

205/- Food Corporation of India is not coming to the rescue of State Government. Instead of opening new purchasing centres, it is even refusing to accept the paddy on some grounds.

There was never such a distress sale of paddy in Orissa, that too in this lean season.

Alongwith the rise in prices of other essential commodities and non-availability of loans for agricultural operation, this distress sale has made the rural area completely bankrupt. I urge upon the Union Government to immediately open a number of purchasing centres of FCI throughout the State of Orissa as well as in other parts of the country.

(vii) **Need to bring legislation to save playgrounds from encroachment**

[*Translation*]

SHRIMATI SUMITRA MAHAJAN (Indore): Mr. Deputy Speaker, Sir, a healthy body and a healthy mind is the first and foremost requirement for development of man. Fresh air, open environment, exercise and games are necessary from the very childhood for a healthy body. In order to ensure that the future citizens of the country become players and develop an aptitude to become players it is the first and foremost duty of the Government to boost their interest in games and provide them all the required facilities in this regard.

Due to growth of population, people are migrating to cities. With the inflation of population there has been mushroom growth of houses in the cities. As a result of this the cities have turned into concrete jungle.

Open land number of playgrounds for children and student's are fast depleting in the cities and other places. Under the above circumstances a need is being felt to enact a law of ensure that in every city playgrounds for children are maintained and nobody encroaches upon them. If this is done, it will be very helpful for our future children.

I would, therefore, like to urge the Government to enact a law with a view to preserving the playgrounds.

[*English*]

MR. DEPUTY-SPEAKER: The House stands adjourned for Lunch to meet again at 2 p.m.

13.00 hrs.

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

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

[MR. DEPUTY SPEAKER *in the Chair*]

STATUTORY RESOLUTION RE. APPROVAL OF PROCLAMATION ISSUED BY PRESIDENT ON 18TH JULY 1990 IN RELATION TO STATE OF JAMMU & KASHMIR, STATUTORY RESOLUTION RE. DISAPPROVAL OF ARMED FORCES (JAMMU AND KASHMIR) SPECIAL POWERS ORDINANCE 1990

AND

ARMED FORCES (JAMMU AND KASHMIR) SPECIAL POWERS BILL

[*English*]

MR. DEPUTY SPEAKER: Shri Jaswant Singh to continue his speech.

SHRI JASWANT SINGH (Jodhpur): Mr. Deputy speaker Sir, before I continue with my intervention, I have to made a request through you to the House. Can we not en-

[Sh. Jaswant Singh]

deavour to finish this discussion today itself because there is an important Bill coming up tomorrow? If necessary we can sit upto 8 p.m. or 8.30 p.m.

MR. DEPUTY SPEAKER: I leave it to the whips of different parties to discuss it among themselves and come to a conclusion and let me know what they want.

SHRI JASWANT SINGH: Fine Sir.

I was on my resolution that this House disapproves of the Armed Forces (Jammu and Kashmir) Special Powers Ordinance, 1990 (Ordinance No. 3 of 1990) promulgated by the President on the 5th July, 1990. For the purpose of this discussion it is not really my resolution which is under the consideration of the House. We are in fact discussing three separate aspects simultaneously.

Simultaneously we have taken up the aspect of promulgation of President's Rule under article 356 of the Constitution in the State of Jammu and Kashmir. Than we are of course engaged in a consideration of this particular ordinance which confers special powers on the armed forces along with the consequential Bill as moved by the hon. Home Minister.

In reality we are therefore, examining almost the entire gamut of the Kashmir question—the internal, the international, the Indo-Pak question and then necessarily the previous Government's and this Government's handling of the entire matter of Jammu and Kashmir.

While reserving my right to reply to points that might be made by the hon Members on my resolution disapproving of the ordinance, I do wish to take this opportunity to cover as much of the total question of Jammu and Kashmir as I can.

Sir, describing the nature of the challenge that we face in Jammu and Kashmir

today, the Union Home Minister has, in the explanatory memorandum/ notes that he has submitted to the Parliament, given various reasons like the quality of weaponry, steady and sharp rise in the number of terrorists infiltration, the use of arms and ammunition from Pakistan, several thousand youths being trained, in the use of arms, ammunition and explosives also the aspect of a sizeable section of State Government employees including the State Police, being disaffected, that they are either sympathising with or actually supporting the terrorist elements.

This is given by way of explanation for the promulgation of President's rule and in connection with the Ordinance for the Armed Forces Special Powers Bill. There are some additional reasons given, like the advent of summer, the army being on the line of actual control etc., I would not go into reading out all these. I have no doubt that the House and the hon. Members have already gone through that. I will submit that this is not a complete and full picture of the challenge that we face, as a nation, by the questions that are being posed to us in Jammu and Kashmir. I have had occasions to submit earlier that what is happening in Jammu and Kashmir today is a consequence, to my mind, of forty continuous years of mishandling of a very vital issue affecting the Republic. I would also like to submit that this problem in Jammu and Kashmir has been compounded and exacerbated by near criminal, deliberate exploitation of the situation for narrow and short-sighted political gains. In consequence, I put it to you, Sir, that Kashmir has become the most serious challenge to our Republic, to our polity and to that concept of India which we cherish. It is the single most important and the single most profound challenge that we face since independence. Before I go into that, let us look at the international aspects of the issue of Jammu and Kashmir. I do wish to very briefly also submit what I treat as the Indo-Pak context of the problem of Jammu and Kashmir. I have said this earlier and I reiterate, Sir, that what we are witnessing in Jammu and Kashmir, particularly in the valley of Kashmir today is an externally aided,

abetted, armed and supported near insurgency.

Secondly in the Indo-Pak context, it is a low-cost option being exercised by Pakistan to bleed the vitals of India. There is, yet, third aspect in the Indo-Pak context and that is the symbolism of Jammu and Kashmir. I can elaborate upon the symbolism of Jammu and Kashmir, at great length; but I do not think, that is the purpose of today's discussion. It will suffice for me to quote by paraphrasing slightly, a recent comment by a very prominent political commentator. This comment relates to the symbolism of Kashmir in the context of India and Pakistan.

I submit:

"That psychologic division between India and Pakistan is sharper now than in 1947.

There is a heightened communalisation of society since then, only sharpening that fundamental antipathy to which we do not own up. We seek, instead, to rationalise atavistic animosities in modern political idiom.

In this context, Kashmir provides the ideal symbol of differences between India and Kashmir. It encapsulates ancient prejudices and fears. It is a constant reminder to Pakistan of that country's unfulfilled dreams of partition; and both rankles as a testament to India's superior power, and reminds Pakistan of their yet-to-be-fulfilled dream of revenge of 1971-72. Above all, Kashmir lends itself to being packaged easily the in contemporary fashionable language of human rights."

Sir, this was a very brief quote which I thought it apt and necessary for me to put to the House for its consideration. But continuing with the relevance of Kashmir in the Indo-Pak conflict, to my mind, two further quotes are necessary. One is from the President of Pakistan, His Excellency Ghulam Ishaq Khan. He is on record as having said:

"So far as the Kashmir Valley is concerned, the task of independence is yet to be completed."

There cannot be a more explicit and a more clear-cut statement.

THE MINISTER OF HOME AFFAIRS
(SHRI MUFTI MOHAMMAD SAYEED):
Partition.

SHRI JASWANT SINGH: I accept that correction.

PROF. SAIFUDDIN SOZ (Baramulla):
Unfinished task.

SHRI JASWANT SINGH: The unfinished task of partition...

I accept what the hon. Member has said.

SHRI JASWANT SINGH: His Excellency, the President of Pakistan Ghulam Ishaq Khan is on record as having stated that Jammu and Kashmir represents to Pakistan the unfinished task of partition.

Further, a less well-known comment and quote is that of their Chief of Army Staff, Gen. Mirza Aslam Beg, who, at a private gathering let it be known to representatives of India, Better settle the issue of Kashmir Valley quickly. Otherwise, he Gen. Mirza Aslam Beg will not be able to keep in check his unemployed Mujaheddins or the disaffected in Pak-occupied Kashmir or others in Punjab whom he is still able to control. And if that happens, there will then be war.

That is why I found it necessary to make a reference to the context of Indo-Pak when it comes to our consideration of the situation in the Valley of Kashmir.

There is then an international aspect. In that international aspect, without elaborating too much, I put to you a thesis. I rest on just three propositions. Firstly, I would request you to remark upon three particular dates in the month of August: on 2nd August,

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Iraq invades Kuwait and occupies it; on 6th August, there is a change of Government in Pakistan, described by the former Prime Minister of Pakistan Mohtarma Benazir Bhutto as a constitutional coup; on the 13th of August, Pakistan agrees to send troops to Saudi Arabia in aid of the American RDF.

If I attempted to elaborate my thesis on the relevance of these three dates, not only would I be taking the time of the House, but I would also be wandering away from the immediate centrality of the problems in Kashmir Valley which is our principal concern this afternoon. But there are two other aspects. An event that was preceded by and has since been overshadowed by developments in West Asia, was the meeting of the Organisation of Islamic Countries. At the beginning of this meeting of the Organisation of Islamic Countries, the Crown Prince of Saudi Arabia, who was then the President of the OIC, gave a statement which I do not have to remind the Home Minister about relating to Kashmir which by a fortuitous combination of circumstances, has now been pushed into the background. The entire energy of the OIC, is now directed in a different direction. But I would be failing in my functions if I do not remind the Union Home Minister, and the House, that the Resolution or the statement made by the President of the OIC, at the beginning of the Conference of the OIC, and the Resolution adopted by the OIC, despite their pre-occupation with the turmoil in West Asia, is, to my mind, not just an internationalisation of the problem of the Kashmir Valley but the Islamisation of what is taking place. For the first time since Rabbat the OIC, has taken note of what is happening within India. I would urge the Home Minister to comment upon and share with us the views of the Government of India about these two developments. And I make a particular note of this because the Resolution of the OIC, which is for the first time after Rabbat, has got overshadowed by subsequent developments, both in West Asia as well as Pakistan.

Secondly, I put it to you that the post-

13th August, the commitment of Pakistani troops, in aid to Saudi Arabia and as part of the American RDF in West Asia may lead to is altogether a different international approach to this problem that is essentially an internal problem of India. I venture to say that post-13th August, 1990 have arisen grave dangers of a very real internationalisation of the problem in Kashmir Valley. We are, therefore, confronted here not just with the Islamicisation of the problem in Kashmir Valley but are also confronted with the possibility of an internationalisation of this problem. I found it necessary to say all this because whenever we consider the totality of the Kashmir problem, we must, at least in this Assembly, reflect upon the total aspects of it and not just pick on one or two facets of it. Therefore, there are some conclusions to be drawn from this. I would share those in the form of just two conclusions and one counsel to the Government. Before I come to those two conclusions and one counsel, let us consider some figures which are facts. Within Pakistan Sir, there are now 3 Million licensed Kalashnikovs. The second fact is that there is an abundance of surplus arms in the Arms Bazaar at Peshawar which is willingly finding its way into India in one form or another. Thirdly, there are near about no one can be exact about such figures, not even the Government despite its best intelligence 3000 young Kashmiris are under training in Pakistan, training in the use of arms, use of mines and explosives. As related by the Governor of Jammu and Kashmir himself, this is but an indication of the arms captured recently. This arms capture makes a very impressive list. 400 machine guns have been captured alongwith 400 AK 47 rifles and 120 rockets which means that there must be rocket launchers with 120 rockets, rocket launchers must also be there, because we have witnessed what is happening in Srinagar itself. Fifty booster rockets, 700 anti-personnel mines, and hundred anti-tank mines and about a tonne of explosives. I have no personal knowledge of figures; these are figures as given by the Governor of Jammu and Kashmir himself. But I put it to the Government, when they confirm or deny these figures or say what the correct figures are about weapons captured in Jammu and

Kashmir, let us reflect and recognize immediately, simultaneously, that what is captured by way of arms and ammunition in Kashmir valley is, but a fraction of the totality of what has already entered there, or is entering there. It was necessary for me to relate these figures here to try and give an idea of the dimension of the problem that we are faced in Jammu and Kashmir, both internal, in the Indo-Pak context, in the international context and in the pure context of what we are confronted with by way of a military effort by Pakistan.

There are, therefore, two conclusions that I have reached. One is that what is happening in Kashmir today is a war that is being fought by Pakistan, a war by proxy, a low cost war, and all the response that has to come from us is to confront Pakistan for a proxy war that it is engaging India in Kashmir Valley. The second conclusion is, that whereas human rights is a vital and important and distinctive component of any Government's consideration, purely a human rights emphasis in the context of Jammu and Kashmir would be a misplaced emphasis. And because it would be a misplaced emphasis, therefore, it is all the more obligatory on the Government that whenever there is even a suggestion of violation of discipline, a violation of a basic human right anywhere in India, then it becomes all the more incumbent on the part of the Government to explain those violations. Why, therefore, have I moved my Resolution of disapproval of this Ordinance? My position is stated very clearly. If the situation is as grim and as difficult as I believe it is, and I have only drawn a sketch of it, why do I move this Resolution of disapproval? Before explaining why, which is very simply stated, let me clarify my position and my party's position in respect of promulgation of President's rule under Article 356 of the Constitution, in the State of Jammu and Kashmir. I believe that it was an inevitable step. I support the measure. There was no other workable constitutional alternative available.

As far the Armed Forces Special Powers Bill, I approve of the Government seek-

ing and conferring these powers on our Armed Forces. I disapprove of the method that the Government has employed for the purpose, the method for issuance of an Ordinance. I disapprove of this Ordinance, not merely because I am stating or standing on the rights and prerogatives of Parliament; I concede to the Government their right to occasionally, when urgency demands, to seek recourse to the issuance of an Ordinance; I have particular objection, however, to this Ordinance because this Ordinance was promulgated after the Parliament had been summoned by the President. It has to be the most exceptional circumstances, when after the Parliament has been summoned by the President, if then the Government promulgates an Ordinance, it is pre-empting the prerogatives and functions of the Parliament. Surely, the Government could have foreseen that the promulgation of President's rule in Jammu and Kashmir was unavoidable. The Government could have seen very well in the month of June, in the month of May that the conferment of special powers on the Armed Forces, as had been done earlier in Assam, as had been done earlier in Punjab, is also inevitability. We would have to do it. If that foresight had been there this ordinance which was promulgated after the Parliament had been summoned would not have been necessary. My objection is not merely procedural. It is a substantial and a substantive point that once Parliament has been called by the President, Government should not promulgate an ordinance.

MR. DEPUTY SPEAKER: How much more time will you take?

SHRI JASWANT SINGH: Sir, I will conclude within another five minutes.

I have, Sir, a second caution and objection to this particular ordinance. I moved the resolution to caution the Government and the caution is simply stated: "Do not repeat what the previous Government did." The record of the previous Government in acquiring more and more power through ordinances and through bills is perhaps an unmatched record. Do not fall prey to the

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same error. Do not use the cloak of legislation as an excuse for inaction. Conferring additional powers, in the absence of a convincing policy frame, is no solution. Kashmir is not, I submit, Sir, a testing ground for policy experimentation. Kashmir is not a ground for stop-go kind of governance; for sudden turns of policy governed by factors other than simply the resolution of an insurgency in the valley.

Before I conclude I would like to leave three cautions which relate to the armed forces. I believe that the Parliament has a singular role and a responsibility towards the country's armed forces; whether it is their deployment in Sri Lanka or the North-east of India or Punjab or currently in a thankless task in Jammu and Kashmir. No one speaks for the armed forces for what they go through. If you permit me to go a little aside, during the deployment of IPKF in Sri Lanka, I am distressed to share with the House that Gen. Sardeshpande resigned his commission and returned his decoration- he was decorated post Sri Lanka operation because of the criticism of IPKF's role in Sri Lanka. If we continued to follow this, if we continued to use armed forces as a kind of cushion for all political wrongs, then there is going to be no end to it. Now, whether it is a CRPF sentry who stands alone in a *mohalla* of Srinagar or a BSF convoy or an Army unit on the line of actual control, there is not a word of praise, sympathy or approval, of commendation for what they are doing. Because, after all what they are doing is giving up their lives to set right a political wrong; that political wrong which is the consequence of our misdeeds. Therefore, be very careful and be very cautious when you come to the passing and making of comments on the role and function of our armed forces.

Then there is a subsidiary caution. It is about the refugees in our own land. I have some experience about the refugees in our own land. When turmoil took place in Assam, a great many of the Indians living in Assam but not of Assamese origin-whether they

came from Bengal or elsewhere when they moved out there was a turmoil and a right turmoil. There are today a number of Indian citizens of Kashmir Valley who are sitting in Jammu and not a word of sympathy is uttered about their plight. Not a word of sympathy is uttered by the people on civilian and innocent people who are killed on account of the actions of the terrorists in the Valley of Jammu and Kashmir, whether it is Mir Mustafa or anybody else.

Before I come to the other caution, I want to say a word about the civil servants who sent a representation to the United Nations. I share entirely the views of the Government on this, particularly of the distinguished Governor of Jammu and Kashmir, who has said that I am opposed to the action that the Government has taken on these civil servants. These civil servants are working in Jammu and Kashmir, they make a representation to the United Nations and the Government instead of dismissing them, is merely transferring them. If they wish to make a representation to the United Nations, let them resign their jobs, let them join our Assembly where we can call names to each other and criticise each other or do whatever we think fit. But, if the Government merely transfers them, then what messages are you sending? I think the Government is obliged to explain this to us.

A necessary caution: Inherent in the use of Force, particularly that which confers power of life and death is the vital and inescapable need for adequate and correct:

(a) **Direction to the Forces:** The Armed Forces must have a clear and attainable task. I would like to ask the hon. Home Minister to explain to us as to whether he has given them a clear and attainable task.

(b) **Leadership:** Leadership in concept and in functioning. I am not reassured that this Government is providing it in the context of Jammu and Kashmir. Let the Government convince me.

(c) **Restraint:** restraint in the use of the

very power that you have conferred upon the Armed Forces and restraint in our observations on the use of that force.

Those forces are not to be held to blame or held to blame or held to account for what is happening there.

After this discussion is over, I want to make an appeal to all, that the problem that confronts us, that confronts the Indian Republic in the Valley of Kashmir is a profound problem, the most serious problem, since 1947. The least that we can do, having had our say, having disagreed to the extent, that we want to having pilloried the Government; thereafter at least let us speak with one voice. That is, the caution and request that I am making.

MR. DEPUTY SPEAKER: There are some amendments listed by some hon. Members.

SHRI GIRDHARILAL BHARGAVA (Jaipur): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 13th November, 1990."

SHRI PIYARE LAL HANDOO (Anantnag): I beg to move:

"That the Bill to enable certain special powers to be conferred upon members of the armed forces in the disturbed areas in the State of Jammu and Kashmir, be referred to a Select Committee consisting of 15 members, namely;

1. Shri L.K. Advani
2. Shri G.M. Banatwalla
3. Shri Chandra Shekhar
4. Shri Somnath Chatterjee
5. Shri Saifuddin Choudhury
6. Shri Indrajit Gupta

7. Shri Jaswant Singh
8. Shri P.R. Kumaramangalam
9. Kumari Mayawati
10. Smt. Geeta Mukherjee
11. Shri Vasant Sathe
12. Shri Mufti Mohammed Sayeed
13. Shri Kapil Dev Shastri
14. Shri Ramashray Prased Singh; and
15. Prof. Saifuddin Soz

with instructions to report by the last day of the first week of next Session." (170)

[Translation]

SHRI RAJENDRA AGNIHOTRI (Jhansi): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 7th December 1990." (18)

[English]

SHRIDINESH SINGH (Pratapgarh): Mr. Deputy Speaker, Sir, we have had occasion to discuss in this Ninth Lok Sabha, situation in Kashmir several times. Each time, we were assured by the Government that firm measures were being taken and the situation was improving. Instead of situation improving, the situation continues to deteriorate. That is the most serious aspect of the Kashmir problem. The Kashmir problem has a history; and all of us in different political parties have, in some measure or the other, contributed either to improving the situation, or in letting the situation deteriorate.

But it is not my intention to go into the past. Much is made out each time that we have a discussion in this House that the

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National Front Government has inherited issues and problems. How long will this excuse be made? Most of them sitting on those benches were part of us. They were involved in formulating policies and programmes. How can they get out of that position and say that they have inherited those problems? They made those problems. So, let us not try to find excuses. Let us think of today and tomorrow.

Kashmir is not an isolated issue. It is part of what is happening in the country today. There are two aspects of it, which I would like the House to bear in mind. When the National Front Government came in power, they gave the impression that everything that had been done in the past was wrong, and everything was re-negotiable. So far as the Congress Government was concerned, our policies and programmes were well known, whether many Members approved of them or not. But they were firm policies and programmes. The limits of possibilities were known to all sides; and, therefore, the situation had been kept under control.

One of the things that has happened is that these limits have withered away and by getting a feeling that every issue was re-negotiable, whether Kashmir, Punjab, Assam or any other, those insurgents, those terrorists, those separatists tried to take advantage of that, so that they could bargain from positions of strength. I think the sooner this feeling stops and Government comes out with a firm policy and programme, and defines the limits within which various activities will be permitted, it will be easier to find a solution.

In trying to belittle the policies of the previous Government, this Government moved in the opposite direction. Instead of permitting a political process to continue in Kashmir, the first thing they did was to destroy the political processes. The appointment of Shri Jagmohan as the Governor was the beginning of the dismantling of the politi-

cal processes. Very soon after his appointment, the Farooq Government resigned. The Government that we elected by the people, went out of office. The Governor assumed all powers. Soon thereafter, the Assembly was dissolved.

All public men, politicians, who could have played an active part in trying to find a solution to the problem, were pushed back. It was bureaucracy which began to rule Kashmir. Harsh measures were introduced. I am not saying that law and order should not be maintained. I think it is the first condition in the State of Jammu & Kashmir that law and order should be firmly maintained. The terrorists should not be allowed to get away with things. But, at the same time, innocent people should not be made to suffer. Those public men, who could act as intermediaries between the innocent people and the Government, who could protect the innocent people, who could advise the Government, they were not taken into confidence.

The other aspect, which again as a national issue contributed to the problem in Kashmir was the infighting within the National Government; because of in-fighting, because of lack of cohesion or understanding or clear perceptions, the Government started to fumble. We have the Home Minister. I have great respect for the Home Minister. But over his head, a Minister of Kashmir Affairs was planted. This was done unnecessarily. If the Home Minister was not capable of handling the Kashmir affairs, another Home Minister could have been appointed or if it was decided by the Government that there should be a separate Ministry for Kashmir affairs and that Kashmir should be taken out of the Home Ministry and handed over to another Minister in the other Ministry, they could have done it; it was not difficult to do it; if it was done, it would have been a logical step. But what happened was that another Minister was inducted. An impression was given that here was the Home Minister who would carry on the policy of ruthless suppression and here was another Minister who would start the political processes all over again. I am afraid, I cannot

allow my friend, Mufti Sahib to escape from this responsibility. He should never have permitted this to happen. The Ministry is not so important. For how many days will it last? Anyhow, the way it is going, it might last for five days. But, at least, you would have sent a right message to Kashmir. I am sorry that this was not done; and a period of flux again was introduced in which the terrorists again gained strength thinking that there was a divided House, a divided Government looking after the affairs of the State of Jammu & Kashmir.

There are other leaders like Mir Quasim and Shaft Qureshi who is our PCC President. You may not think much of him.

SHRI MUFTI MOHAMMAD SAYEED:
How do you say so?

SHRI DINESH SINGH: I am only using the word 'may'. But if you sue a better word, it would help us. My point is that by sitting here, all of you, in Delhi, is not going to help you find a solution to the Kashmir problem. These are the two names I have given. There may be many others. They have to be involved in the process of finding a solution to the Kashmir problem. Not only these people, but other people too who are knowledgeable in the Kashmir affairs or who take interest in Kashmir, who can advise the Governor, all these people should be pooled together if you want to find a solution to the problem that exists in the State of Jammu & Kashmir. But, Sir, the confusion did not end there. The confusion continues. And because of that, the Governor Mr. Jagmohan had to leave. When Mr. Jagmohan left, the *quid pro quo* had to be given to the other crutch of this Government and so Mr. George Fernandes's establishment was also dissolved. The Committee which was assisting him also was dissolved.

SHRI MUFTI MOHAMMAD SAYEED:
That is the checks and balances system of Government.

SHRI DINESH SINGH: I am deeply appreciative of the efforts of checks and

balances, Mufti Sahib, but only if they succeed. I am afraid, they have failed. Anyhow, whatever little chance of a political input was there in finding a solution was also given up. And one bureaucrat was replaced by another bureaucrat as the head the State of Jammu and Kashmir in the form of a Governor. I have nothing against the Governor. I think he is a good civil servant. He will discharge his responsibilities well. But again, the whole focus is on a bureaucratic solution to the problem of the State of Jammu and Kashmir and that is not going to work out. This is our problem in dealing with or in speaking about the State of Jammu and Kashmir; and I would like to assure the Home Minister that we are not trying to make political capital out of the situation. We all share responsibility in what is the problem of Kashmir today. We are trying sincerely to assist in any possible manner we can, in finding these solutions. But they can be found if we move on the right course. If we are moving on the wrong course and we follow the Government we are not going to reach the goals. What is the point in going along? What is the point in trying to assist the Government, work with the Government when the directions are wrong? So, the direction has first to be correct.

Sir, the political situation in Kashmir has deteriorated also because of an important factor. And that is the isolation of the State of Jammu and Kashmir, and I am not referring to Article 370. There was a necessity for that Article to have been brought on the books of the Constitution and there is still a necessity for it to continue. I am not going into that. I am talking of isolation of Kashmir. Kashmir became a preserve and a kind of a *cordon sanitaire* was created. The people in Kashmir got an impression that it was separate from the rest of the country. Article 370 does not debar the functioning of close relationship between Kashmir and other parts of the Union. It gives certain rights to the people of Kashmir, to the Government of Kashmir, to the Assembly of Kashmir to have laws in co-operation with the Central Government. Or, if you like, you can put it the other way, the Union Government would, under Article 370

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consult the State Government in bringing laws that concern the State. But there was nothing to debar the Government in promising the people to set up industries in Kashmir, to create an infrastructure for these industries, to give them loans; there was nothing to debar the Government of Kashmir to allow people to build hotels, to allow people to build homes and houses in the State. I am not talking of over of agricultural land by outsiders. I am talking of the tremendous possibility that still exists in a close working between the State of Jammu and Kashmir and the rest of the country. But a kind of feeling was given that Kashmir was separate. Because of that, anything that happens there gets highlighted, anything that happens here frightens the people in Kashmir. It is necessary to restore a greater movement, greater communication, greater flexibility between the State of Jammu & Kashmir, the residents of Jammu & Kashmir, and the rest of the country, Kashmir the residents who are living outside Kashmir.

Sir, much talk is made of poverty in Kashmir. Of course, there is poverty in Kashmir. There is poverty in the rest of the country also. You cannot have an insurgency based on poverty in the State. State does demand greater authority to deal with it. That is not only peculiar to Kashmir but that is peculiar to many States of the Union. Those facilities should be given to the State of Jammu & Kashmir to deal with their problems, to deal with the civic problems, to deal with problems of employment, to set up industries, trade and the whole variety of them. Because it is a State with hills, very little land is available for agriculture. It could only be appropriate that more central assistance is given as it is given to other States of the Union places in similar situations. But all this does not need to be linked with isolation.

Sir, the people of Kashmir are peace loving. The whole valley talks of peace, smells of peace, the very entry into the valley of Kashmir gives you the feeling of peace. Therefore, it is necessary to ensure that the

people of Kashmir remain peaceful. Those who have come from outside, those who have created trouble in Kashmir, those who are inciting the youth in Kashmir, they should be isolated.

My friend, the hon. Member Shri Jaswant Singh, talked about a large number of people in Pakistan on the border of Kashmir, which the Governor has referred to. Now this is the responsibility of the Central Government to ensure that they do not enter Kashmir whatever the cost. How can the Home Minister or the Prime Minister of this country get over from this responsibility? They should not allow people to infiltrate and create trouble in the country. Whatever the resources necessary to be put in to ensure that there is no infiltration, should be put in. That is more important than trying to take action once those people have entered the country.

Sir, step by step the people in the Valley are beginning to feel that when the Government speaks, it does not speak with firmness. I have the latest example. With your permission, I wish to quote from *The Hindustan Times* of 17th August. It says:

"Srinagar, August 16.

"Militants have made it inspite of extraordinary security arrangement. Neither the Government could prevent heisting the green Pakistan flags on August 14 in parts of valley nor ensure participation of the masses in Independence Day celebrations on August 15th."

This is the kind of a thing that gives encouragement for many secessionist activities. Once the Government decide that they would not be allowed to fly the Pakistan flag, then whatever the cost, they must be stopped.

15.00 hrs.

Otherwise, you should not say that. Let them fly the flag. You can fold it up the next day and fly the Indian flag. But if you feel that the Pakistani flag should not be flown, then

it should not be allowed to be flown. Government cannot escape its responsibility of total break-down of law and order.

Similarly, a large number of migration of Hindus from the Valley is taking place. The hon. Member, who preceded me, referred to that. I think, it is a mistake to allow people from the Valley-Hindu, Muslims, anybody to come out and be refugees in either other parts of the State or in other parts of the country. If there was insecurity, if their lives and property were in danger, camp should have been set up within the Valley; they should have been kept within the Valley. By moving Hindus out of the Valley you have already created Pakistan. What do you hand over to whom, to what purpose? It is already Pakistan. The two-nation theory is established. Again my hon. friend talked about completing the process of partition. This would process. Even at this late stage, I would beg of the Government to set up these camps within the Valley, to persuade them to go back, to rehabilitate them there in any manner they can rather than to have them leave the Valley and let the terrorists and secessionists say that they have succeeded in driving out people of other community from the Valley of Kashmir.

In this connection, I saw in the newspapers that JKLF top brass were held in Srinagar. I believe that a number of JKLF functionaries have been arrested. Whoever has arrested them I would wish to congratulate them on the success of their step. But I believe that these people who were captured, have been, or are being brought to Delhi for negotiations. I am only talking of what I have heard. The Home Minister would naturally speak with authority and contradict that it is not so.

SHRI MUFTI MOHAMMAD SAYEED: One Mr. Yasin Malik, who was the Chief Area Commander of JKLF, is a heart patient. He has a heart pace maker. He was brought here for treatment.

SHRI DINESH SINGH: Well, I would not wish to interfere in any humanitarian activity

anywhere. But it would be difficult to believe that heart treatment could not have been given in the State of Jammu & Kashmir. But I would not wish to quarrel over that. My point is that no encouragement should be given to these terrorists nor a feeling created that we are negotiating with them. One can negotiate or rather have a dialogue with them when they are willing to have a dialogue within the Constitution.

SHRI MUFTI MOHAMMAD SAYEED: I said that he had been brought here. He is a person who previously caught in a crossfire. Then he was moved to Shere-e-Kashmir Medical Institute from where he escaped. At that time also, he was seriously injured. He is a heart patient. He has heart pace-maker. It was on the doctors advice that he had been brought over here. I should make it absolutely clear.

SHRI DINESH SINGH: I have no quarrel over that. Now that the Home Minister has given me the name, so far as I recall, some time back, the Government has made a statement that he had already been killed. So he has got a new life again. Sir, very briefly I would wish to mention some of the points we feel could assist in a solution to this problem in Kashmir. I would say the first condition would be to re-establish the authority of State which is law and order and a feeling that there is a Government in Kashmir. If your civil servants are not functioning then you do not have a Government in Kashmir. If your civil servants are petitioning the United Nations then you do not have a Government in Kashmir. I hope the hon. Home Minister will bear in mind that transfer is not a punishment. I hope that the National Front Government is not using transfer as a punishment in other parts of the country, also. If punishment is something, it should be given for some wrong that has been done. Transfer is a normal process of administration. But, what can you do Shri Mufti Mohammad Sayeed my sym-pathesis are with you when the cabinet Secretary of this country goes public and makes astrological predictions, you can hardly help other civil servants also indulging in such activities.

[Sh. Dinesh Singh]

Sir, I mentioned earlier the border between the State of Jammu and Kashmir and Pakistan along with the cease-fire line should be firmly sealed and it should be ensured that no infiltrators will be allowed to come in.

My hon. friend who preceded me referred to some of the international implications of the situation in Jammu & Kashmir. Since I agree with him I would not wish to repeat them and take the time of the House but there are also material considerations that should be borne in mind by the Government that there is an interference from outside and that interference should not be permitted.

Sir, we have a U.N. Office in Srinagar. I suppose we have to keep that office going under our arrangement with the United Nations. But, these are obligations which should be limited according to the necessity. There is no need for a large establishment when the situation does not warrant it any more. Again I am in an agreement with the hon. Member who preceded me that when you induct armed forces and when you give them certain powers, then you should not fetter them with chains in which their functioning is hampered and at the same time you must give them clear direction of their objectives. I do not think that this has been done and without that what are the armed forces to do. Are they to wait till they are shot dead to respond, are they to shoot themselves first? What is their objective? Are they to arrest; are they to kill or to throw out whatever is there? A very clear direction is necessary. The Army is not a civil authority. It is not a police authority. It should never be used as police. It has to be given a definite objective and it should be allowed to perform within the parameters that have been set for it then it is, necessary, to restore civil functioning in the State such as Post offices, telephones etc which are essential services. I am told that if you have something in the locker in the bank, you cannot go and take it out, if you have money in the bank, you cannot take out. Is that a State a part of India? If the entire force

that we have in this country is not able to help a person go, accompany somebody, who wants to take his possession which he has left in the Bank. What kind of State authority do we have in Kashmir?

Then, the electronic media should re-trium. It should educate people properly, not the way the Doordarshan is running the *Khula Manch* about which we discussed this morning but in a manner in which it inspires credibility, it talks about the programmes of development, it talks about the future of Kashmir as an integral part of India, and it assures the people of safe and peaceful living. Together with this, it is necessary that we embark on some of the important programmes of development of hydro-electric generation, setting up of industries and ensuring that there is adequate security for them. Unless the Government can guarantee adequate security, one cannot say that the Government is discharging its responsibility. Mufti Sahib is an old friend of mine, not old in age so much as in time that I have known him. I would say to him that he has to accept Kashmir as his main challenge today. Whatever his position may be, I think he has an obligation... (*Interruptions*)

SHRI MUFTI MOHAMMAD SAYEED:
You said about economic measures but you did not elaborate that.

SHRI DINESH SINGH: I elaborated that you have to set up all the infrastructure, which means that you must be able to give them power, you must be able to give them water, you must be able to give them security, you must be able to give them communications, without which there can be no development. But your main challenge today should be Kashmir. Your leader has just announced that he is going on a *padyatra* in Punjab. We do not know whether it is an election stunt or whether there is any reality in it. But I would recommend the same to you. You must go to your people. Your home is there, your people are there. You cannot neglect them and sit here as Home Minister and give an impression that you are not concerned with Kashmir. Therefore, Mufti Sahib with all my affection and respect for

you, I would urge you that your first and primary concern today should be a solution of the kashmir problem. Thank you.

SHRI ZULFIQUAR ALI KHAN (Rampur): Sir, they should rise above party lines. As far as Mr. Farooq Abdullah, Mr. Mufti Mohammad Sayeed and Soz Sahib are concerned, they should also go on "padyatra." In Kashmir they are all one... (*Interruptions*)

15.13 hrs.

[SHRI VAKKOM PURUSHOTHAMAN in the Chair]

SHRI SAIFUDDIN CHOUDHURY (Katwa): Sir, if I am asked today whether there is any change in the situation of Kashmir as we discussed last time and as it is prevailing today, I will be constrained to say that there is no substantial and fundamental change in the situation towards improvement. But, Sir, like many of us, I have the habit to try to see light even in a very deep darkness, and today I want to mention that there are some indications of a change in the situation towards improvement. And what is that? What had been prevailing two months ago and what is prevailing today, there are some indications of change, and this change, I believe, can be counted in the following measures. First is that more arrests of the terrorists are being made now and the top-most leadership of the JKLF has been arrested. Then, Sir, the killing of the people by the terrorists, which was indiscriminate and which was quite in abundance, has declined a little bit over the past few days. Also there is a report that from the terrorists who are being arrested, many valuable information are being collected while Police are interrogating them and also there are reports that today many people in the Valley are coming out and giving information to the security persons. Now, these are some of the aspects on which I can see some light. Now, in this respect, I want to refer to the interview given by the present Governor, Mr. Saxena. I am quoting from the Times of India of the 11th July, 1990. He has said that reasonable people among youth feel that a solution to

the present political imbroglio could be found within the Constitution. So, I can't say that this situation was prevailing two months ago; we had a Governor who could not claim existence of that kind of people in Kashmir. Now, we have an administrator who can say that there are some people who are willing to find a solution to the problem within the framework of the Constitution.

Now, Sir, we have some people in Kashmir who according to the version of the present Governor, are willing to have a solution within the framework of the Constitution. Now, the Governor says that there are signs prevailing among the youth and militant organisation and some of them want to start a dialogue, of course within the framework of the Constitution. They have to give up violence; they have to accept the irreversible fact that Kashmir is part of India. Now, if they have any other grievance on economic grounds or other discrimination, the whole country is prepared to talk to them. It is not only the concern of the Government but we all should concern ourselves with that kind of grievance.

Now, Sir, I can also say that there is a change of attitude on the side of the administration who are now presently running the affairs in Kashmir. I feel that the attitude of the earlier administration run by the previous Governor was that the whole population in Kashmir Valley had become anti-Indian, had become inimical to India and with that kind of attitude, actions were being taken, security actions and administrative actions were being taken. I can also remember that when the Advisory Committee was formed they had visited the Valley and they were successful in meeting a large number of people who came out defying the curfew imposed by the terrorists, met the Advisory Committee and they were narrating their grievances. They were narrating their miseries; they were telling about their predicament that one side the gun-wielding terrorists telling them to shout 'Pakistan Zindabad' and on the other side they were saying that they were being subjected to repression by the security people. We told them at that time that we could take

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notice of this kind of situation may be what you think as repression by the security people—but our security personnel, our army people are not responsible for the situation. They are doing their duty. Now, if the people of Kashmir can come forward and give the right kind of information about the whereabouts of terrorists, wherefrom they are coming and what kind of action they are taking, then we can raise our voice in Parliament to ensure that no unnecessary hardship is put on the people by the army and the people I can remember those meetings of the Advisory Committee with the people gave us a very good hope. But I am sorry to tell that at that time our feeling was not appreciated by many. At that time we could understand that despite the attempt by the Islamic fundamentalists to turn this problem into a communal problem, despite their attempt to kill selectively certain people of a particular community, the communal relationship had not deteriorated in general. We had in our Committee one very senior leader of Bharatiya Janata Party, Mr. Kedar Nath Sahni—I have the highest regard for him. He was also with us, he came back and submitted a report to the Party President, who is a Member of this House. In that, he had to mention that the people of Kashmir who are Muslims are protecting the houses and other property of those who have left the Valley. This fact was never revealed before. Now, what did the Advisory Committee do? I think we could not do much. And what is the status of that Committee, I do not know. (*Interruptions*) I do not know, I have not got any information about that. (*Interruptions*) It was not only that we ought to go to the Valley to find a solution, but also for ourselves to understand the reality of the Valley. Many of us do not understand the reality of the Valley, and even at that time when talking to people we understood that there is a need to isolate the terrorists from the mass of the people and action ought to be taken in that regard. There cannot be any lapse of administrative and security action against the terrorists who are wielding guns. Fight them with guns, there is no other alternative. You seal the border,

don't allow the terrorists who are getting training, across the border don't allow them to enter. That was in regard to terrorists. But in regard to people you have to take a different attitude, you have to take certain economic measures. At that time the question of giving support price to the apple growers came. We raised that issue with the Administration, but they said that it is not to be talked about now. Then how to isolate the terrorists from the people? If terrorists cannot be isolated from people and the Administration is not integrated with the people, then we can never succeed. There is a change of the attitude of the Administration with regard to that, I can tell you. And this is a welcome change. This new Governor and the Administration run under him have stopped, I believe, the kind of indiscriminate firing on the people and the indiscriminate searches that were going on before. There is now reduced despite the fact that there are certain excesses being committed like what happened some days ago at Panzipora. That is an aberration, I must tell you, and it requires condemnation because the terrorists want that the security forces fire on the people indiscriminately and that will help them. By doing this we are serving the purpose of the terrorists. That we should not do. Here, Sir, some appreciation is due to this new Administration and that I am ready to give it, I am not at all miserly in doing that. But here again I must make a point that despite certain embryonic positive indications which should be nurtured properly, and here while mentioning that and referring to these three enactments that are being placed before us, one of which is very extraordinary, very tough, that is, the Armed Forces Special Powers Bill that is brought here, we have to be very cautious also because extraordinary power is being given to the Armed Forces. That is required according to your perception and according to my perception also. But then enough safeguards are to be kept and I support Mr. Jaswant Singh when he said that there ought to be directions for what they are taking this particular power. Our security forces are there to bring peace in the valley by combating the terrorists. These terrorists are being trained in large numbers

in Pakistan to create a big turmoil in the valley. I severely condemn the interference of the Islamic Conference in the issue. They have no business to do it. What kind of Islamic affiliation they are talking about? What have they to say about Kuwait and Saudi Arabia? Kashmir is only an Indian question; it is not a communal question; it is the secular issue that we are facing today. This is very important. I find outside interference only props up the terrorists and harms the interest of the peace-loving people. But, there is also a different kind of thinking prevailing here. After the dismissal of Mrs. Benazir Bhutto's Government, the Foreign Secretary of Pakistan came to our country and had a dialogue with our Foreign Secretary. I find, many of us are euphoric about it. Even the United States of America had welcomed it saying that, 'well, a good beginning has been made'. What have we discussed? We have discussed about the advance information, deployment of forces, mutual confidence and things like that. But, what I am suspicious about is this. Just after the dismissal of the elected Government in that country, this caretaker Government backed by Zia-ul-Haq elements, they are coming and they are making it to the word that they are very sincere and USA is also supporting it. And thereby, they are trying to have legitimacy to their Government and their act against democracy. I do not take any word of this caretaker Government seriously. Do not be deceived by them. They want to attain legitimacy for their regime there. But they are aiding and abetting the terrorists. They will go on doing that and they will increase that also. I have no doubt about it, because they are not to have a frontal war with India, which they cannot afford. What they want to do is this. They want to support the militants to see that more and more people in Kashmir sympathise with them so that they can create a turmoil in the Valley. That will serve their purpose. Then, they can internationalise the issue. I just cannot say it is too late. After the dismissal of Mrs. Bhutto's Government, their Foreign Secretary should not have been welcomed in our country.

Now, there is another point. Can we

accept the kind of posture which they are taking now? This caretaker Government backed by Zia-ul-Haq elements, is telling that Benazir was soft towards India. While they say that we are all for good neighbourly relations, they say that Benazir was soft towards India. We have to understand their tricks. I believe it firmly that unless democracy is firmly established in Pakistan, our relations cannot develop in a full-fledged manner, because Pakistan is not Pakistan; they are also backed by very big powers in the world. They are propping them up. There is a strategy behind all this. Hence we need to be very careful. While we have to take enough measures to combat the terrorists, we have to deal with the people very carefully, softly may be, and welfare measures have to be taken to win them over. The land is ours and the land of the valley can never be taken away by Pakistan. That can never be taken away. They may have any amount of build-up; they may have any number of countries supporting them, but Kashmir can never be taken away by Pakistan. But the failure and the weakness of our side will be proved to be worse, if the people of Kashmir are away from us.

We have to win them over. That is the most important thing. Now, in this respect, I want to mention another point. The exodus of the Hindu community from the Valley started about five months ago. (*Interruptions*)

When they started migrating from the Valley, it is not only Hindus but many Muslims have also migrated as there have been problems. When they migrated, at that time, we all said that proper measures should be taken for their rehabilitation. Now I find that still we are lacking in that. Why I am mentioning it is, this is a very combustible element in the whole situation. Now for quite sometime, we have been demanding from the Government that they have to give relief to the migrants; they have to adjust them in certain places, provide them work, to the employees, schooling to the students. Many things have been done. But still I find from them that many things have not been done. Today we

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had a meeting with the HMY employees. Mufti Saheb met them yesterday and today also. He had shown them sympathy. They are migrants. They came from the Kashmir Valley. Their problems are still not solved. I am not to suggest that all those who were working in the Valley should come out and they would be permanently re-adjusted at some other place. No. Everyone has to go to back to the Valley. It is their home and I am happy that their home is protected. They cannot leave it to the fundamentalists. Majority of the people there do not want these people to go out. While visiting the Valley as a member of the Advisory Committee, many people met and told us: "You go and tell them to come back to the Valley". We told the people in the Valley, "By we telling them, they would not come back. You have to create such a situation. You can do that when terrorists come, you fight against them. Then, they will have the confidence."

It is a very bad situation in our politics. The dominant political parties are paralysed when crisis of this type is created. They cannot offer any kind of resistance. If you are Congress Party, if you are some other Party, then why do your people also leave you, desert you and join them? What kind of commitment to ideology is this? I am sorry to say this. This is the responsibility that we must have. Despite certain positive indications that I have mentioned on this, our greatest weariness is in regard to political interaction with people. It is not only that but there was no willingness on the side of the administration earlier to allow political interaction. We were prevented many times. On the ground also, the right kind of elements are also not there to initiate action. Here comes the necessity for the national level leadership to try to establish contact and reactivate them. That is very important. By administrative action alone, security action alone, we cannot win over people. For that, political inter-action is necessary on this, I want to know, what happened to the kind of advisory committee that was created consequent upon the resolution of the All-Party

conference. I do not know. I would have severely condemned this Government had I not been a member of the advisory committee. If somebody else had been a member of the committee, I would have done it. What kind of inter-action is there? Why Shri Jagmohan has been removed? Initially, we opposed his appointment. But then we did not press for his removal. Why? Because we did not want to create problems for the new Government. Later on, you also understood that he was not the right man to tackle the Kashmir situation. You all know what happened when the terrorists killed Mirwaize Farooq, the religious leader. Lakhs of people came out into the streets to mourn his death. You could have taken that situation to your side and turned the people against terrorists. That did not happen. Instead, the people were fired at and were killed, thus losing and frittering away the whole opportunity. Can there be any thing more criminal than this for Kashmir? That thing happened. Then we had to demand his removal because continuance of this man was giving wrong signal to the people of Kashmir. I have nothing personal against Shri Jagmohan. He has become a Member in the other House. I welcome him. All right. He should discharge his duties properly. But then what happened after his removal? The Advisory Committee was also paralysed. The BJP Member of the Committee had resigned from the Committee. But, we had hoped that we would be able to persuade him to rejoin the Committee and to make him understand that a person by name Shri Jagmohan cannot be bigger than the interests of the country. While the Advisory Committee was visiting the Valley, it was not only telling certain things to the people but also learning from the people about the real situation in Kashmir. We found that in the Valley there was no communalism at the level of the masses. That was not told to us by the television and the radio. Our television and radio did not give that picture. While in the Valley, the producers of television programmes told them that they had many programmes for national integration. But that was not allowed to be shown to the people through television. I do not know what was the interest prevailing at that time

not to reveal the true pictures of the Valley to the people of the country. We do not accept this kind of thing. In this situation, while we cannot oppose these legislations that you have brought, any power you want we have to give you. But, then, see that these powers are not misutilised, and the people are further pushed away. The kind of excesses that were committed some days ago, are they to be welcomed? Is that killing the civilised way of behaviour?

I have all respect and salutations for our armed forces. When we met man of the high officials of our armed forces, they told us "If we do not have the backing of the people, then how can we succeed?" They demanded political actions for the mobilisation of the people. This is the point. On this point, I say that this kind of political inter-action with the people is very much required. Then economic welfare measures are to be taken.

We should not be deceived by this present regime of Pakistan, Pakistan is playing tricks. But we have to be on our guard and we should try to see that the terrorists and the whole design of cessation is combated properly. Some success has been achieved in this regard. JKLF is almost paralysed. There are many groupings among the terrorist sections. I believe 120 groups are there. They are pulling in different directions but the most fundamentalists amongst them, the Hizbul Mujahuddin, are still untouched. You have to fight them. That is the most poisonous section.

If we can move with all this and if we can take the whole country into confidence and in the rest of the country if we can behave properly and really maintain communal harmony and do not do things that will vitiate the atmosphere in the Valley further, then I believe it may take time, But Kashmir can never go away from us. It will remain with us and remain as a very bright symbol of secularism for our country.

With these words, I conclude.

SHRI LOKANATH CHOUDHURY

(Jagatsinghpur): Mr. Chairman, Sir, already many points have been made here. No doubt, the change in Pakistan and the other developments in West Asia are inter-related. But the President of Pakistan is very much clear in his statement that so long as Kashmir is not annexed with Pakistan, the partition of India is not complete. So, as my friend has said, there will always be attempts from the side of Pakistan, as they are doing now, to create some problems ...(*Interruptions*) In this connection, I would like to say that all worst things will come to us from the side of Pakistan. So, we will have to keep ourselves abreast of the problems that may come to us. Pakistan will, no doubt, encourage such acts. They will go on encouraging such acts. So, to prevent Pakistan from further encouraging it, we must seal our borders. We must take definite actions so that Pakistani infiltration does not increase and the armed terrorists trained on the other side do not come to India. This Government has brought forward some measures. There is no alternative to it. We support it. We support the proclamation of the President's rule. Under the circumstances prevailing these exists no other alternative than President's rule. We also support the Armed Forces (Jammu and Kashmir) Special Powers Bill. But at the same time we have to keep one thing in mind. The situation is such that we must not criticise our Armed Forces. But excesses are being committed. Our Armed Forces have to do two things. While strongly dealing with the terrorists and militants, they must keep in mind the other side also so that the people of Kashmir are not alienated. Now, many stories are coming up and this will help the process of alienation. Strong action must be taken and we will support it. But at the same time, guidelines must be there how they are to deal with the situation. As I know, our Armed Forces have always acted in a patriotic manner. If that spirit will be there, many excesses can be prevented. But the main thing that relates to Kashmir is: how to win over the people of Kashmir to our side; how to bring them to the national mainstream. That is the problem. So, we will not leave Kashmir. We will take all measures to keep Kashmir with us. About that, there is no

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second opinion. But the only thing is: how to win over the masses of Kashmir to the Indian national mainstream. That is the sole question to which we must give our thought and attention. So far as I remember, in this 9th Parliament, the first issue that was discussed was about Kashmir. It was very much understood that it was an area and it is an important question where national consensus is required. And, therefore, the resolution for a national consensus was moved by none other than Shri Vasant Sathe. And the whole House accepted it. Now we will have to think how we, all the parties really honestly try to work in that way to bring Kashmir people to our side. That is a question to every Indian patriot that we have to answer. I think, it is not. It is not in that sense. We have the leader who has said that he will go for *Pad Yatra*. I have asked the Leader of the Opposition about this and he says that he will go to Kashmir when the snow melts. I think, snow has melted again time for snow has come. But he has not gone to Kashmir. Though we call Kashmir a national issue that will be solved only by national consensus and cooperation of all party's yet, we treat it as a partisan issue. All of us treat it in that way to get mileage out of it. So, to bring the Kashmir, to bring the Kashmir people to the Indian national mainstream today, there should be first a collective endeavour, a conscious effort by all the political parties. We must also understand that. I fully agree with Mr. Jaswant Singh when he says that we must restrict our armed forces. I will also say that we must restrict ourselves. If in India there is a communal tension, will it help Kashmir to come to the mainstream? That is a big question which we will have to answer. We know the people of Kashmir. We know, at the time, before the merger, before Kashmir acceded to India, there was a movement by Praja Parishad that Kashmir should go to Pakistan and Jammu and Laddakh will remain in India. This is history. I remember those days when the States were merged. So, I am posing a question to the House and appealing to all, should we restrain our-

selves altogether to bring Kashmir to the mainstream? This is the biggest question if we want India to remain integrated with Kashmir. Kashmir is a symbol of our secularism. I say, Kashmir is a symbol of secularism because being a muslim dominated State, it is they who decided that they will be in India. We know there was a Muslim Maharaj in Junagarh. Though the Hindu population was more there yet it went to Pakistan. That is the history. People of Kashmir have contributed for India's secularism for integration and we are proud of that. That is why, the main thing to which we must ponder over is to bring back those people to the Indian national mainstream who have been alienated because of our misrule. What should be done for that? My friend Shri Saifuddin Choudhury was saying that an all-party committee was formed and that committee was wound up. Why was it wound up? I think, the policy which the Government so far has persuaded is a policy of guns. I come from the land of Kalinga which converted Chanda Ashok to Dharma Ashok. I understand they can be only brought back by love. We are supporting this Government A all political Party Committee was formed to start the political process in Kashmir. Were we consulted when the committee was wound up? Has the Government taken the House to confidence? They simply wanted it and they have done it. So, the Government should know that on such issues where national consensus is required, it is the Govt. which must take other parties into confidence and work in a way to get their co-operation. Whether it is the question of Punjab or Kashmir, it is the Government which should come to keep India together. We know the people have rejected Congress because Congress was responsible to a great extent for creating all these divisions. People wanted the National Front Government to take measures to unify India and not to divide India. The National Front Govt. should not consider it from partisan position. I will say that to win over the people of Kashmir we must see that Sikhs, Hindus and others who have come away should be well treated, they should be sent back and arrangements for their stay be made there.

On the political side, a Committee of all political parties should be reconstituted and it should operate in Kashmir to bring the people to the mainstream. Thirdly economic measures, measures to solve unemployment, measures to solve other problems that we have in Kashmir should be taken forthwith. Because of the situation prevailing there tourism from which Kashmiri people were earning has gone down. They are suffering today. So good economic measures should be taken with the cooperation of the people of Kashmir so that they can come back to the mainstream.

According to me in Kashmir there might be some good symptoms of revival right now, but they would not remain for long because outside intervention is there. Inside the country also I will appeal to our friends that they must restrain themselves by not campaigning for the abrogation of article 370 of the Constitution because that will affect the sentiments of Kashmiri people. I will also appeal to our friends that the communal tension that they are enhancing in this country should be stopped. If all the members are taken together with honesty then a climate of goodwill will be created we can hope to bring back Kashmir to the mainstream.

With these words I conclude.

SHRI P. CHIDAMBARAM (Sivaganga): Mr. Chairman Sir, soon after this Government took office it announced that its first business was to undo whatever the previous Government had done. In fact many of them forgot that they were the senior members of the previous Government, they were a part of the same Government for a long number of years, a part of the political party which had formed the previous Government.

[Translation]

SHRI SURYA NARAYAN YADAV (Saharsa): Mr. Chairman, Sir, the members of Janata Dal have not been given opportunity to speak.

[English]

MR. CHAIRMAN: After two persons from this side one person is called from that side. A member of the Janata Dal will be called next time.

SHRI P. CHIDAMBARAM: In a matter like Kashmir many of them had an active role to play in shaping the Kashmir policy. Can the Home Minister honestly deny that he was an active participant in the making of the Kashmir policy of the previous Government? Well, he may not be an active participant in the making of the policy of the present Government, but, he certainly was an active participant in the making of the policy of the previous Government.

Sir, please compare Kashmir then and Kashmir now. What are the measures of comparison? They are: availability of food, medicines, functioning of Post Offices, telephones, radio, television, tourism, the number of days on which curfew was imposed, the area in which the army is in effective control, areas which have been marked and given away to the control of para-military forces. You take any measure, any parameter. Can anyone in this House honestly say that the position upto the Second of December 1989 was not better than the position obtaining today? So much so, I may repeat this, because I think, this fact has to be driven home, so much so, there is the National Front's manifesto; while there was a whole page devoted to Punjab, there was not a single line referred to Kashmir. Of course, there was a problem. There was a problem of secessionism; there was a problem of violence; we had a Government there in the State which was only partly effective; we tried to galvanize that Government. But surely, Kashmir in 1989 was not the Kashmir that is today in 1990. Sir, why did this happen? I do not have much time. But let me list five major reasons, why we have come to this pass.

Firstly, the release of the Home Minister's daughter, as part of an unacceptable bargain—the first major mistake that was

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committed in Kashmir. The second is the appointment of Mr. Jagmohan, resulting in the dismissal of the State Government. Thirdly, the dissolution of the Assembly, presumably without consulting the Prime Minister, but that is a story which only, half-witted people will believe; fourthly, the ascendance of the Bharatiya Janata party in the making of the Kashmir policy and fifthly, openly courting secessionist elements and those who flirt with the separate identity.

Step by step, this Government has taken this country and Kashmir on the road of disaster. Every time they were warned. They were warned not only by us, but also by the so-called friends that, 'you are going down on the road to disaster, taking a wrong road, they would not pass but they would persist in that road'.

Let me read out to you what the Government of Jammu and Kashmir, Department of Information put out on the 19th of February 1990, after Mr. Jagmohan dissolved the Legislative Assembly. An act was touted over television and radio as a brave act, as an act of great firmness and commitment, as an act which will restore order in Kashmir. This is what Mr. Jagmohan said. Shri Jagmohan described this decision—the decision to dissolve the Legislative Assembly—as the most firm and positive step in the direction towards the goal of attaining complete normalcy in the State. It would knock out the very basis of the complaint that certain elements are taken to guns because of rigged elections in 1987. That will also curb the machination of some other elements. Shri Jagmohan and I quote:

"The events of the last one or two years have clearly demonstrated that the Assembly could not even pretend that it had a representative character. As regards the working of the State Government, its catalogue of mal-administration, was unending."

In regard to the powers to dissolve the

Legislative Assembly, Shri Jagmohan said, under the Jammu and Kashmir Constitution, the Governor alone and no one else was competent to dissolve the Assembly.

Whose policy was this? Was the decision to dissolve the Assembly, the Prime Minister's policy and decision? Was it the Home Minister's decision? Or, was it Governor Shri Jagmohan's decision? Whose policy was it to characterise the working of the previous State Governments as a catalogue of maladministration unending? If this was a policy on the 19th February, 1990, why are you sending SOS to Mr. Farooq Abdullah in Europe? Why do you invite him here now? Why do you hold dinner meetings with him? Why do you parley with him? Why do you beg him to go back to Kashmir and assume the reins of Government? Why do you promise him the moon, the sky, the earth and everything? What was your policy for the last six months?

I heard Mr. Jaswant Singh speak eloquently against human rights. He said, "You cannot look at Kashmir as a human rights problem. What about the victims of terrorists? What about the security forces who are being killed every day? What about the innocent people?" I remember, only eight months ago, when we said apropos Punjab, we have to take firm action against those who will wield the gun. There are innocent people being killed, innocent people being kidnapped. Mr. Jaswant Singh, as a Member of the other House, was eloquent, even more eloquent, in favour of human rights. Today, the closer he moves away from a role of real Opposition Member, the closer he comes to power, you see his tone, his tenor and his voice and his words changing. (*Interruptions*) I will tell you our policy in Kashmir. (*Interruptions*) Sir, listen. We heard you in patience It is all very right of Mr. Saifuddin Choudhury, Mr. Jaswant Singh and others to talk about Kashmir as a symbol of our secularism. This Government's policy of preserving secularism in Kashmir lies in a shambles. You cannot protect Hindus, you cannot protect Muslims, you cannot protect anyone in Kashmir. It is not only a hundred-thousand

Hindus who have migrated from Kashmir. I am told that 50,000 Muslims have migrated from the Valley. Who are you protecting in Kashmir? I heard Mr. Saifuddin Choudhury and say, "Kashmir will never go from India," Yes, this Government, by the madness that has possessed it, will not allow the land in Kashmir go away from India. But what about the people in Kashmir? What about their minds? What about their hearts? Everyone of them stands alienated today. You will send your Army. You will send your paramilitary forces and you will protect the land. But what will you do about the people? Who is with you in Kashmir today? 137 officers sent a petition of the United Nations. I don't defend. I condemn that action. So, does Mr. Jaswant Singh. But what should we do in this House? Go a step further and ask: "Why did 137 officers send that petition to the United Nations?" What made them do it? Why did the President of the Srinagar Bar Association go underground? (*Interruptions*) I do not know about it. I do not know his background. But why would a President of the Srinagar Bar Association have to go underground and why would he have to be arrested as one in league with secessionist elements? Who are these people who have turned overnight into secessionists? Who are these people who have turned overnight into separatists? Who are these people who, according to this Government, have turned overnight into terrorists? Who are these people who have turned overnight into those who will give comforts to the terrorists?

Why has it happened? This has happened because this Government has no policy in Kashmir. If there was a policy in Kashmir, it should have stated it in clear terms as we did. And I am not saying that our policy was entirely successful. But at least we had a policy and we stated it clearly. As long as Mr. Mufti Mohammad Sayeed was a part of our Government, he also supported that Policy. We said that Kashmir has to be handled with a great deal of tactness, with great care because it has a particular history. One cannot wish away history. One cannot

compared Kashmir and the circumstances under which Kashmir acceded to India with any other State. One has to remember the history of Kashmir. One has to remember that Kashmir went through a turbulent period. We have gone to war with Pakistan over Kashmir one more than one occasion. We have tried to build democratic institutions in Kashmir. We have tried to encourage political process in Kashmir. The Congress Party and the National Conference are the two major political parties in Kashmir. Sometimes, they work together and other times, they fought with each other. There had been a range between the two. But at least, they have tried to give Kashmir a democratic Government. Mistakes were committed and people were alienated. Youth were alienated. There has been some criticism of some election. But despite all that, the two political parties, the Congress (I) and the National Conference, did their best for the last 40 years to give the semblance of democratic Government in Kashmir. Sir, we said that if there are sections in Kashmir who are alienated, we must try to understand as to why this alienation has come about. We must try to remove the causes of alienation. If there is anyone who receives support from Pakistan, who is trained and supplied with money and arms and sent to India through Kashmir Valley, then certainly, we must take the strongest action against that person. It is wrong to treat the people of Kashmir as our enemies. It is wrong to treat the people of Kashmir as our enemies. It is wrong to treat the people of Kashmir as entirely supporting terrorists. So, we persevere you in this part. We made mistakes. I do not deny that we made mistakes. We persevere you in this part. We kept a State Government there. We kept Dr. Farooq Abdullah there. We gave him our support and help to him. We encouraged him to take action and I believe that whatever have been the position in 1988 and 1989, Mr. Farooq Abdullah and the then State Government did begin to take action. And that action would have yielded results only if you had kept faith in Mr. Abdullah and continued that process for a few more months.

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On the contrary, on the goading of one of your crutches and against the advice of another crutch, you sent Mr. Jagmohan there as Governor. And five months later, under the threat of one of your crutches and against the threat of another crutch, you dismissed Mr. Jagmohan. In four months, namely, between 19th January, 1990 and 19th May, 1990, people of Kashmir, with their minds and hearts, were lost to us. I do not say that Kashmir is irretrievably lost. But in those four months, much damage was done through Mr. Jagmohan who was an instrument of terror, of oppression and fascism. In those four months, more damage was done in Kashmir than ever before in the last 40 years, despite the mistakes of whoever was in power. The price that we pay today is the price of those four months. Today, I wish to ask the Home Minister some questions and I sincerely hope that he will answer these questions.

Sir, PUCL sent a group to Kashmir and they gave a report. When it comes to Delhi riots or when it comes to Punjab, every voice from that side, the Treasury Benches, thump the table and speaks in favour of whatever PUCI has discovered as a violence of human rights. But when PUCL has submitted a report in Kashmir, it was condemned as a busy body and is poking its nose, meddling with the affairs of Kashmir and creating greater trouble. Mr. Tarkunde is a very respected jurist. He was one of the patron saints of Janata Dal and he still remains to be one of the patron saints of the National Front. What is Mr. Tarkunde going to say about what is going on in Kashmir? Sir, a group of enlightened committee citizens constituted themselves into a committee to initiatives in Kashmir. Earlier, they sent out a team of four men in March 1990. That group submitted a report and we raised that issue in this House. The Government and the Home Minister would not give us any reply on the contents of that report. In June, 1990, the same committee sent a team of four women to investigate into the impact of militarisation of the Kashmir Valley and the lives

of the people there, especially women. Sir, I speak with a sense of responsibility and that is why, I have to speak with a sense of restraint. Has the Home Minister read this report? If only 10 per cent of this report is right, the Home Minister should resign, not out of a sense of responsibility but out of a sense of deep sorrow and sharing of this sorrow with the people of the Valley. It is not possible to read this report. If I read a few paragraphs, it will shock us into a shame out of which we will never emerge. I do not want to read the things that have been done to women and the children. But if you will permit me, let me lay it on the Table of the House. Have you seen the barbarism that is going on in Kashmir, Mr. Home Minister, even if ten per cent is right? If it is not right, what is your long arm of the law doing to those people who have spread this information? Why don't you prosecute them? This has been with me for several days. I have tried to see if I can read some paragraphs. It is not possible to read. It is written in such a details that it is not possible to read the indignity that has been heaped upon women in Kashmir.

Shri Jawsant Singh said—do not condemn the IPKF. Who condemned the IPKF? We did not. It is your ally, the DMK which condemned the IPKF day in and day out. Shri Jaswant Singh said: Do not condemn the IPKF; but he did not have the courage, he did not have the honesty to stand up and say: I condemn the DMK. I do not condemn the para-military forces. There are individuals, individual men, individual troops, individual soldiers, individual jawans who have committed this. I was in charge of BSF and CRPF for four years and I certainly did not run down the organization. I know the great difficulty to run an organization with thousands of men and women in uniform. I know the difficulty in deploying them. I know what CRPF goes through. They are deployed for eighteen hours a day, seven days a week, for 12 months in a year. We have not been able to give them any kind of rest, we have not been able to send them for rotational training, we have not been able to bring them back to their battalion headquarters, we have not been able to give them accommodation

where they can have their families with them. I know the difficulties. Nobody is condemning the para-military forces as such. CRPF is meant to be used intermittently to put down a situation, but over the last five ten years, we had to deploy CRPF practically every-day. BSF is meant to guard our borders. BSF is not meant for internal security duty; I know that. But BSF today, because we have no other force, has to be deployed willy-nilly for internal security duty. When you run out of CRPF and BSF companies, sometimes we have drawn up the army and the army is also not equipped for internal security duty; army is not trained for internal security duty.

16.13 hrs.

[DR. THAMBI DURAI *in the Chair*]

Shri Chidambaram has been Home Minister for a long time and he has been dealing with the Punjab situation, the Punjab problem for so many years. Has he any instance of excesses committed by paramilitary forces during that time?

SHRI P. CHIDAMBARAM: Sir, there have been instances in the past where individual jawans in paramilitary forces have acted beyond the limits of law and decency. There have been instances.. (*Interruptions*) It is far too serious a matter to have a question-answer session. I am answering the Home Minister.

There have been instances. In fact, you know there was an instance in Punjab; I think, it was Berhampura, where an enquiry was ordered and a certain kind of punishment was meted out to those who were involved. There was an instance in Manipur and I think, the room of one of the very well known lady activist was ransacked and people were threatened. Enquiries were going on. There was a case in the High Court and the High Court had ordered some inquiry. It happened. I am not blaming you, please understand. I am not blaming DG BSF and DG CRPF. They are eminent officers who have reached these positions through their merits and I am not blaming

them. But the fact remains that the larger the number of paramilitary forces which are deployed; the longer the time for which they are deployed; the larger the powers that are given to them—and this is the point that I am driving at—and less you have the effected civilian authority to control them this is what will happen. The point is not that individual jawans committed excesses. The point is that if you do not have effective civilian authority to control them; if you do not have effective civilian Government; if you do not have political control over the civilian Government, this is what will happen.

Sir, I don't wish to read it but I want the Home Minister to read it and take action. I want the Home Minister to read it and call D.G., BSF and D.G., CRPF and the Army people and tell them that this is something which no human being can do to other human being. Sir, part of this has appeared in the Press and this is what worries me more. If bits and pieces of this Report leaks out and appears in the Press, what will the people of this country think; what will the people of Kashmir think? Now, here is a report which is by Special Correspondent, and I think the newspaper is *Independent*, dated 20 July, which refers to the report given by Suhasini Mulla—a very well know journalist and film maker, who is a part of the stream. Another report has appeared in Times of India dated August 7, which talks about what happened in Mashalli Mohalla Hawaii which hon. Member, Pro. Soz also referred to the other day. If these things come out in bits and pieces and there is no effective action; there is no effective explanation and there is no answer from the Government and the Government is stunned into silence, then what will the people of this country think?

Sir, hon. Member, Shri Jaswant Singh spoke about Islamisation of Kashmir problem. Well, thanks to the policies pursued by this Government; thanks to its ineffectiveness in dealing with other countries who claim to have an interest in the Kashmir problem. Yes, there has been a measure of Islamisation or internationalisation of Kashmir problem but that is the whelm of for-

[Sh. P. Chidambaram]

aign policy. What about the problem that we are discussing today? What about the militarisation of Kashmir today. Let me say something which I am sure will provoke hon. Member, Shri Jaswant Singh but say I must, what about BJPisation of the Kashmir policy? It is the BJPisation of the Kashmir policy which has resulted in this dangerous pause. I would appeal to the Home Minister, at least as far as dealing with Kashmir is concerned, please do not listen to your friends. With friends like them you do not need enemies in Kashmir.

SHRI RAJVEER SINGH (Aonla): Just listen to his accusation. In fact they are the persons who have brought things to such pass.

SHRI DILEEP SINGH BHURIA (Jhabua): You should set things right since you are in power.

SHRI P. CHIDAMBARAM: Sir, I wish to ask the Home Minister just a few questions before I close. The question of Human Right in Kashmir cannot be brushed aside. You cannot hold the land and lose the people. Your Army, your BSF or your CRPF can hold the land for us but it cannot hold the people. And, as long as the overwhelming impression of anyone who visits Kashmir—I have not in the recent past—who speaks about it or writes about it is that is large scale violation of human rights in Kashmir...

SHRI MUFTI MOHAMMAD SAYEED: Did you any time visit Kashmir when you were the Home Minister?

SHRI P. CHIDAMBARAM: Of course. I visited several times. Do you want my itinerary? You go to Kashmir twice a week and the problem gets worsen. May be, if you do not go to Kashmir twice a week the problem will not be so much. Sir, maybe, if Mr. Mufti Mohammad Sayeed does not go to Kashmir so often and if he sends his friend Mr. George Fernandes, things might be better. Why don't

you give him a chance? Your Prime Minister's policy is 'give police a chance'. Let me coin another slogan 'give George a chance'. You had enough to do with Kashmir for the last eight months. You give a chance to George. He wanted a chance on TV yesterday and you censored him so brutally that he cannot even recognise his own *Khula Manch* programme now.

Sir, who makes policy in Kashmir? Does the Prime Minister make policy in Kashmir? Does the Home Minister make policy in Kashmir? Does Mr. George Fernandes make policy in Kashmir or does Mr. Vinod Pande make policy in Kashmir? Somebody has to decide who is making policy in Kashmir. As long as you ignore the question of human rights' violation, as long as you treat it with contempt, as long as the overwhelming impression of people who visited Kashmir—people who speak after visiting Kashmir, people who write after visiting Kashmir—that there is a large scale violation of human rights in Kashmir while your Army and Paramilitary can hold the land, you cannot hold the people. And history will condemn you for losing the people of Kashmir, who have remained with India for the last forty years despite the bravest provocations from across the border.

The first thing to do in Kashmir is to bring about a measure of civilian Government, a measure of civilian Government with a political authority over it. Today, that kind of Government is not there in Kashmir. Today, the Government there is run by police officers at the highest level. You see, the Governor there is a police officer. His Advisors are police officers. I have great respect for these individuals but they are police officers. They do not have a political input and you have removed the last vestiges of political control and influence in Kashmir. You have to bring back into the Kashmir Government, a political input, a political thinking, a political direction and place your para-military and your Army under the control of a Civilian Government which has got a political input and a political direction. That is not there in Kashmir today and as long as that is not

there, you cannot deal with the situation in Kashmir.

Sir, I wish to know whether the Government is trying to go for another Accord in Kashmir. There are reports. There are people in Kashmir I believe, who are talking about it. There are people in Delhi who are talking about it. I want to know whether the Government is in touch with them. I will give some names. I cannot vouchsafe for them. These are the names which we have heard. The Government is in touch with the MUF, particularly Mr. Ansari, Prof. Abdul Ghani Lone, Sayeed Ali Shah Gilani and Dr. Gazi Nissar. I am told that the Government is in touch with them. This is a *sequitur* to what the Home Minister has reported to have said in June, 1990 that the time to resume the political process has arrived. If the time to resume political process has arrived, then what are you doing today. The promulgation of the Armed Forces Ordinance, the replacement of it by a Bill seems to go directly in conflict with your purported statement that the time to resume the political process has arrived. What is their policy? Do they want to revive the political process? What happened to their discussion with Dr. Farooq Abdullah? What did Dr. Farooq Abdullah tell them? Did they impose any condition or did Dr. Farooq Abdullah impose any condition? Are they going to revive the political process? Are they in touch with the Leaders of the MUF or do they plan for a long spell of President's rule?

The second question is even a more difficult one. There is again a talk regarding war. Are you going to go for a war with Pakistan over Kashmir? Why I ask this? Because, there is a person today, who is sitting in the Defence Minister, who almost took us to war in January, 1987. So, let us not forget that. Are you planning for a war with Pakistan?

SHRI MUFTI MOHAMMAD SAYEED:
War with which country?

SHRI P. CHIDAMBARAM: Is your policy going to lead us to a war with Pakistan

over Kashmir? The Prime Minister said a few months ago that the people of this country might be psychologically prepared for a war. From time to time, we hear these different voices. On the one hand you say the time is to resume political process and on the other hand, you say be prepared psychologically for a war. Are they planning to go to war with Pakistan over Kashmir? These are questions on which I do not expect them to give a candid answer. But at least they must indicate in what direction they are taking this country, in what direction they are taking Kashmir. All is not irretrievably lost. But let me conclude by saying this: If you go down the same road that you have taken this country, particularly in the matter of Kashmir for the last eight months, I am afraid it will be irretrievably lost; and nothing that you do, nothing that you say, nothing that your friends will say, none of this table-thumping, none of this posturing is ever going to retrieve. Today, it is perhaps not irretrievably lost. But if you go down the same road, it will be irretrievably lost.

Sir, a kind of madness has possessed this Government, I am sorry, but a kind of madness has possessed this Government. It speaks in different voices, and it continues to do the very same injustices which have alienated the people of Kashmir. I wish it was only a passing madness. But if it is a congenial and an irreversible damage that has occurred at the birth of this Government, God only can save this country, and God only can save Kashmir.

Still there is time; there is still time to reverse the course. There is still time to retrieve your steps. There is still time to save Kashmir. But whether you will do it, it is up to you, your conscience and your allegiance to the Constitution and the oath of office that you have taken: whether you will take the right step to save Kashmir from the disaster that stares us in our face. (*Interruptions*)

[*Translation*]

SHRI SURYA NARAYAN YADAV: Mr. Chairman, the turn of Janata Dal has not

[Sh. Surya Narayan Yadav]

come. Should we suffer like this? We have been waiting for a long time. (*Interruptions*)

[*English*]

MR. CHAIRMAN: I will call you next. Next time you can speak. Only one from this side also.

(*Interruptions*)

[*Translation*]

SHRI SURYA NARAYAN YADAV: Two members from that side have already spoken and one member of B.J.P. has also spoken. Now our turn should come

[*English*]

MR. CHAIRMAN. The initiator cannot be taken into account. I will call you; next, I will call you

(*Interruptions*)

[*Translation*]

AN HON. MEMBER: Mr. Chairman, Sir, kindly think about the Members of Janata Dal also.

(*Interruptions*)

PROF. PREM KUMAR DHUMAL (Hamirpur): Mr. Chairman, Sir, discussion is going on in the House on the Statutory Resolution and Bill relating to Jammu and Kashmir. The Members of the opposition are emphasizing again and again on this point as this problem has started after 2nd December when last year the Government at the Centre changed and particularly when Shri Jagmohan was appointed as Governor of Jammu and Kashmir. They think that this problem because more serious thereafter. I would like to bring it to your notice that prior to Shri Jagmohan, the Governor of Jammu and Kashmir General K.V. Krishna Rao had sent a report to the President on the 18th

January, 1990 wherein it was stated that a situation had been created in the State in which the Government could not function according to the provisions of the constitution. While sending this report, he had sought the approval of the President for vesting all the powers of administering the State in the Governor. I would like to tell the House that this report was not sent by Shri Jagmohan, but by General Krishna Rao to the President, who was appointed by the Congress Government. After that Shri Jagmohan went there as Governor of the State in the month of January. His opinion was also the same as that of the former Governor of the State that no Government could function there according to the Constitution. Therefore, after the change of Government, no unprecedented change has taken place in the situation, the situation was same as earlier in the State. Thereafter, in the report of the Governor, it has been submitted to the President that the situation can be controlled only if Administration of the State is handed over to the Governor.

I want to the Doda area of Jammu and Kashmir with the members of my party. I would like to describe the situation of the area in brief for the information of hon. Members. The people saw a person throwing a bomb on a temple. They ran after him. The identity card of the man who had thrown the bomb, fell down there. When the people picked up the identity card, it was found that it was the identity card of a constable named Gulam Mohammad Khan, who was a constable of Ninth Battalion of Jammu Kashmir Armed Police. As such administration and Government employees were engaged in encouraging anti-India propoganda and spreading communalism. Propoganda against India was being carried on in the mosques. The attitude of the administration was perricious and many Government employees of the state had gone to Pakistan to receive training in handling of weapons, planting of bombs and to spread terror. But it is very strange that they were shown as present in their respective offices in India. When we asked the District Magistrate if there was any such report? He gave reply in

the affirmative and said that some employees had gone there and their whereabouts were not known. Schools and colleges were closed there. During these days some policemen were kidnapped by the terrorists and their dead bodies were found in a very bad condition. Their eyes were taken out and all their bones were broken. Such atrocities were committed on those armed personnel who were posted there for maintaining the unity and integrity of the country.

Mr. Chairman, Sir, another thing was told to us in Bhadrawah that the people who had licenced weapons, were asked by the Government to deposit the weapons because there was a danger of disturbances. Licence weapons were taken back from them and the terrorists had licenced weapons were taken back from them and the terrorists had licenced weapons as also many weapons without licence by which they used for attack on the people. This was the situation in Doda, Kistwar and Bhadrawah district, which we visited. When we give a report that a number of explosive substances and weapons were coming in these areas, the Doda District President of Congress Party said that it is wrong and no such thing was happening, the weapons were not being received. It is a coincidence that the day his statement was published in the newspapers, a bomb exploded in his house. Thus, the people who were sheltering terrorists did not escape from the terrorist activities. They were in league with them.

Mr. Chairman, Sir, we have been saying it again and again in the House that Kashmir is a secular state. I would like to cite an example of the kind of secularism which was prevailing there during 1977 to 1982 under the rule of Late Sheikh Abdullah. During this period Namaj was offered even in the offices. Namaj was offered during office time and on that day even Cinema halls were closed.

Mr. Chairman, Sir, today our friends of Congress Party are saying that they have saved Kashmir for 40 years and the circumstances changed drastically in December

1989. Hon'ble Shri Dinesh Singh is present in the House, he said that everything was all right given the limitations and it should not go beyond that. Perhaps you may recall that during the period when your relations were strained with the National Conference, Smt. Indira Gandhi had gone there to address the meeting. What sort of shabby behaviour she was meted out. The people stood naked in front of her. Was there any limitation at that time? What limitation she wants to fix? Late Sheikh Abdullah termed Kashmiri Pandits as the agents of Intelligence Bureau. Actually, you gradually created such circumstances that the leaders of Kashmir said something in Delhi and something else in the Kashmir valley. When they came to Delhi, they were saying that there was considerable unemployment and poverty in Kashmir and when they went to the Kashmir Valley they encouraged people to adopt militant approach so that the Central Government might be afraid of them and release more funds to the State. They were interested only in getting more money. The people of a country cannot be united with money. People of the country can be united by a sense of patriotism. They should feel that it is their country. But instead of doing that the Government sometimes gave some grants and subsidy to the State, sometimes installed Farooq Abdullah's Government and sometimes removed his Government in the State. I have read that the present Government is also arriving at a compromise with Dr. Farooq Abdullah. Shri Chidambaram is also complaining as to why the Government is inviting Dr. Farooq Abdullah to the dinner-party? Why the Government is compromising with him? When the Congress Government was compromising with him, then it was correct, and now it is wrong when Janata Dal is compromising. I would not like to discuss it whether it was wrong at that time or it is wrong this time but I would like to warn the Government that the situation in Kashmir deteriorated during the time of Dr. Farooq Abdullah. I have read in the newspapers that Dr. Farooq Abdullah has evolved a three-point formula. He has submitted that if the conditions of pre 1953 are created then talk can be held. What were the circumstance

[Prof. Premkumar Dhumal]

before 1953? The Chief Minister of Jammu and Kashmir was called as a Vajeere-Aala and Governor of the State as a 'Sadre-Riyasat'. Do we want to go back again to this old system? You may say it clearly to Shri Farooq Abdullah that now many years have passed, how he will create the same circumstances there? Pandit Nehru had to take very stringent steps in the year 1953 and can we hope to create the same circumstances of pre 1953 again? Therefore, if the present Government negotiates with them, the Government may positively negotiate with them on some points. Farooq Sahib has said one more point that the people of Kashmir have some misunderstanding about the merger of Kashmir with India. He made this statement 3-4 days ago. I would like to say that before starting any political process, that misunderstanding should be removed. There should not be any doubt about merger of Kashmir with India. This doubt has been created by the people who are saying something in Delhi and absolutely opposite in the Kashmir Valley. In the matter of economic backwardness, I have seen that work was going on at many places in Doda district and the work was being done by the labourers of Bihar and Uttar Pradesh. The people of Kashmir do not undertake the job of a labour because the State of Kashmir is prosperous from economic point of view. And if any state is backward from economic point of view, even then the people of that State have no right to revolt against the country. Much more backward and poor people are living in other parts of the country. I would like to say it to the people that it is not due to the economic reasons. It is because of the wrong policies of the Government during the last 40 years that the people of Kashmir think that they are not a part of India. One more suggestion has been made by Shri Dinesh Singh that Kashmiri migrants should be sent back to Kashmir and settled there in tents. It is a very strange suggestion. When they could not be protected in their pucca houses, how can they be protected in tents. How many leaders are there who can show courage to visit Kashmir? Terrorism has spread its wings

in the valley and firing incidents are taking place there frequently. It is not good to say that migrants should be kept there in tents under the circumstances when even leaders who have been provided with black-cat commanders do not dare to go to Kashmir. The migrants, who have left their houses, should not be sent back to Kashmir and all facilities should be provided to them here itself. No body would like to leave his house to get Rs. 200-400 or Rs. 1000 monthly relief from the Government. They have their young daughters, daughter-in-law etc. with them. They have left their jobs and their houses under compulsion. They are prepared to go back to Kashmir but first suitable conditions should be created for that. The State Administration should be competent to protect their lives and property. If top Government officials are not safe there, how can they provide protection to an ordinary citizen.

Shri Chidambaram has said many things in his speech. He said that there was no mention of Kashmir problem in the manifesto of Janata Dal. He has also mentioned BJP in his speech but he has not said anything about BJP's manifesto. We have mentioned in our manifesto that due to the wrong policies of the Congress, the conditions in Kashmir Valley are deteriorating and strong steps should be taken to improve the situation. He forgot to mention this thing. He compared the condition and said as to what was Kashmir in 1989 and what it has become in 1990. A cancer patient who could take two spoon water two days back but after two days, he is unable to drink water, will it make much difference? It is a fact that incidents of bomb blasts were taking place there earlier also and our national flag was burnt there. Is it not a fact that the Independence Day of Pakistan was celebrated in Srinagar on 14th August? Was the Coalition Government of Congress and National Conference not there when the match was being played and had to be abandoned later on because people started hooting the Indian team? Was your Government not there when Shri Mufti Mohammad Sayeed tried to take out a procession of nationalist people and firing was opened on the procession in which

many people lost their lives? Shri Mufti Mohammad Sayeed was PCC (I) President at that time... (Interruptions) Both the parties cannot escape the responsibility. They are responsible for the present situation in Kashmir. You can analyse the last eight months' rule and also forty years rule of Congress Party to find out the reasons which led to the present situation in Kashmir. It is true that Kashmir is an integral part of India and it cannot be separated from it. But it is equally true that confidence has to be generated among the people of Kashmir that India belongs to them and they would stay with India. We should all unitedly endeavour for it. Whatever firm steps, which are needed for that, should be taken. This may lead to infringement of people's right. We may have different views on it, but it is true that bandage or plaster is done to join the fractured leg but bandage or plaster cannot be continued through out life. Article 370 is like bandage or plaster which is being continued for ever in Kashmir.

The hon. Members, who talk to us outside the House, say that the stand of our party to abolish Article 370 is right and this Article should be scrapped. But in the House, they speak something else. They should speak according to their conscience and taking into consideration the national interest. They should decide whether Article 370 is necessary or not. All the people in different part of the country should live together and there is no need to continue Article 370 and it should be scrapped.

With these words I support the Bill brought by the Government and would like to say that precautions should be taken to see that excessive force is not used. If possible, the provision for magisterial orders should be added to it.

SHRI SURYA NARAYAN YADAV (Saharsa): Mr. Chairman, Sir, I rise to support the Bill brought by the Government regarding Kashmir.

Many experienced Members have expressed their views on Kashmir. It appears

from the speech of Shri Dinesh Singh that he spoke keeping view their own vote bank. But what I say is that whenever we rise to speak on national problems, be it Kashmir problem Punjab problem or Gorkha lad problem, we should rise above the political differences and unitedly condemn the terrorist activities which are playing with humanity and with our country and make it clear that it would not be tolerated.

Shri Dinesh Singh was saying that the present Government was responsible for the situation in Kashmir. I want to go a little back and say that after Indo-Pak War. Simla Agreement was signed. After Simla Agreement, Pakistan started sending its trained nationals to Kashmir and gradually they settled in the valley as a result of which the present situation has been created there. If we do not deal with them firmly, they are not going to spare us. I would like to say to the hon. Home Minister who is also present here that I had given the same suggestion when the Kashmir demand was raised earlier. I also belong to a border area. Many Bangladesh refugees have settled in Purnea, Saharsa, Araia, Katihar and Kishanganj areas of Bihar and no one is going to investigate the matter. The Government of India is not aware whether these people are trained extremists or will they live like good citizens. Tomorrow, suppose Bangladesh starts war against India, those very people will work as terrorists and Kashmir like situation can be created in Katihar, Kishanganj, Araria, Purnea and Saharsa areas of Bihar. I repeatedly say that it is the same form of terrorism.

For the Kashmir situation, I neither blame Rajiv Gandhi nor Vishwanath Pratap Singh. We, all the Members sitting in the House never present the factual position for our petty political gains. Sometimes we blame Jagmohanji, sometimes Saxena Saheb and sometimes we blame some Ministers. Just now Shri Chidambaram was speaking in the same tone. So I would like to say that if we, the Members of Parliament play our role like this, it would encourage terrorism, further deteriorate conditions in our country and we would not be able to save feelings of human-

[Sh. Surya narayan Yadav]

ity among the human beings and that thing cannot be controlled by all of us. We should do whatever is necessary. We should pay attention towards their mentality. All the Pakistani leaders, be it Benazir Bhutto or the present President, say that they would not rest till Kashmir is taken back from India. It clearly means that they are ready to fight a war with India. With this motive they are sending trained terrorists into our country. But our Government have controlled it. We have effectively checked it since we took over. I would give an example of it. Earlier terrorists were fighting with bombs, stengun etc. and we effectively countered them. They they started the use of rockets. It shows that they are losing. They are in jails and their infiltration across the border has been checked. But they are still continuing their activities. Shri Jaswant Sigh has said in his speech that the situation created in Pakistan after 3rd and 14th of this month is dangerous for our country. My apprehensions are also the same that we may have to face war. We are prepared for that but we would not spare any person indulging in terrorism. At the same time, our Government is also talking of having dialogue with them.

When enemy becomes weak, he tries to have friendly relations. It has happened several times but everytime the result was opposite of such friendship. Therefore, we should not compromise with them. We should take effective steps through Police and Armed Forces. In case of war, everyone has to suffer. Hon. Shri V.P. Singh has said, when Shri Rajiv Gandhi was also present that had he known the condition of Kashmir before elections, he would have made it an election issue. That means, such activities were going on there even prior to the elections. We have to face it unitedly. I would also like to say that we would not send back the Kashmiri migrants. They came here for shelter so we will rehabilitate them here. Anyone who is indulging in terrorist activities in Kashmir will not be spare and we are prepared to make any sacrifice for it.

So far as the point made by Shri Chidambaram is concerned that it gained momentum after Rubaiya kidnapping incident, I would like to ask that after the assassination of Indira Gandhi, Shri Rajiv Gandhi took oath as Prime Minister without performing last rites. Why any other person was not allowed to become Prime Minister who could check that. You are talking of morality but what is meant by morality? Do you think that the death of Rubaiya would have decreased the terrorist activities? I want to say that there would be no decrease in their activities. You talk about one Rubaiya but nothing is going to happen by the death of one thousand Rubaiyas. Such incidents took place in H.M.T; D.I.G. and I.G were murdered but the activities of terrorists remained unabated. These will not stop. The indecisiveness as to whom we should apprehend and whom we should not, will hardly serve any purpose. The solution to this problem is that we should take stringent action against terrorists. So far as the question of economic situation in Kashmir is concerned, our colleagues have given very good suggestions. I also visited Kashmir. I have seen there that labourers of Bihar and Uttar Pradesh work there but it does not mean that their economic condition is weak. It is a tourist centre and people from all over the world visit Kashmir. people of Kashmir are prosperous. Therefore, it would be wrong to say that terrorism developed there as a result of economic backwardness. We should not think so.

I do not say that employment should not be given to the Kashmiri people and development works should not be undertaken there. I would like to say that you make every effort there but you should not do so under the impression that all such incidents are taking place there due to the poor economic condition of Kashmiri people. Mr. Chairman, Sir, National Flag was burnt in Kashmir on several occasions and the people who indulge in it are not our Kashmiri brothers but they are terrorists who are indulging in such anti-national activities. A prominent man of our country was kidnapped and killed by the terrorists to create terror among people.

Therefore, I want to say that we should not be afraid of terrorists. Our purpose will not be served by getting afraid. Through this House I would like to urge the Government and people of this country to give a determined fight to terrorists.

Need of the hour is that we should resort to social boycott of terrorists. Besides we have to take stringent action against them through Government machinery. Moreover, it is our duty as Members of Parliament that we should take correct step at the right moment and say only those things which are right. We should present true facts in the House. We should give suggestions and extend cooperation to the Government. In this way terrorism will definitely come to an end and we will be able to maintain unity and integrity of India. Mr. Chairman, please do not ring the bell right now.

[English]

MR. CHAIRMAN: You cannot dictate me like that. When I feel that your time is over, I will give the bell. Why should you be so conscious of that?

[Translation]

SHRI SURYA NARAYAN YADAV Mr. Chairman, Sir, just now our Home Minister was saying that he visited Kashmir many times. Hon. Minister visited Kashmir and a Parliamentary Committee was also sent to Kashmir. We are very much anxious to find out a solution to the Kashmir problem but nothing has so far come out of the efforts made in this regard. We should think over its solution. We should give concrete suggestions to the Government to take necessary steps to put an end to terrorism. So many experienced colleagues have expressed their views but except Mr. Jaswant Singh, who gave a suggestion, all of them condemned terrorism only. We will not be able to put an end to terrorism by merely condemning the terrorists. By doing so we only boost the morale of terrorists. They also come to know through radio, newspapers and television about our views and various measures being

taken by us in this regard. These things also raise their morale.

I want to say that we have come here to maintain the integrity of India and people elected us to ensure their security. Therefore, we should give good suggestions to the Government as we are bound for it and should made determined efforts to solve the Kashmir problem. I would like to point out that the hon. Home Minister is very much engrossed in solving the Kashmir problem and the Punjab problem. The day is not far off when he will have to face similar problem in Bihar also. This is third time when I am warning you that you must take stringent action to seal the border to check infiltration of terrorists from across the border. The same people enter Kashmir and Punjab through Bangla Desh. Do they have any certificate? You should give its reply. you should conduct a survey in this regard and should find out its solution. If you fail to take suitable measures in this regard, its consequences will be very bad for the country.

I have drawn your attention towards Bihar, I would not like to take more time as my other colleagues also have to speak on it. I was the first Member of the Janata Dal to speak.

With these words, I conclude. Mr. Chairman, Sir, I thank you very much for giving me an opportunity to speak.

[English]

PROF. SAIF-UD-DIN SOZ (Baramulla): Mr. Chairman, Sir, I feel now that—as I have thought and as I have imagined earlier it was on a technical aspect that Mr. Jaswant Singh was in disagreement with the Resolution. And he exhibited a marvellous eloquence in the House and I have a tremendous regard for him because he does a meticulous exercise when he has to speak. But today I could pick up one or two points from his speech before I come to the Bill and express my point of view. I had decided not to come to the aspect of atrocities today, but it is my esteemed friend, Mr. Jaswant Singh, who

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provoked me to mention about the atrocities that were committed there. But first of all, I want to tell him that he made a headline for Doordarshan, but there is no message in his eloquence for the people of Kashmir. He says that the Government of India is confronting Pakistan in Kashmir. Certainly not. I have a proof here and here is the Home Minister and I will give him these documents. Let him convince me if he thinks that these are not the facts. I want to be very fair to the country and to this august House. Today, our forces are treating innocent people of Kashmir as their enemies and I have the proof here. So, you are not confronting Pakistan in Kashmir Valley and whatever killings have taken place at the borders Mr. Home Minister, is there a cry in the press in Kashmir on this? There is no cry because they feel that crossing the border, is not authorised by law. The rule is there. Border cannot be crossed and therefore whatever killings are taking place on the borders of Jammu and Kashmir State, not a word of protest about those killings is there in the Press. But whatever the forces do there in Srinagar, Sopore, Baramulla Anantanag and other places, we have to take notice of that. I am very sorry Mr. Jaswant Singh has not taken any notice of that and unfortunately, Mr. Jaswant Singh, did not touch the human right aspect. Why? He gave so many suggestions and he wants us to commend the role of security forces. Certainly, Mr. Jaswant. The army had very good relations with the civilian population in border areas but not now because you have brought in army to perform a role in Kashmir valley which they cannot perform without committing excesses and I can give a proof not only about CRPF, not only about BSF it is a multiple authority operating in Kashmir but the army personnel too who are committing atrocities. How can anybody give blanket commendation to forces? The fact remains that atrocities have been committed and innocent people have been killed, why did not Mr. Jaswant Singh show some sympathy for the victims and their kith and kin? Mr. Chairman, I agree with Mr. Chidambaram who told the ruling party that it could not win

back the hearts of the people. Perhaps it is a right conclusion for me that Central Govt. has the power to own vast mountains and rivers and beautiful Vallies Gulmarg Pahalgam but it cannot win the hearts and minds of the people. They are totally alienated. In fact alienation is no word to describe the tragedy that has overtaken Kashmir? I felt hurt that a senior member like Mr. Jaswant Singh did not show any sympathy to the people of Kashmir, who have suffered innumerable miseries.

[Translation]

SHRI CHHEDI PASWAN (Sasaram): Mr. Chairman, Sir, I rise on a point of order. I want to say through you that hon. Member belongs to Kashmir. Therefore, he wants to raise this question. He should express his views on the Kashmir problem, the main reasons behind it and its solution.

[English]

MR CHAIRMAN: It is not a point of order. There is no point of order.

PROF. SAIF-UD-DIN SOZ: It is not a point of order. He does not quote even the rule. (BJP Member Mr. Verma had raised a point of order)

Now, Mr. Chairman, I feel very sorry that an hon. Member—he is not an ordinary Member, he is very learned member and he came close to surveying the scene in Kashmir, but he committed the mistake of not conveying any message to the people of Kashmir and he did not show any sympathy with the people who died, the innocent people who suffered the greatest hardships and atrocities. Why should Mr. Jaswant Singh reject the reports from the Human Rights Organisations like the PUCL of which Justice Tarkunde and Justice Sachar are Members and balraj Puri and Inder Mohan and others took the initiative on Kashmir and also some daughters of India went there recently and saw the atrocities which had been committed there? He (Mr. Jaswant Singh) suggested that stern action should be

taken against the officers of the state who appealed to UNO some time ago. I differ with him there also because while there was a mourning procession on the road and the body of the assassinated leader Mirwaiz Moulvi Farooq was on shoulders of the mourners the forces opened fire. The Forces not only opened fire on the mourners, but on the coffin itself and there is ample proof for that and the whole world knows it. And therefore, we must understand whoever are the officers, they are part of the social milieu. They cannot remain aloof so they appealed to the world community, all humanity, saying, 'Kindly take stock of the situation in Kashmir' They appealed for mercy against brutalities that were committed there. It is open to Govt. to take action but I shall wan the Govt. of the disastrous consequences that will follow

17.07 hrs.

[MR DEPUTY-SPEAKER *in the Chair*]

Now, I will hurriedly come to exodus. Mr. Jaswant Singh feels very much concerned, I also feel concerned about it. Let him come to Kashmir and understand the situation. This Parliament never passed a Resolution on sending an All Party Delegation to Kashmir. Mr. Indrajit Gupta once told me, 'Why should you not go to Kashmir?' I said, 'Said, on every 15th day I go there but why does not Mr. Jaswant Singh go there? We shall explain to him how exodus of Kashmiri pandits took place It is because Mr. Jagmohan became nervous and he wanted to teach a lesson to Kashmiri Muslims and for that he wanted exodus of Kashmir Pandits and that way he proved the worst enemy of Kashmiri pandits whom Kashmiri Muslims consider integral part of Kashmir society the part of my flesh and the part of my body. They are suffering, in Jammu and in Delhi and elsewhere but who is responsible for their plight? It is Mr. Jagmohan, for whom you have all the praise, you did not go and collect evidence against him.

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

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

PROF. SAIF-UD-DIN SOZ: There can be no point of order.

[*Translation*]

SHRI RAM NAIK: Mr. Deputy Speaker, Sir, I rise on a point of order. Can reactions be expressed in regard to the part acts of a person, who is not a Member of this House? He is a Member of Rajya Sabha. He cannot defend himself here. To say something about such a person is unjustified and it is against the tradition. This is my point of order.

[*English*]

PROF. SAIF-UD-DIN SOZ: We shall have to mention, you may call him Mr. X, but I have to discuss him because all these three items on agenda are related to him. (*Interruptions*) Why President's Rule? What is the necessity of President's Rule? (*Interruption...*) Anyhow, Sir, now, this President's Rule... (*Interruptions*) Mr. Deputy-Speaker, I will not name him directly as he is a Member of the Rajya Sabha. But, ex-Governor Jagmohan, I can say. (*Interruptions*) I will say, 'Ex-Governor Jagmohan'. What else can I do?

MR. DEPUTY-SPEAKER: Prof. Soz, I think you have accepted his point of order.

PROF. SAIF-UD-DIN SOZ: Yes, as far as his membership in the Rajya Sabha is concerned. Sir, as far as the President's rule is concerned, it is a compulsion for the Government of India. It had to be imposed on that day. But who created the situation? I am not arguing with you here that that Assembly should be revived. But why should he dissolve that? He did not leave any option with the Government. It was a piquant situation when the Prime Minister told us that he Mr. Jagmohan did not consult him. The Home Minister said that he did not consult him also. So, he was a 'maharaja'. In this House, it is the duty for the Home Minister to take us into confidence and tell us how he dissolved that Assembly. Was he not an agent on behalf

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of the President of India? It is necessary, under the Constitution, for the Prime Minister to brief the President on every situation. What could Shri V.P. Singh brief the President of India about on the dissolution of the Assembly? I imagined then that Kashmir had been given to him on 'patta'? He was totally wrong and he took totally illegal action in doing that. I am not for the revival of the Assembly. I am just telling you, as to how he took many wrong decisions and ruined Kashmir and how he was solely responsible for death and destruction there. Through the Bill under discussion the Govt. is going to punish those who have alienated a section of the population. Mr. Jagmohan, the ex-Governor of Jammu and Kashmir had alienated the whole of Kashmir. What is the punishment for him? I mean Mr. Jagmohan, the ex-Governor. We have three items here and all the three relate to Kashmir. So, you will kindly bear with me. I will not talk about the President's rule because it is a compulsion for the Home Minister.

MR. DEPUTY SPEAKER: Mr. Soz, let there be some bearing on the Bill.

PROF. SAIF-UD-DIN SOZ: I will come to the Bill. I had to refer to Mr. Jagmohan, briefly but I will not refer to his misrule in detail. They (BJP members) are all thumping the desks in his favour, but they will come to know about him when an inquiry is instituted. Regarding this Disturbed Areas Act, we approached the Governor Mr. Saxena, on that very day. I had never been to him. But on that day, I told him that this is not necessary and you should not enact this law because in Punjab, it was counter-productive. Then, the next day, this Armed Forces (Jammu and Kashmir) Special Powers Ordinance was promulgated. Now, it is being replaced here. I feel there are so many laws already which are sufficient to curb militancy. The Home Minister's knowledge must be more than me. The State has Criminal Procedure Code, It has Enemy Agents Act, It has Public Safety Act and I have TADA, which is terribly repressive. All these acts are there. Even now,

although Mr. Jaswant Singh has gone in favour of this law, he has cautioned you, 'do not have more laws in your hand'.

MR. DEPUTY SPEAKER: Mr. Soz, why are you speaking on individuals? Why don't you speak on the Resolution?

PROF. SAIF-UD-DIN SOZ: Sir, I am speaking on the Disturbed Areas Act; I am speaking on the Armed Forces (Jammu and Kashmir) Special Powers Act. I had imagined Mr. Saxena to be different because Mr. Jagmohan, the ex-Governor made a totally untrue statement when he said that he was going to Kashmir as a nursing orderly. The people of Jammu and Kashmir came to know him later what he showed them what a nursing orderly could be. As Mr. Chidambaram said, he became a symbol of terrorism and a symbol of tyranny. Mr. Ranga, I want your ears, even now a vast section of Kashmiris feel that if Mr. Jagmohan had not come to that State as Governor, this would not be the tenor of the freedom movement and this would not be the ferocity of the movement. He gave them the movement. He pressed them to the wall. He left them totally alienated. If there is one man who is responsible for pushing them to the wall and alienating them totally, it is Shri Jagmohan, the ex-Governor of Jammu and Kashmir.

Mr. Deputy-Speaker, I had told the present Government: "Mr. Saxena you wanted to show a different perception. This kind of Act was unproductive in Punjab. Why are you enacting it here? You are armed with so many laws. It is perhaps Delhi which is putting a gun on your shoulders," I told him, since you have remained an officer there. You will care for the Home Ministry's directions. They have put the gun on your shoulder. They want you to pass this draconian law. There was something in the air that you might try to retrieve the situation democratically and Constitutionally and many people would cooperate with you but this law is draconian and liable to be insured. But he had already agreed to go whole-hog with Delhi. I feel, Mr. Deputy-Speaker, Sir, the Disturbed Area Act passed by Mr. Saxena,

at the behest of Delhi because it was already on the anvil when Mr. Jagmohan was there. It was his proposal.

Now, Sir, the point is that the Security forces, BSF, CRPF—have committed atrocities. Therefore, I want this House to do some duty to their conscience, if not to the people of Kashmir and stop these forces, including the Army from committing any atrocities in future. I will tell you just now, what the Army has done at Pazipora I want this House to stop them committing onslaught further, to stop them treating innocent Kashmiris as enemies, I want that this House to study the dimension of repressions. I will mention only four events after this Disturbed Area Act was enforced. If you send a parliamentary delegation, I will go with you. But you send a parliamentary delegation to these four places, to investigate these four events only. On 4th of July, the Disturbed Area Act was passed. On 8th of July, two villages were set on fire. In Megaon, two villages Odina, and Wathnanagam, 200 houses were burnt to ashes Four people were killed and one person was thrown into fire and burnt alive. The newspapers cuttings are here. You have not yet contradicted it, although national Press does not cover fullest possible details because some of them go whole-hog with the narrow concept of nationalism. While forgetting that, there should be some meaning and sincerity in calling Kashmir as an integral part of India.

Then, on 12th July, several women were gang-raped at Punjwa (Kupwara). This was done by BSF. On 26th July, this was the day when DG came to Sopore and witnessed the tragedy himself. Iqbal market (a premier market place) was put on fire. BBC said that the loss of property was to the tune of Rs. 200 crores. Your Doordarshan did not say anything and you are giving this institution autonomy. Doordarshan has not been taught to be fair. Here is the Prasar Bharati Bill.

[Translation]

Your Doordarshan did not say anything.

AN HON. MEMBER: Is it not yours?

PROF. SAIF-UD-DIN SOZ: Mine will be different and it would work honestly. I will explain about it on the day when Prasar Bharati Bill comes up for discussion.

[English]

On 6th of August, in Mashali Mohalla eleven persons were killed inside their houses by the BSF one BSF Jaswan had been killed somewhere in the city. I feel sorry for that Jawan also who died with bullets. We must feel sorry for all the innocent people. But see what BSF did in the city Later in the day, when it was evening, when the night had fallen in the Mashali Mohalla, the BSF enters some houses and kills 11 people inside the houses including 70 year old man and an eight year old child. This is known to everybody and that is the day when Shri D.G. Saxena had a tiff with the DIG BSF telling the latter that these BSF was not here to kill innocent people

I am showing you prominent newspapers published Srinagar Times, Afral and Alsafah. These are full of details regarding the killings in Mashali Mohalla There are names of the people who got killed on that day inside the houses and the child was reported to be sleeping

Constitute an Enquiry Commission and we shall prove it before you

On 10th of August when I was raising some issue in the Zero Hour here I never knew what was happening in Kupwara. An army platoon was this is one incident where army committed excesses recently ambushed between two villages Pazipora and Dedikot and thereafter the militants ran away and then the whole unit moved to the two villages, Pazipora and Dedikot. Pazipora has 25 houses out of which 20 houses were burnt and 28 persons were killed and ten women were gang raped. I have the names and I will forward them to the Home Minister

The present Governor had told me that if he would institute an inquiry wherever excesses against innocent people will be

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committed. I had asked "How can you institute an inquiry one after the other when you give vast powers even to a Havildar? That is dead impossible. Under these draconian laws forces will commit atrocities against innocent people. They have already made Kashmir a shame of Indian democracy."

Both the Disturbed Area Act and Jammu and Kashmir (Special Powers) Armed Forces Act will have to be withdrawn. Since you want suggestions, I must give you a couple of them. You will have to withdraw these Acts and conduct an inquiry. Send a parliamentary delegation there. May be there is a chance to retrieve the situation. But, as of now, this Bill is going to add insult to injury.

MR. DEPUTY SPEAKER: You have already taken 22 minutes.

PROF: SAIF-UD-DIN SOZ: I know I have taken time but I will conclude within a couple of minutes. You have shown indulgence. I am grateful.

SHRI JASWANT SINGH: He is a Member from Jammu & Kashmir.

PROF: SAIF-UD-DIN SOZ: I will take only two or three minutes.

This Bill says that you will punish those persons who will alienate the people. What about the Ex-Governor? Who alienated all Kashmiries. Under this Bill, powers will be exercised by a Havildar, by a Sergeant and down below there is the Sepoy, who can also exercise authority to Kill.

One of the paragraphs says that even this Sepoy can also open fire. They can destroy property. They can remove structures. They can even throw bombs on suspicion even. And, about future action, if there is suspicion, they can open fire and they can search and do anything. There is no jurisdiction of court anywhere and whosoever it may be, a Havildar even if he opens fire, he has no need of obtaining orders, he has no need

of reporting back and give explanations and if Governor Saxena says he will institute inquiry wherever necessary, I say it is simply not possible. I can warn this House, I alarm hon. Members, that he can never institute an inquiry to prove that the Havaldar Sepoy who opened fire wrongly because he is not required by this draconian law to prove that he was wrong or right therefore, I come forward. I will not go to the well, but protest from here.

I have told you there may be a chance for retrieving this situation but these draconian laws will have to be removed. So far as this Disturbed Areas Act is concerned, it is with the Governor Saxena. This Armed Forces (Jammu and Kashmir) Special Powers Bill, I tear it to pieces. This is not acceptable to the people of Kashmir. This should be removed. *(Interruptions)*

[*Translation*]

AN. HON. MEMBER: Mr. Deputy Speaker, Sir, he has committed contempt of the House.

[*English*]

MR. DEPUTY-SPEAKER: This is not proper.

(Interruptions)

PROF: SAIF-UD-DIN SOZ: This is not acceptable to the people of Kashmir. Now I conclude my speech. I don't want to embarrass any one. I reject it. *(Interruptions)*

AN. HON. MEMBER: Sir, it is a question of propriety.

[*Translation*]

SHRI RAJVEER SINGH: Mr. Deputy Speaker, Sir, Soz Saheb is one of the senior members of this House. It is very shameful if he acts in such a way in this House. You should give ruling in this connection. It is very bad. *(Interruptions)*

SHRIKALYAN SINGH KALVI (Barmer): Mr. Deputy Speaker, Sir, it is not sufficient. There are some conventions and traditions of this House and those cannot be violated. The House should not be allowed to become fish market. This is our request. It is contempt of the House.

[English]

MR. DEPUTY-SPEAKER: Please take your seats. I have already said that this is not proper. It is not necessary to prolong any more discussion in this issue.

[Translation]

SHRI GULAB CHAND KATARIA (Udaipur): Mr. Deputy Speaker, Sir, I support the Bill which has been introduced for giving special powers to armed forces in the State of Jammu and Kashmir. This Bill has been introduced after much consideration because situation in Kashmir is deteriorating day by day and it is necessary to provide additional powers to our armed forces to control that situation. The personnel of armed forces have not been sent there to be killed indiscriminately but for controlling that situation. They have sacrificed everything for protecting borders of our country. It is necessary that their families should be assured that this country will be fully protecting the person who have gone on borders for protecting a part of our country. I would like to ask the hon. Member, who was speaking earlier to me, whether he thinks that the situation prevailing in Kashmir can be controlled in this manner? Under such circumstances, if the situation Kashmir can be controlled, merely by making speeches we give you all powers and you may please solve the problem of Kashmir. We are worried about the problem of Kashmir for the last many years. Since independence till date, we have made various efforts to solve the problem of Kashmir in and sacrificed everything to save that part of our country due to which so many women became widow. Every effort was made to protect the country and Kashmir from the impact of that atmosphere which was created in Pakistan against India

after independence and fought two wars with Pakistan. But it is our misfortune that in spite of making so many efforts and sacrificing everything in forty years, the situation has become alarming in that region and people have become hostile. It has become a regular feature there to burn Indian National Flag. The hon. Member has not said or will not say anything in this regard. Is it not insult of the entire country? Is Tricolour not symbol of our dignity? If anybody burns the National Flag in Kashmir, we should condemn it publicly but the hon. Member is silent over it. Today the situation has deteriorated so much there that nobody can even sing our National Anthem-'Jan Gan Man'. Why it was so that a day before our Independence Day, flag of Pakistan was hoisted there and people were full of gaiety but on the Independence Day of India while the Governor was hoisting the flag, the ground was empty? Does the hon. Member not want to speak against it? (Interruptions)

Today, the main question before us is not about Kashmir only but it is our misfortune as well as the misfortune of our country that instead of solving the problems we are forming our own groups and more worried about our them. We do not hesitate to use any platform to impress our voters. We are not worried about the country. It is our misfortune. In this way can we create a situation to solve the problem of Kashmir? The people always want to know what does the Parliament, the supreme legislative body of our country, discuss to save Kashmir. All of us speak keeping in view our own interests. It does not mean that we do not consider treason as treason. The actual question is not who lives for the country and who dies for the country. We can not give exact information as to how many people have lost their lives while protecting the dignity of the country. We have to rise above this issue. We have no enmity with those people. Lakhs and crores of people are living in this country who have different religions but they are living with love and affection. The question does not arise at all to uproot persons of any particular caste and region but some such forces are there which have been ruining this

[Sh. Gulab Chand Kataria]

country and trying to involve innocent people in treason for their own interests and political gains. We have to arrest and punish them. If we have to formulate more strict laws for this purpose we will definitely formulate them.

Mr. Deputy Speaker, Sir, it is the misfortune of this country that lakhs of people of the country are living on roads in various cities like refugees. We have no time to speak a few words for them. Who wants to leave his home and property and live on roads and forth path with his family? Nobody wants it. The hon. Members did not speak any single word about them in their speeches. I feel that such type of thinking can lead to the disintegration of our country. I would like to say that if not today, tomorrow the people who are sitting in this House will be held responsible for making an effort to this country. The people will realise it later on but we are realising it today itself. You trying to take the country in the wrong direction. I would like to request you not to involve in such type of politics.

Mr. Deputy Speaker, Sir, Kashmir is a heaven on earth and crown of India, our country is incomplete without Kashmir and it cannot exist without Kashmir. Some persons say that we are communal. I would like to say that we are not communal. At the time of formation of Jansangh, Shri Shyama Prasad Mukherjee as a Member of the Congress party felt that problems of the country cannot be solved with the policy of appeasement. At that time that man, with his few workers, raised a slogan that two Prime Ministers, two Constitutions and two throats in one country would not exist simultaneously. He said this at that time, when he swam across the Jehlum river to reach there and died there in prison. This party was born as a result of his sacrifice and people are calling it a communal party. If you want to test our patriotism you can do it by taking our lives. It is a misfortune of our country that such a patriotic party is called a communal party. We are ready to sacrifice even our party in the interests of the country but we

want that unity, integrity and dignity of our country and the Kashmir which is crown of our country should remain intact.

Mr. Deputy Speaker, Sir, people consider us as communal or they think that we are indulging in communalism because of our views about Article 370. (*Interruptions*)

MR. DEPUTY SPEAKER: Now there is no time, please conclude. The leaders of each party or the persons who spoke in the beginning, have been given sufficient time. Now you may please discuss only main points and conclude.

SHRIGULAB CHAND KATARIA: There is a dispute regarding Article 370 in this country. We should not be so biased over this issue that this Article encourages secessionism or not. We should not become so alarmed on this issue. If this issue can be solved through it then is all right. We will also think over it and it is possible that we were wrong. If it is a fact, we are ready to correct our mistake. But we are speaking about integrity of the country. We should not destroy ourselves over Article 370. We want that the secessionism which is increasing in Punjab, Assam, Gorkhaland or elsewhere due to Article 370 should be checked by deleting it. India is a secular country, various cultures exist here and nobody can stop anyone to offer prayers as he likes. I think that India is the most tolerant country in the world but unfortunately people misunderstood our culture, considered us as coward and turned away from it. I know that Pakistan will certainly encourage it. From where the terrorist forces and traitors are getting protection? Do they run away after killing people? It is not that they have wings and fly away. They do not go to Pakistan but take shelter in various homes and work against India from these places. If we do not give powers under law for conducting search of these places, what else can we give? What more powers are being given under it? If powers for search is being provided, searches can be carried out. There is no harm to provide power to open fire in odd circumstances or to break locks to recover any suspicious thing.

When we are patriotic, we should not be afraid. This law is strict for traitors and not for patriotic people. If we do not make laws against traitors then we have no right to sit in this House. The responsibility of this House is to protect the country. The people have elected us not for ruining the country but for making it prosperous? We should bury our differences and take united stand on the problem of Kashmir. There is no need of having different views on this issue and we should have unanimity for protecting a part of our country. The terrorist forces and traitors get demoralised when we discuss this issue in this House. Our divergent views and norms provide them strength and boost their morale. Such people are present here who are taking their side. I would like to make one humble request to the old Members of the House that we are new comers and want to learn something from you, but it is our misfortune that we are witnessing such things in the Parliament...(Interruptions)

[English]

PROF. SAIF-UD-DIN SOZ: Sir, I am on a point of order. (Interruptions)

Then hon. Member has seen in his speech that I show Tarafdari to militants. It is a reference to me. Should it go on record? I don't stand for any kind of violence, any kind of terrorism, any kind of militancy. I was speaking for the innocent people of Kashmir.

[Translation]

How was I favouring terrorism?

[English]

This is my point of order.

MR. DEPUTY SPEAKER: Mr. Kataria, please continue. He has given his explanation.

[Translation]

SHRI GULAB CHAND KATARIA: I would like to say that opinion is divided in the House. There should be a unanimous view

on how to control terrorism and deal with anti-national elements. A consensus on this issue will be greatly beneficial. This is a problem that has affected the country for the last 40 years and it would be misleading to call it a problem that was created during the past eight months. This problem has existed in some form or the other ever since Partition. Any citizen of this country will readily agree that there is a crisis in Kashmir.

[English]

MR. DEPUTY SPEAKER: That point is already made, please don't repeat points.

[Translation]

SHRI GULAB CHAND KATARIA: This Bill should be passed unanimously so that it discourages the growth of anti-national elements. A consensus on this issue will be greatly beneficial. With these words I conclude my speech.

[English]

DR. VENKATESH KABDE (Nanded): Mr. Deputy Speaker Sir, I rise to support the Armed Forces (Jammu and Kashmir) Special Powers Bill.

I have great deal of respect for Mr. Soz, who is unfortunately not here. I am sure, when he goes home and think to what he has done, he will realise that tearing the Bill into pieces, was not a right thing to do because it is a manifestation of the opinion of the people, about which we are discussing here. Certainly I have great respect for his nationalism, his fervor and his love for Kashmiri people. It is quite likely that in that enthusiasm, he has said several things and he has done this act. But we certainly do not condone that. In fact, we, all the hon. Members in this House do not appreciate what is happening in Kashmir, particularly some of the acts which occasionally one finds the excesses which are being committed by the armed forces, or the CRP. This cannot be condone. I am sure, all of us feel very strongly about it. Excesses should not be there and I

[Dr. Vekhatesh Kabde]

am sure our hon. Home Minister will take suitable action. The Government has already made provisions. Even in this Bill, there is a provision. And I think, proper measures will be taken to see that such acts do not occur again. This is the proper time for bringing forward this Bill. You see the background in which this Bill has been brought forward. We all have to take into account, the happenings Kashmir. No one in this House will say that there is no militancy. In fact, the militancy is there and that has been the problem. Every one is worried about it. But, for the first time, after this Government came into power, we have really realised the situation that the House is not only not in order but also on fire. Our friends in the Opposition Benches were thinking that Kashmir is just a resort; it is just a tourist resort and nothing needs to be done about it. But things have come to such a pass and several things were happening. Pamphlets were pasted on walls with anti-national slogans. People were saying, 'Indian dogs, go home'. There were Pakistani flags on top of every house. But nothing was being done. When this Government came to power, people were feeling that the Kashmir has gone out of hands. There was a feeling of despondency. This is to the credit of this Government and for the measures that they have taken in the last eight months, that we see a new atmosphere; we see some light at the end of the tunnel; we see some semblance of law and order coming back in Kashmir. I am not saying that the militancy has gone away. I am not saying that. But, for the first time, the people in the country feel that the law and order situation is under control; we can retain Kashmir. It is not just the geography of Kashmir or the rivers and mountains of Kashmir. I want to tell Mr., Soz, who is here now, that there has been a qualitative change in the minds of the people. A team of people from Maharashtra recently travelled in Kashmir and they found that there is no disharmony or enmity between the Hindus and Muslims or among the people living there; they do not harbour any anti-national feelings. The great majority of the people in

Kashmir do not have any particular adverse opinion about India. They do feel that certain acts have been committed which should not have been committed. Certain excesses have been done. There should not be too much of state repression. We agree to all these things. But the fundamental fact remains that the whole House, which was out of order, thanks to efforts made, some kind of proper order is taking place in Kashmir and the situation in Kashmir is getting better.

Our friends in the Opposition while speaking on this Bill, have totally forgotten the international context, and the context of Pakistan to the question. I can understand their difficulty. I can also understand the stand they have to take. Probably they are thinking of their loyalty to someone; or they have to speak or put forth a frontal attack on the Government. That they did very well and I have great regard for their eloquence and their efforts to convince others. But let us not forget the fact. What are the facts? Mr. Chidambaram has forgotten to mention about the Pakistan factor while making his very eloquent attack. He was just mentioning: How the Government has failed. The Government has not taken action. The Government is all the time vacillating and wavering. The Government is not taking firm action.

Now, the Government is taking firm action. Even then, they do not like it. Do it this way or that way. Still the complaint will continue. We should understand their problem. Why they have to bring in politics everywhere that is not necessary. Supposing our Prime Minister goes to Punjab and shows a great courage and all the people are moved by this act, they still feel that he must be doing it as some kind of election stunt. What the Prime Minister has said is something great. He said, "I will go and do a *padyatra*. If I am killed by the people, I would like my mortal remains to be left in Punjab." It is such a great act of courage and a very great deal of commitment to the people. But still they do not find any sincerity. I think, that is their problem. Had they worked with devotion and sincerity, the things would not have come to this pass. That is what I want to tell our hon.

friends on the Opposition Benches.

Although efforts have been made in the last one month after the promulgation of the Armed Forces (Jammu and Kashmir) Special Powers Ordinance—the act is necessary—the situation has definitely improved. And there is enough proof for that. It has been mentioned that the militant activity has been on the increase in the Valley as well as outside. There was a great deal of need to check this. I am going by the reports. There have been about 10 to 15 encounters daily with the militants and all these people have been caught with large amount of explosives and other material. The figures have been given. All this has become possible only because of taking stringent action and because of promulgation of this Ordinance.

We have talked a great deal about our police personnel and army personnel. All of us must realise that we take a great deal of pride for the people who are working in the most difficult circumstances. As I said in the beginning, we do not condone some acts which are aberrations. But these people are working in the most difficult circumstances. All our security personnel come from different parts of the country. They cannot make a difference between who is militant and who is secular in Kashmir. All the time, whoever is in front of them, they would suspect whether he has good motive or he is going to throw a grande the next moment. So, these people are working in the most challenging and most difficult circumstances. My hats off to the security personnel as well as to the army personnel. They are doing the most difficult job. We all owe it to them that we provide them more facilities and we provide by this Bill some teeth to the civil administration so that our army personnel are able to achieve the goal for which they have been sent over there.

Before I conclude, I would just like to quote a portion from the Governor's letter to the President asking him to promulgate the presidential rule. It is a very significant statement that he had made. Mr. Girish Chandra Saxena says:

"A sizable section of the State employees including those belonging to the State Police...(Interruptions)

MR. DEPUTY SPEAKER: No, no. That is not to be read.

DR. VENKATESH KABDE: Considering all these factors and aspects, in order to consolidate the gains which we have made in Kashmir, I think, this Bill has come at a very right time and I support it heartily.

SHRI CHITTA BASU (Barasat): Mr. Deputy Speaker, Sir, we are taking part in this debate with a heavy heart and with a sense of responsibility. We have heard and we are also hearing the voices of despair outside and sometimes within the House. The voice of despair is that many feel that the cause of Kashmir has been lost. We have reached such a situation which is irretrievable. Sir, I am not one of those persons but I feel that Kashmir is not lost. Kashmir is very much a part of India, not only in relation to territorial connection but culturally, socially, economically and in all other aspects also. Some remarks were made that we may hold the land of Kashmir. But, we cannot hold, as Mr. Chidambaram said, the minds, the hearts and the bodies of Kashmiris. There are some standstills. We not only want to hold the land of Kashmir but we want the Kashmiri culture, identity and Kashmiris also. There are voices of despair but inspite of despair, we should not lose courage and come to the position that the cause is left or lost for us. There is no doubt about the fact that Kashmir problem cannot be considered in isolation of the international events. I do not like to take much of your time because much of the ground has already been covered by my esteemed friend, Mr. Jaswant Singh. But we should also be conscious—and I would implore some of my friends, particularly my friends representing Jammu and Kashmir in this House—that the cause is for India, for the entire nation and there needs to be a balanced view in the interest of the country as a whole.

We cannot, for a moment, ignore what is

[Pitta Basu]

happening across the border and what is happening all over the country. As has been pointed out, attempts are being made to internationalise the issue. Attempts are also being made to Islamise the issue. But I would request some of our friends that it would be called the height a folly to communalise the issue and approach the Kashmir problem on the basis of Hindus and Muslims. There are forces in the country, within the country, not across the border who create law and order problem. I have already considered that there are sinister attempts at internationalisation of the issue, Islamisation of the issue in order to make it a Pan Islamic issue. But there are forces which are working in order to communalise the issue and bring the entire problem of Jammu and Kashmir in the light of Hindu and Muslim, in the light of the majority and in the light of minority. Therefore, this is also called the height of folly. I would only implore upon those friends that if they really want to maintain the unity and integrity and safety and the security of the country, they should not communalise the issue. It is an issue which concerns the nation. It is an issue which concerns the people of all faiths—Hindus, Christians, Muslims and all religions of the country. Coming to the grave situation now prevailing in Kashmir Sir, the recent developments in Pakistan possess or rather bores out a prospect fraught with grave danger to the security of our country. Military adventurism on the part of the new Jatoti Government there, cannot be exclusively ruled out as far as the situation which is developing within our country is concerned. In this case, I would like to quote what Mrs. Benazir Bhutto has said. She has expressed her fear that India and Pakistan have come closer to war as a moderate force that stood for stability in the region has been removed. Whatever might be the aggressive and belligerent position of Mrs. Bhutto, the domestic compulsion which she feels and which is being faced by today's new Government is likely to drive the Pakistani militarist adventurists to have a bad drive. The subversive activities within Jammu and Kashmir, the terrorist activities within Jammu and Kashmir will be

subversing the militarist designs of Pakistan. If this state of affairs continues within Jammu and Kashmir, I think the possibility of an armed conflict cannot be ruled out completely.

Again, there is another thing which has been brought to the notice of the House. I mean, the remark made by the President of Pakistan, who described the Kashmir issue as 'unfinished agenda of Pakistan'. What does it mean? It means that their ultimate goal is to recapture this. That being the case, these environmental hazards should not be ignored. If we ignore that, we shall be ignoring India's security. I would implore my friends to seriously think of the dangers that face this country. Kashmiris are with us; they are Indian nationals. Kashmiris are very much patriotic as we are. Kashmiris are patriotic as anybody of us in this House is. Therefore, we should not let down the Kashmiri people.

Coming to the other points, I think, the Home Minister should clarify it. Shri V.P. Singh, our Prime Minister is on record to say during his Address to the nation on the 15th August this year that some mistakes were committed in handling the Kashmir problem. I cannot imagine what is the mistake that the Government admits now. If the Government admits any mistake and that too through an Address made by the Prime Minister of the country on an auspicious occasion like Independence Day, I think, this House has got a right to know the aspects of the mistakes. That is very necessary to understand the follow-up steps that the Government proposes to take to retreat the apparently lost situation in Kashmir.

I feel, time is still there if the Government revises its policy. In short, I would now mention only some points.

It should be the earnest endeavour of the Government to remove misgivings from the minds of the people of Kashmir. There should be concerted efforts to create trust among the people of Kashmir. There should be a process of trust-building not only between India and Pakistan, not only between

the two Governments, not only between the people of India and Pakistan, but I feel that the process of trust building has not yet been started between the people of Kashmir and the rest of India. That is the cause of alienation.

I was amused to listen Shri Chidambaram who sought to create the impression that the process of alienation has begun with the emergence of the National Front Government at the Centre. The reality is and nobody can deny that the process of alienation of Kashmiris from the rest of India started—excuse me—, when you were there. Was it not a fact that the Pakistani flag was hoisted in Kashmir when Dr. Farooq Abdullah was the Chief Minister and the National Conference and the Congress (I) were in power in the State? What did you do? You did not take proper steps for arresting or reversing the process of alienation. But alienation is a fact. The Government should not ignore this fact. Alienation has been there because of their policies. It may be that we have inherited that problem. But since we have inherited the problem, and therefore, this should remain a permanent alibi for us that does not befit the Government which is now in power at the Centre.

18.00 hrs.

Therefore, I think that the confidence building process between the people of Jammu and Kashmir and the rest of India has to be started immediately.

Now, of late, we hear about the resumption of political process. Earlier, it was the Minister who was reporting that Government is serious for the resumption of the political process in Jammu and Kashmir. Shri George Fernandes was very busy to build up the bridge between the people of Kashmir and the rest of India. And, I think neither he nor the Government speak anything about.

MR. DEPUTY SPEAKER: Mr. Basu, I think you can continue tomorrow.

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Sir, the BAC has decided that the discussion on this Bill may be concluded today so that we can take up the Prasar Bharti Bill tomorrow. We have already spent four-and-half hours on it. One-and-a-half hour is left, so what I suggest is that we may sit one hour more so that discussion is over. Minister can reply tomorrow and voting also can take place tomorrow.

SHRI VASANT SATHE (Wardha): Sir, we want to cooperate but please do not push us like this. You want Prasar Bharti Bill to come tomorrow. We can have it from 1 o'clock to 2.30 tomorrow.

SHRI P. UPENDRA : If you want to forgo the Lunch Hour tomorrow then we can take up this at 1 o'clock and finish it by 2.30.

SHRI HARISH RAWAT (Almora): Sir, why is he against the lunch?

SHRI P. UPENDRA: I am not opposed to lunch. You can have your lunch but what I am suggesting is that we may suspend the Lunch Hour.

[Translation]

SHRI HARISH RAWAT: We are prepared to extend our full co-operation. We only want that attention be paid to the Opposition also. Members of the ruling party should take less time so as to allow members of the Opposition and other parties to express their views. The problem with Shri Upendra is that he does not have any control over members of his own party and he wants to control the House asking us to sit late and forego the lunch hour. This is not possible.

[English]

SHRI P. UPENDRA: Sir, if some more time is left for their party, you definitely give them the time.

[*Translation*]

SHRI HARISH RAWAT: We can understand such a situation arising towards the end of the Session and we do co-operate at such times so that Government business can be completed. But to sit late right in the beginning of the Session is not possible at all.

[*English*]

SHRI P. UPENDRA: Sir, I would submit to the House that there are 22 Bills which are to be passed in this Session. Therefore, if Members want to sit until the Bills are passed throughout the September, we do not have any objection but they are to be passed.

SHRI VASANT SATHE: You extend the Session for the whole month of September, we do not mind.

SHRI JASWANT SINGH (Jodhpur): Sir, of the alternatives proposed, one being to sit longer has been ruled out by our hon. colleague Shri Vasant Sathe. And the other is about forgoing Lunch. You would not have to forgo lunch as such. You can always go and have lunch; it is that the formal lunch hour which the Parliament has, be better utilised to do work. The suggestion is not at all that any hon. member should forgo lunch. It is the Lunch Hour which is so delineated, that should be forgone. This I think is entirely reasonable. Let us not have the Lunch Hour.

SHRI NIRMAL KANTI CHATTERJEE

(Dumdum): Tomorrow the Lunch Hour will not be a part of the Zero Hour.

[*Translation*]

SHRI HARISH RAWAT: Sir, we have already conceded twice. We said we will sit during Lunch hour. If we take a decision today to forego tomorrow's Lunch hour then it will become a practice. So we are not prepared to commit ourselves today. (*Interruptions*)

[*English*]

SHRI P. UPENDRA: It is Mr. Sathe's suggestion. We have accepted Mr. Sathe's suggestion. Why are you going back?

SHRI NIRMAL KANTI CHATTERJEE: He is not accepting the position. So, let us continue upto 7.00 P.M.

MR. DEPUTY SPEAKER: I think the hon. Members and Whips would be able to sort out this matter to the satisfaction of the House and all the Members. I have no doubt about it. Mr. Chitta Basu to continue tomorrow. Other Members will also speak. The House stands adjourned to re-assemble tomorrow at 11.00 A.M.

18.06 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, August 21, 1990/ Sravana 30, 1912 (Saka)