curfew and the curfew continued for two weeks, i.e. twentyfour hour curfew. I raised the question.

SHRI RAM NAIK (Bombay North) I am on a point of order.

MR. DEPUTY SPEAKER: What is your

point of order?

SHRI RAM NAIK: My point of order is this. The subject for discussion is: "to raise a discussion on the statement made by the Minister of Home Affairs in the House on 22nd May, 1990 regarding the assassination of Maulvi Md. Farooq, Mirwaiz of Kashmir, in Srinagar on 21st May, 1990." This is the statement. One can have a little background. But so far, ten minutes have gone in the background only. So, the issue should be discussed. That is what my point of order is.

MR. DEPUTY SPEAKER: I uphold the point of order raised by Mr. Naik. I think Mr. Soz will bear this in mind.

PROF. SAIFUDDIN SOZ: Hon. Mr. Deputy Speaker, I will bear in mind this instruction.

I was discussing about the curfew imposed on 6th of April. The curfew continued for 15 days. I raised it here also. Because of me, some respite came, otherwise, it was a seventeen day curfew. I raised a question before you. Can you impose, in any part of India, such a curfew for 24 hours? You have yet to conduct a survey and seen that. How many people have died, for want of food, medicines? How many women died, for they could not deliver the children in the hospitals? They could not be taken to the hospitals. So, what is this Government doing on that situation? These people have been enjoying that situation. That curfew became a world record.

[Translation]

SHRI DAU DAYAL JOSHI (Kota): 400 bombs were found in Kota. (Interruptions)

[English]

PROF. SAIF-UD-DIN SOZ: Truth is bitter. It is becoming terribly bitter, particularly for the BJP Members. I do not know why the Home Minister rose to correct me on figures.

Anyway the curfew became a world record. Yet, there will be a day—although neither the Home Minister nor the Prime Minister have come forward to suggest anything—where you have to respond to that situation. But if there is a day when an Inquiry Commission will be instituted—before that Commission, this question will be raised. How could you impose a twentyfour hour curfew on a lakh of people and keep them as hostages, without food, without medicines and without all facilities? Even on the old and on the infirm,.....**.....**... That will remain a shame.

SHRI RAM NAIK: Again I am on a point of order. (Interruptions)

SHRI P. UPENDRA: Tomorrow we will take this up again; we will continue tomorrow. (Interruptions)

MR. DEPUTY SPEAKER: Okay.

SHRI G.M. BANATWALLA (Ponnani): Sir, how can you interrupt him in his speech? You can do it. (Interruptions) only after he finishes his speech. You wait for Mr. Soz to finish.

PROF. SAIF-UD-DIN SOZ: I am on my feet. But if this is your ruling, Sir, I have no objection.

MR. DEPUTY SPEAKER: Mr Soz, do you want to speak tomorrow?

PROF SAIF-UD-DIN SOZ: Yes, if you instruct me so. (Interruptions) Let me respond to the Chair's orders. (Interruptions) Sir, we are not yielding to them. Sir, I have no objection to what you say; I will go by your direction.

MR. DEPUTY SPEAKER: Mr Soz, please conclude your speech within 4 or 5 minutes.

(Interruptions)

PROF SAIF-UD-DIN SOZ: I will not refer to the atrocities during the curfew now. I will tell you this: On the 4th May, there was a cross-firing in Nava Kadam. And after the militants had fired and they had gone to their hide-outs, the para-military forces opened fire on the innocent people on the roadside, killing four persons. Then they went on a house-to-house search, and they entered a house and killed two women. They fired upon two women. Zala Banu, a law graduate, an HMT employee fell dead. Her mother received injuries on the chest. She fighting her battle for life in the Sora Medical Institute even now. (*Interruptions*) There was cross-firing in my *suba* and Magar Marbah. Again, the same thing happened. Innocent people were killed. (*Interruptions*) The Home Minister was giving me the Governor's figures.

About this cross-firing and the resultant attitude of the para-military forces in opening fire on civilian population, the Television and the Radio, particularly Doordarshan, Delhi and its mouthpiece, and the Governor's mouthpiece in Jammu and Kashmir, were adding insult to the injury. They said four people were killed in cross-firing. There was no death in cross-firing. Eight People died, and twelve wounded. There was a seven-day *bandh* in Srinagar. And this is the list, Mr Home Minister. I released it at a Press Conference. And your Radio and the Governor said four people died in cross-firing. You should take care about the figures you are quoting in Parliament.

Then on 10th May, they fired at Latif Ahmed Khan. He may be a terrorist—or may not be. But I am telling you: he was bleeding. He received a bullet on his arm and on his leg. He was taken to Tara Niwas; and then, he was not taken to the hospital. He bled to death. Is that possible; should it be done under our Constitution, and under our democratic polity? Even for prisoners of war, there is relief. In our Constitution, when you have jailed foreigners for any crime, relief is available. But Latif bled to death; and when an FIR was lodged in the *thana*. CRP appeared and said: 'Write our FIR also, and say there

was cross-firing.' This is what is happening in Srinagar.

Maulana Farooq died on the 21st. I raised a question as to why was he not protected—because there are different opinions. Some people rated him as a liberal.

I raised a question, as the Prime Minister asked about it that day, whose responsibility is this? The police appeared on the scene after two hours. When a procession of innocent mourners was taken out coffins on their shoulders, the Governor tried to impose curfew. How could he impose curfew on a procession of mourners? There were lakhs of people. They tried to do it out of foolish the administration, out of madness, tried to impose it. (*Interruptions*) Then they opened fire. But there was no cross firing. The Home Minister said the other day that only 27 people died. This is absolutely a wrong figure. Merely one hundred people died. If you visit the hospitals, you will come to know about them. Does the Home Minister know about it?

"See friends, it is an issue relating to human beings when one of your person was killed, you had made so much hue and cry. (*Interruptions*)

[*Translation*]

SHRI KALKA DAS: After all how much time has been given to him.

[*English*]

MR. DEPUTY SPEAKER: Mr. Soz, please do not, every time, ask about it. When you were discussing electoral reforms, you were given a lot of time; when you were discussing about prices, you were given a lot of time. When you reply, you will get enough time. But you cannot stop him from speaking.

(*Interruptions*)

[*Translation*]

PROF. VIJAYKUMAR MALHOTRA: He is speaking for a long time, after all, how much time will be given to him.

[*English*]

He has already taken about 25 minutes. (*Interruptions*)

MR. DEPUTY SPEAKER: This is not correct.

(*Interruptions*)

MR. DEPUTY SPEAKER: Mr. Malhotra, you will get as much time as you want.

[*Translation*]

He represent the Kashmir valley and belongs to Kashmir.

(*Interruptions*)

[*English*]

PROF. SAIF-UD-DIN SOZ: I will not exaggerate. My information is from the reliable sources. Somebody told me that more than 300 people were injured in the firing on the 31st. The Home Minister does not know about it. Three doctors broke down because so many legs had to be amputated. This is a statement from a doctor on a telephone. This is a situation. How long will you allow.....**..... (*Interruptions*) Delhi's stance is very deplorable; Delhi is not taking any notice of it. (*Interruptions*) It is a double stance. I know that the impulse of Shri VP Singhji is honest, because I have been able to talk to him. But I do not understand how one channel is with the Governor and the other channel is with Mr. George Fernandes. I even publicly said that it would strengthen our hands—we wanted a resolution of the problem—if Mr. George Fernandes resigns, because he cannot carry the Governor with him. Because, his impulses,

his perceptions are not shared there in Kashmir. I want Shri George Fernandes to succeed but his legs are being pulled. I want to understand one thing. (*Interruptions*)

Sir, they should keep quiet.

MR. DEPUTY SPEAKER: You conclude. Whatever you are saying is being recorded.

PROF. SAIF-UD-DIN SOZ: I want to understand whether they have given Kashmir on a patta to that Governor.....**.....

MR. DEPUTY SPEAKER: You cannot discuss the Governor. It has to be through a substantive motion.

PROF. SAIF-UD-DIN SOZ: Delhi has rejected it. I had said that Delhi has not properly responded. There were reports from the Human Rights Organisation, the PUCL and people like Mr. Justice Tharkunde and Mr. Justice Sachhar went there. They produced a report, and in Delhi interested parties rejected those report. A BJP member in Jammu and Kashmir who is very close to the Governor and who is appointed as a *de facto* adviser to the Governor rejected those reports as trash. So, it is a big challenge.

I do not want now to go into the question of alienation. That is not my subject. The alienation of Kashmiris is total. They say that Article 370 is not relevant, because Article 370 has been eroded. I do not want to go into that.

DR. BIPLAB DASGUPTA (Calcutta South): Do not say "total".. You say, "nearly total."

PROF. SAIF-UD-DIN SOZ: But I warn the Centre. That warning you kindly allow me to serve them. That warning is there (*Interruptions*) Will you please allow me to speak? I can speak tomorrow. What is the hurry?

**Expunged as ordered by the Chair.

[Prf. Saif-Ud-Din Soz]

Sir, I had to quote before you an article by Mr. Haneif a very reputed journalist. I had to tell you what the Governor talked to him in private and to some journalists. They encouraged 'corruptionism'. I do not call it communalism because I do not accept an average Hindu to be communal. Shri Jag Mohan is not representing the ethos of India in Jammu and Kashmir. (*Interruptions*) I am telling you merely one thing. As long as that Governor is there, there is no question of a dialogue. There is no question of a political process. But every day is a day of alienation.

So, I raise a question, through you, before the Central Government. What is this Government doing? Why is this Government not instituting a high level commission of inquiry to go into the assassination of Maulvi Farooq and the earlier atrocities by the paramilitary forces? Why is it instituting an inquiry commission manned by a Supreme Court Judge? Why does not the ruling party organise a Parliamentary delegation to go to Kashmir? Why does not Shri V.P. Singh, the Prime Minister go there and apologise to the people of Kashmir? Because, therein lies some solution. Remove that Governor and charge him for genocide.

Finally, since, Mr. Deputy-Speaker, since you will not allow me, I only appeal to the Prime Minister. (*Interruptions*)

[*Translation*]

SHRIMATI JAYAWANTINAVINCHANDRA MEHTA (Bombay North East): Mr. Deputy Speaker, Sir, I am on a Point of Order.

MR. DEPUTY SPEAKER: Yes, what is your point of Order?

SHRIMATI JAYAWANTINAVINCHANDRA MEHTA : Mr. Deputy Speaker, the chair had given a ruling before the discussion on Kashmir issue commenced that it will have to be concluded by 5.30 p.m. because

the hon. Minister was to introduce three Bills at 5.30 p.m. It is already 5.45 p.m. but the Bills have not been introduced so far. I think that the ruling given by the chair is not being honoured. Sir, by now the discussion on the Bill would have started. (*Interruptions*)

SHRI MADAN LAL KHURANA (South Delhi): Mr. Deputy Speaker, Sir, I am on a point of order.

MR. DEPUTY SPEAKER: What is it?

SHRI MADAN LAL KHURANA : Mr. Deputy Speaker, Sir, there is a system to conduct the Business of the House. The party having largest number of members is given an opportunity to speak first, in this case, the Congress then comes the Janata Dal which is at second place and then comes the turn of BJP. But I have been seeing that after the Congress Party, the Party which has only three Members and has same point of view, has been given an opportunity to speak. (*Interruptions*) There are certain procedures to carry on the Business of the House.

MR. DEPUTY SPEAKER: No point of order. Please sit down. It is the person in the chair who decides whom he should allow to speak and how much time should be allotted. By and large....

(*Interruptions*)

SHRI MADAN LAL KHURANA: You are not above the rules. You will have to carry on the Business of the House within the rules.

[*English*]

MR. DEPUTY SPEAKER: There is nothing in the rules.

[*Translation*]

You quote the rule, I will follow it. There is nothing in the rules. By and large and names given by the whip are called, but there is no binding.

[English]

Let it go on record.

[Translation]

It is not necessarily binding on the Speaker or anyone who is in the Chair to allow the Speakers suggested by the party whip. Shri Soz belongs to Kashmir and keeping in view his sentiments and the information he has got he has been allowed to speak. If you disagree with what he has stated, you will be given an opportunity to speak. Not only today, if you want to speak tomorrow, then also you will be given full opportunity to speak. (*Interruptions*)

[English]

PROF. SAIF-UD-DIN SOZ: I will not now give the details of his atrocities. I will not say as to how he internationalised this issue... (*Interruptions*) I will take only two or three minutes... (*Interruptions*)

I have a long list, a very concise list, which gives the details of his activities as to how the Governor has internationalised this issue and brought shame to the nation. I am not giving the details now. I am sending a couplet through you, Sir, through the Home Minister to Shri V.P. Singh.

MR. DEPUTY SPEAKER: You do not have to take permission of the House to address letters to the Minister.

PROF. SAIF-UD-DIN SOZ: Now this couplet will convey the sense of my agony to Shri V.P. Singh because I understood his impulse, his honest, he wants to resolve. Day before yesterday, the Prime Minister made wrong statement on the basis of the Home Ministry's note. It is not 27, the number who have been gunned down. It is not because of crossfiring. There was no crossfiring on 21st. Some people behind the scene are pulling the leg of the Prime Minister on Kashmir. Therefore, there is a dual stance.

MR. DEPUTY SPEAKER: Please conclude.

PROF. SAIF-UD-DIN SOZ: Do not beat about the bush. Come to brass tacks on Kashmir.

[Translation]

I would like to say to Shri V.P. Singh:

*"Tu Idhar Udhar Ki bat Na Kar
Yeh bata ki kafila kyon luta,
Mujhe Rah janhon ka Gila Nahin
Rahbaron ka sawal hai."*

[English]

You are the Prime Minister. You should rise to the occasion. So, go to Kashmir remove him, apologise to the people, institute a Commission of Inquiry on atrocities and immediately send a parliamentary delegation understand the dimension of atrocities.

[Translation]

SHRI RAM NAIK (Bombay North): Sir, I am on a Point of Order. I had stated earlier also that such allegations should not be levelled specifically mentioning the name of Shri Jagmohan unless a substantive motion is moved. You had said that he should not be disturbed. I am not disturbing him. Through this point of order I just want to say that such sentences where allegations have been levelled should be expunged from the proceedings because it is against the rules.

[English]

MR. DEPUTY SPEAKER: You have raised a very important point. But I would say that the Governor in Kashmir is running the Government and it would really be very difficult to completely separate him. But at the same time, the matter is very delicate and anybody who is speaking, should bear in mind that the name of the Governor or the conduct of the Governor should not be mentioned in the House in such a fashion

that it would require a substantive motion. I would not completely rule out what you have said. But at the same time, I do understand the delicacy involved because there is no representative government there. It is a government through the Governor. That is why, the matter is so inter-linked that I am not in favour of removing from the record things which are not really allegatory or defamatory. If there are words which are allegatory and defamatory, certainly they will not form part of the record. And yet if they are related to the governance of the State, they will remain in the record.

PROF. SAIF-UD-DIN SOZ: I take responsibility for what I have said... (*Interruptions*)

MR. DEPUTY SPEAKER: Mr. Soz you have had enough of your say.

In order to give the opportunity to Members who want to present a different point of view, I would request the Government to allow this debate to continue upto 6 o'clock and later on we will take up the Bills. I will call upon Mr. Malhotra to speak now. If he is not able to complete his speech, he will speak tomorrow...

(*Interruptions*)

MR. DEPUTY SPEAKER: Since Mr. Malhotra is not ready to speak today I call upon Mr. Pratap Singh to speak. Mr. Pratap Singh... (*Interruptions*)

SHRI RAM NAIK: I am on a point of order. Some time back your honour ruled that today Mr. Malhotra will be given sufficient time as he wishes...

MR. DEPUTY SPEAKER: He can speak today and continue tomorrow. If he is not ready to speak, then I will call another Member. So it is not a point of order.

SHRI RAM NAIK: The debate is necessary. You have directed that Mr. Malhotra will get sufficient time. Then it was suggested by the Parliamentary Affairs Minister

that he will conclude by 6 o'clock.

MR. DEPUTY SPEAKER: I will allow you to speak tomorrow. You can continue tomorrow.

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Mr. Deputy Speaker, Sir, if I understood you when you had called the name of Shri Vijay Kumar Malhotra, he might be on his legs, but he will continue his speech tomorrow and he would be allowed to have his full say.

MR. DEPUTY SPEAKER: This is exactly what I have said.

SHRISONTOSH MOHANDEV (Tripura West): We do not mind if he finishes his speech by 6.15 P.M.

[*Translation*]

PROF. VIJAY KUMAR MALHOTRA (Delhi Sadar): Mr. Deputy Speaker, Sir, the brutal and cowardly murder of Maulana Farooq is tragic and should be condemned. He was also a religious leader and respected and loved by the people of Kashmir. The way he was assassinated needs to be condemned. I express condolences to the bereaved family. Many people who were in the funeral procession were killed in the cross firing. Some of them were innocent. We are also very much aggrieved at their death. We express our condolences to the bereaved families.

Today, many things were pointed out during the discussion. We have to see as to who is responsible for the killing of these innocent people. Day before yesterday, the Hon. Prime Minister and the hon. Minister of Home Affairs stated that the terrorists deliberately mingled in the funeral procession and fired at the Security Forces. Many people were killed in the cross firing between the Security Forces and terrorists. I am very much aggrieved at this incident. My friend Shri Santosh Mohan Dev and Shri Soz have not mentioned this thing that the people who mingled in the procession by covering their

faces, had fired with A.K. 47 guns. Actually, these people are responsible for their death. The people who were killed there—whether their number was one or more—is tragic and condemnable. 27 or 30 persons were killed there. Government has given some figures in this regard. The Government should not reduce the number. I also agree with it. But I think that—(Interruptions)—it is not in the interest of the country to exaggerate things or the number of the persons killed there. It is not in the interest of the country or humanity.

PROF. SAIF-UD-DIN SOZ: Sir, that is not true. I gave the correct information in this regard.—(Interruptions)

PROF. VIJAY KUMAR MALHOTRA: It is strange that the whole discussion has ended on this point on that Shri Jagmohan may be removed from the office of Governor. I would like to make it clear that the Government is not defending Shri Jagmohan. It is not a prestige issue or a policy matter for the Government whether Shri Jagmohan remains the Governor of Kashmir or not. When Shri Jagmohan was Lt. Governor in Delhi he was always against the Bhartiya Janata Party. When he was in Delhi, he was very close to Shri Sanjay Gandhi. During the Emergency, he was with Shri Sanjay Gandhi. I would like to know from Shri Santosh Mohan Dev whether it is not a fact that Smt. Indira Gandhi and Shri Rajiv Gandhi had appointed him the Lt. Governor of Delhi. They also appointed him as the Governor of Goa and Jammu and Kashmir. He was a blue-eyed boy of Congress Party.

18.00 hrs.

He fought election in Delhi on the Congress ticket. Did Congress not force him again and again for it. What concern he has with B.J.P. today, he had a running struggle with B.J.P. and with us because Congress was using him in Delhi and we always opposed him. Later he was appointed as Governor of Kashmir. Now what is troubling

the Congress Party. They are not troubled by the fact that Jagmohanji was appointed there, he was their very important person. He was appointed by Shrimati Indira Gandhi and Rajiv Gandhi but when he apprehended as many as three Congress Ministers who had links with terrorist, one of whom Mr. ...* had supplied his Maruti car to the terrorists. The Ministers who were caught belonged to the National Front and the Congress. Will Mr. Santosh Mohan Dev deny the fact that the Congress President there Mr. Kar.....

SHRI HARISH RAWAT (Almora): He has mentioned the names of a Member of the Congress and a Minister saying that he had given his Maruti car to the terrorists.

[English]

He has mentioned the name of Mr. ...*... who is not a Member of this House. He cannot cite his name.

MR. DEPUTY SPEAKER: The name of that gentleman will not form part of this record.

[Translation]

PROF. VIJAYKUMAR MALHOTRA: Mr. Deputy Speaker, Sir, I want to know whether the residence of the son of the Congress President there was not the den of all the terrorists? Was the son of the Congress President not involved in bringing the terrorists to this meeting den in cars? When such things came in the report of the Ministry of Home Affairs and also came to the knowledge of the Home Minister, the Congress started feeling the pinch of it and they started saying that Jagmohan should be removed from there. Jagmohan was the very important person of the Congress and of Shrimati Indira Gandhi whom he declared Mother of the Nation, but for the sake of votes and with the change of time they can forget the name of their mother also but I do not want to say more about it. But as I have said earlier, I have little interest whether Jagmohan con-

[Prof. Vijay Kumar Malhotra]

tinues there or not, but if terrorism can end by removing Mr. Jagmohan..... (*Interruptions*) ...

[*English*]

MR. DEPUTY SPEAKER: Would you like to complete today or would you like to continue tomorrow?

PROF. VIJAY KUMAR MALHOTRA: Give me another five-ten minutes, Sir. Then I will complete it tomorrow.

MR. DEPUTY SPEAKER: You can continue and complete it.

[*Translation*]

PROF. VIJAY KUMAR MALHOTRA: Hon. Deputy Speaker, Sir, I was saying this as I feel that I will not be able to complete my say and it will be incomplete. Therefore, I have said that at least 10 minutes should be given to me to say rest of things tomorrow.

[*English*]

MR. DEPUTY SPEAKER: What is your opinion? Would you like to continue and complete or would you like to speak tomorrow?

[*Translation*]

PROF. VIJAY KUMAR MALHOTRA: I do not know upto what time will it go tomorrow. It may last till 9 or 10 O'clock.

[*English*]

MR. DEPUTY SPEAKER: Then you continue please. You can take your time and conclude.

PROF. MADHU DANDAVATE: Sir, he wants to continue today and conclude tomorrow.

MR. DEPUTY SPEAKER: Mr. Malhotra,

you go by my advice. You continue and speak for as much time as you like and complete it today.

[*Translation*]

PROF. VIJAYKUMAR MALHOTRA: Mr. Deputy Speaker, Sir, I was saying that we are not interested whether Mr. Jagmohan continues there or not. If terrorism and separatism can be stopped by recalling Mr. Jagmohan and peace can be restored in Kashmir, then I will be the first person to say that he should be recalled. Can Mr. Soz. give any guarantee that peace will be restored after his return. Can Santosh Mohan Dev and the Congress party give this type of guarantee? Was there no terrorism in Kashmir before Jag Mohan? Where people of the valley not alienated when a call for election boycott was given in Kashmir? How many people caste their votes in Kashmir after boycott call? Mr. Soz knows the percentage of votes he got. Total boycott had taken place in Kashmir during last elections. (*Interruptions*) ... I want to know the percentage of votes polled during the last two elections? I want to ask whether 80 people were not shot dead last year? Nobody went to cast his vote. He should be asked to state the percentage of votes polled by him.

I want to ask from him as to who has ruled Kashmir continuously since 1947. For 42-43 years, National Conference or Congress continuously ruled there. If situation in Kashmir deteriorated and if it is correct that the people got alienated then who is responsible for it? Who else can be held responsible except the Congress and the National Conference who have ruled the State? We have never ruled there, we have never ruled even India. Nehruji, Indira Gandhiji or Shri Rajiv Gandhi ruled the country, Sheikh Abdullah or Farooq Abdullah ruled Kashmir. Congress and National Conference Minister ruled there. If situation deteriorated in Kashmir and if people there have got alienated then who is responsible for it?

Mr. Deputy Speaker, Sir, I want to say 2-

3 things more. People of Jammu are not taken into consideration when the question of alienation in Kashmir is discussed. People of Jammu and Ladakh are continuously discriminated against. Nobody talks about Ladakh and Jammu. It was said by the Gajendragadkar Commission that injustice is being done to the people of Jammu. Preference is being given to the people of Kashmir... (*Interruptions*) ...

Mr. Deputy Speaker, Sir, Mr. Soz and before him Shri Santosh Mohan Dev mentioned about it... (*Interruptions*)

SHRI HARISH RAWAT: If you feel that you are gaining something in the process then you say... (*Interruptions*)

PROF. VIJAY KUMAR MALHOTRA: Shri Santosh Mohan Dev and Shri Soz raised many questions. I want to say politely that whether human rights are only meant for terrorists and talks should be held with them only? But the people who are the victims of the bullets of the terrorists and Killed, have no human rights? Whether the persons, whose wives have become widows and children became orphans, have no human rights? Human right to life is a basic right. The people belonging to Congress and National conference have been killed there, vice-chancellor Maulvi Farooq was killed, had they no human rights? You refer to human rights. The jawan who is safeguarding the border and safe guarding India on border from Pakistan and other countries, his wife and children always shiver with fear, he has to face bullets and bombs. Has he no human rights?... (*Interruptions*)... I want to ask from you as to who is there to defend him. For God's sake do not demoralise him. You are demoralising him. Who has given gun in his hand, you have given it. It is not given by Jagmohanji. The nation has given the gun in his hand for the protection of the country. When he is showered with bullets and bombs, do you expect that he should calmly talk of human rights. Do you expect that he should talk about human rights and throw his gun. What do you expect from him when terrorists attack him, should he save himself or not?

You should think over his human rights what should he do when a terrorist or a Pakistani agent with Pakistani weapons stands before him kill him. I feel very sad when no mentions is made of such people. I feel sorry when there is no mention of terrorists who have created this situation there. It pains me very much and I feel nothing can be more painful than it when our Hon. Santosh Devji said that lakhs of people have come from there, they have fled due to a conspiracy, they were not interested in leaving their homes. Nobody wanted to expel them. They came in their own interest. Lakhs of people come from there leaving their homes in two clothes. Lakhs of people come here, if the entire population has migrated then it is nothing but genocide. Out of 1,60,000, one and a half lakh have left their homes. There were 16,000 Hindus and Sikhs in Baramulla only 100 have been left there, have they no human rights? Have they no right to life and property? Is there no need of making arrangements so that they can live there. If steps are taken to check the terrorists and curfew is imposed you say that curfew has been imposed, people have been alienated. Such things are said ...(*Interruptions*)...

Out of 1,60,000, 1,50,000 have been expelled from there. I want to ask one thing from you as to way no reaction is there in support of these people?

Mr. Deputy Speaker, Sir, it is not a religious issue and I even do not want to raise any religious issue but just see the reactions. Had Kashmir been a Hindu majority State and one and a half lakh Muslims had fled from there, had you reacted in the same manner? I feel that it is very unfortunate and distressing that one entire Community have fled from Kashmir and you are not taking it seriously. You are dealing with them in such a manner as if Shri Jagmohan has expelled them. Please tell that have they any human rights or not, they should go back or not (*Interruptions*)

Mr. Deputy Speaker, Sir, I want to raise the issue of alienation also. I agree with you that there are many people who want to live

[Prof. Vijay Kumar Malhotra]

in India. I also agree with you on this point that homes of many Hindu migrants have not been looted and they have keys of their homes, but to whom are you supporting. Are you supporting those nationalist people and boosting their morale or you are demoralizing them because the terrorists point their guns towards them and warn them not to come to their rescue or to raise their voice for this purpose. Today those persons are being killed there who supports India.

Mr. Deputy Speaker, Sir, there are two categories of people in Kashmir. I feel myself very distressed when they raise slogans in support of Pakistan and you say that they have human rights and they should not be alienated and those who raise slogans in support of India. (*Interruptions*) Nobody cares about those persons who raise slogans in support of India and shot dead by the terrorists. I would like to tell you that there are no arrangements regarding the education of the children of those persons and jawans who have been killed there. They want to go to school but there are no arrangements for their admissions. We should also think regarding alianation of the people being killed by the terrorists. When the son of late Shri Khera said with a very heavy heart that what he has to do in India when his father had been killed in such a manner. On this, some people said why he was talking in the tone of a traitor we must imagine the feelings of a person whose father and only earning member of the family has been killed by the terrorist. Yet the Government talks of holding talks with the terrorists to win their hearts. This is not a good signal. I have stated earlier also that we are not interested in this issue that Shri Jagmohan should remains there or not. I said this yesterday also that if anybody has used more force there, an enquiry should be conducted in this regard. If innocent people have been killed there, it should also be enquired. Whether Shri Jagmohan gave orders for firing? If you want to call back Shri Jagmohan what signal do you want to give? I found it strange when it was said that signal will be given that atrocities committed

by terrorists should be checked.

Mr. Deputy Speaker, Sir, I would like to say about the Congress. (*Interruptions*) Participating in the Debate on President's Address Shri Rajiv Gandhi had said and I quote verbatim:

[*English*]

"Are you not yielding to extremist in Punjab? Have you not yielded to extremists in Kashmir? The first thing that comes to mind is the total subjugation of this Government to the terrorists in Kashmir. How can a country have dignity if it cannot stand up against the terrorists there? There can be no dignity if they do not have guts."

[*Translation*]

Shri Rajiv Gandhi said this in the month of December when the new Government had assumed its office. Mr. Jagmohan was not there at that time. At that time he said that why you were not fighting against terrorism and checking terrorism. Now you are talking to call back Shri Jagmohan, who is trying to check terrorism. I fail to understand the dual policy of the Congress. He says that the Government should take action and the Government has dignity of the country. I have heard all the speeches of Shri Rajiv Gandhi which he had given while campaigning for he state Assemblies elections. He levelled only one Charge that this Government is not taking any action against the terrorists. People are being killed in Kashmir and Punjab and it is an inefficient Government. Now when some actions are being taken there, he is condemning them. On 8th March Shri Rajiv Gandhi and Shri Devi Lal went Srinagar but these people were not even allowed to enter, the city. After such circumstances now some administration is there, offices are open, there is no curfew any where except some parts of Srinagar. The hon. Minister of Home Affairs told about improvements which were brought in there. Virtually he saved Kashmir for India and you are talking to call him back. I would like to

know what signal you want to give? Do you want to say that the terrorists should be given Complete freedom.

Mr. Deputy Speaker, Sir, it is surprising for me that only two persons are making this demand, one is Benazir Bhutto. I have seen her tape in which she said that this Jagmohan is Jagmohan, he will run away. Our main desire is to remove Jagmohan. On one side Benazir Bhutto talks about removal of Shri Jagmohan and on the other side the Congress is saying the same. (*Interruptions*) Thus they want to toe the line of the terrorists the same.

Mr. Deputy Speaker, Sir, as I said earlier whether Shri Jagmohan is called back or not but I know that the day the Government calls back Shri Jagmohan that occasion will be celebrated in Pakistan. National Conference and Muslim League will also celebrate it. But nationalists will be demoralised there.

Mr. Deputy Speaker, Sir, any person can be posted there as Governor, but the Government have to decide 3-4 things before hand. Is it not a fact that Pakistan is hatching conspiracy? Ever since Shri Rajiv Gandhi took over as the Prime Minister he has been saying that Pakistan is hatching conspiracy. Everybody is saying that Pakistan wants to make Kashmir another Bangladesh. As India had helped Bangladesh in getting its independence, Pakistan is also thinking about Kashmir on that very lines. It is a basic and fundamental issue and it should be discussed here. If it is a fact that Pakistan is conspiring against us, should we deal with it or not? Secondly, whether Pakistan is sheltering terrorists or not. The Congress Party and Shri Rajiv Gandhi have reiterated several times that Pakistan is sheltering terrorists and they can prove it. If Pakistan is sheltering terrorists and sending trained people in Kashmir, is it not necessary to seal the border of Kashmir? Thirdly, is it a fact or not that terrorists are bringing money from Pakistan and some of Kashmiris have gone astray and are raising slogans of 'Azad Kashmir' and 'Pakistan Zindabad'. If all these

three facts are true and it is also a fact that at present the administration has come to a standstill in Kashmir. How do we intend to deal with it? Whether it can be dealt with in such a manner that for few votes condemn the authority of India working there and create an atmosphere against them? For the sake of votes, should they work for the separation of Kashmir from India?

Mr. Deputy Speaker, Sir, I would like to know whether we want to fight against terrorists or not? Is this not our responsibility and moral duty to fight against terrorists or to give this signal that terrorism will not be tolerated. Should we not say that Pakistan may do anything but we will not give an inch of the land of Kashmir? We are definite about the ways to fight the agents who are coming from Pakistan? Now when to throw out the agents of Pakistan or Shri Jagmohan. I am not denying this fact that there are Nationalists in Kashmir, but the Congress had neglected them for 40 years and present Government is repeating the same mistake. The Nationalists and many Muslims who support India require encouragement from the Government. But it is very unfortunate when the hon. Minister of Home Affairs saying that we are identifying such persons and he is difficulty in identifying them.

I would like to submit to Shri Soz, Shri Santosh Mohan Dev and the Congressmen that our country is fighting for keeping its integrity intact. Pakistan is directly hitting at us. When the country's integrity and security is at stake and danger is looming large on Kashmir, one should not think of votes. It will not be in interest of the country to think about the action and demands of the Muslim communal parties. Mr. Speaker, Sir, many of the Congress Members say privately when they meet us outside the House that whatever Jagmohan is doing is totally right and there is no other way, but inside the House, they start saying something else. (*Interruptions*)

Mr. Deputy Speaker, Sir, I would like to urge all the hon. Members that this question should not be considered on party lines. We

[Prof. Vijay Kumar Malhotra]

never made it a party issue. When Shri Jagmohan was sent as Governor, it came to my mind many times that he is the same Jagmohan with whom we have continuously fought. There was even a move to give him a ticket against Shri Khurana and me. But we thought that even if a Congressman can control and improve that situation, we should forget our differences and be ready to take any step to keep Kashmir intact.

Mr. Deputy Speaker, Sir, there are a few things which should be first considered before calling back Shri Jagmohan from there. It is being said that the people are getting alienated and that is why Shri Jagmohan is being called back. Just now, Shri Soz said that a lot of people are getting alienated also due to the B.S.F. and C.R.P.F. present there. Tomorrow you will say that they should also be called back. Later, the armed forces which are there and which are addressed as "Indian dogs go back" and about which it is being said that the forces are there to make them slaves: will be asked to be called back as these forces are also alienating the people there. After all, there must be some limit to alienation. When will this threat of alienation stop? Under this threat, don't you think that after Jagmohan's return the Government will be asked to call back the forces also. This is not a simple question. The armed forces, security forces and the para-military forces are all involved with this issue. As I have said earlier, atrocities committed on any innocent person should be condemned and the matter should be investigated. The hon. Home Minister has said in his statement that orders have been given to use minimum force there. Shri Jagmohan has also ordered to use minimum force in the valley. It will certainly strengthen the hands of Pakistan if we blow out of proportion an incident of such nature. Pakistan misinterprets these statements and quotes them throughout the world in a twisted manner so that they do not get the true picture of the situation. I would like to appeal to all the hon. Members to express their

reactions after considering all these things and larger interest of the entire country in view.

With these words, I conclude.

[English]

MR. DEPUTY SPEAKER: We will take up discussion on this matter tomorrow. We will have legislate business now. (*Interruptions*)

SHRI SOMNATH CHATTERJEE (Bolpur): Now the words of wisdom will come!

MR. DEPUTY SPEAKER: We will discuss it tomorrow. Now we will take up legislative business. Item Nos. 16 and 17 will be taken up together, for which one hour is allotted.

18.26 hrs.

UNION DUTIES OF EXCISE (DIS-
TRIBUTION) AMENDMENT BILL
AND
ADDITIONAL DUTIES OF EXCISE
(GOODS OF SPECIAL IMPORTANCE)
AMENDMENT BILL

[English]

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Mr. Deputy Speaker, Sir, as is mentioned in the revised List of Business, Item Nos. 16 and 17 will be clubbed together and, therefore, I will move both the Bills for consideration of the House. I beg to move*:

"That the Bill further to amend the Union Duties of Excise (Distribution) Act, 1979 be taken into consideration."

"That the Bill further to amend the Additional Duties of Excise (Goods of