

and Scheduled Tribes for the terms beginning on the 1st May, 1990 and ending on the 30th April, 1991."

*The Motion was adopted*

SHRI P. UPENDRA: I beg to move:

"That this House do recommend to Rajya Sabha that Rajya Sabha do agree to nominate ten members from Rajya Sabha to associate with the Committee on Welfare of Scheduled Castes and Scheduled Tribes of the House for the terms beginning on the 1st May, 1990 and ending on the 30th April, 1991 and do communicate to this House the names of the members so nominated by Rajya Sabha."

MR. DEPUTY SPEAKER: The question is:

"That this House do recommend to Rajya Sabha that Rajya Sabha do agree to nominate ten members from Rajya Sabha to associate with the committee on Welfare of Scheduled Castes and Scheduled Tribes of the House for the term beginning on the 1st May, 1990 and ending on the 30th April, 1991 and do communicate to this House the names of the members so nominated by Rajya Sabha."

*The Motion was adopted*

[English]

MR. DEPUTY SPEAKER: Matters under Rule 377.

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Sir let us take the Constitution (Sixty-fourth Amendment) Bill first. Three hours have been allotted for this Bill.

MR. DEPUTY SPEAKER: I think, if the

House agrees, then it is okay. I would put it to the House. It is because we have to finish this Amendment to the Constitution and also the Private Members' Business. We have to start the Private Members' Business at 3.30 P.M. If the Members agree, we can take up the Matters under Rule 377 after the Private Members' Business is over.

MANY HON. MEMBERS: Yes, Sir.

MR. DEPUTY SPEAKER: Then, let us take the Constitution (Sixty-fourth Amendment) Bill.

12.21 hrs.

#### CONSTITUTION (SIXTY-FOURTH AMENDMENT) BILL

#### As Passed by Rajya Sabha

[English]

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

"That the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration."

As the House is aware, the President issued Proclamation under Article 356 (1) of the Constitution in relation to the State of Punjab on 11th May, 1987 on the recommendation of the Governor. The Legislative Assembly of the State which was initially kept under suspended animation, was dissolved on 6th March, 1988. The Proclamation issued by the President under Article 356 (1) of the Constitution was approved by the Lok Sabha as well as the Rajya Sabha on 12th May, 1987. Approval of both the Houses of Parliament was obtained for continuance of President's Rule for a further period of six months w.e.f. 11.11.1987.

Under the then existing provisions of

Article 356 (5) of the Constitution, President's Rule could not be extended beyond a period of one year unless two conditions could be met. The first relates to a Proclamation of Emergency being in operation in the whole of India or whole or any part of the State and second, the certificate by the Election Commission of India that the continuation of the Proclamation issued under clause (1) is necessary on account of difficulties in holding general elections to the Legislative Assembly of the State. As both these conditions were not fulfilled, Article 356 (5) of the Constitution was amended by the Constitution (fifty-ninth Amendment) Act, 1988 so as to make clause (5) of that article inapplicable to the Proclamation issued on 11th May, 1987 with respect to the State of Punjab. With this amendment, President's Rule could be extended, if necessary, for a total period of three years in Punjab without fulfilment of the conditions mentioned in clause (5) of Article 356 subject to the approval of both the Houses of Parliament for continuance of the Proclamation for a period of six months on each occasion. The Constitution (fifty-ninth Amendment) Act, 1988 has since been repealed by the Constitution (Sixty-third Amendment) Act, 1989.

As the law and order situation in the State continued to be disturbed, President's Rule in Punjab has been further extended with the approval of Parliament. The present term of President's Rule in Punjab is due to expire on 10th May, 1990.

Under clause (4) of Article 356 of the Constitution no Proclamation issued under that article and approved by both Houses of Parliament shall remain in force for more than three years. However, under clause (5) of the said article a resolution approving the continuance in force of a Proclamation issued under clause (1) of that article beyond a period of one year cannot be passed by either House of Parliament unless the two conditions specified in that clause are met. The three-year period in the case of Proclamation issued on 11th May, 1987 with respect to the State of Punjab would be over on 10th May, 1990 and the said two conditions

are also not fulfilled.

The current law and order situation in Punjab does not hold out good prospects for free and peaceful elections to the State Legislative Assembly. The participants of the all party meeting convened by the Governor at Chandigarh on 13.3.1990 were, *inter alia*, of the view that it was desirable to restore the democratic process in the State, but for that it was necessary that a congenial atmosphere should first be created before holding elections to the State Legislative Assembly. The Governor has also recommended, amendment of the Constitution to enable further extension of President's Rule in Punjab.

In view of the position explained, I request the august House to approve and pass the Constitution (Sixty-fourth Amendment) Bill, 1990.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration."

Now Mr. P. Chidambaram.

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): One minute, Sir. As was agreed yesterday, we will skip the lunch hour today, and the voting should take place at 3 p.m. That is what was agreed to yesterday. I want to remind the hon. Members of this.

MR. DEPUTY SPEAKER: I would request the Whips of the parties in the House to request their Members to stick to time, as well as to the Members speaking here, so that we are in a position to complete it.

SHRI P. UPENDRA: At 3 o'clock proper we will have the voting.

MR. DEPUTY SPEAKER: I think this is agreed to by all.

SHRI P. CHIDAMBARAM (Sivaganga): How much time has been allotted to us, Sir, so that I can adjust accordingly?

MR. DEPUTY SPEAKER: The total time allotted for the business is three hours. The Congress Party gets 1 hour and 1 minute. And I have a list of six members from the Congress Party.

SHRI L. K. ADVANI (New Delhi): We have 2 1/2 hours.

SHRI JASWANT SINGH (Jodhpur): Out of the allotted three hours, now only 2 1/2 hours are left. I think all of us must compress our points and curtail the time taken.

MR. DEPUTY SPEAKER: I think all the Members will cooperate.

SHRI P. CHIDAMBARAM: Yes, we will cooperate.

Mr. Deputy Speaker, Sir: The Home Minister will agree with me when I say that the wheel has turned full circle. Last year, on two occasions the previous Government came forward before this House to extend the President's Rule. The first occasion was on the 8th May 1989, when the Opposition was in the House, participated in the debate, and reserved some of the choicest epithets and expressions for those in the Treasury benches at that time. The second occasion was the 12th October 1989 when, again, the President's rule was extended; but this time, the Opposition was not there in the House. They had tendered their resignations under one pretext or the other.

I do not wish to quote from those debates. That will be embarrassing to those who are in the Treasury benches as well as those who supported sometimes from outside, sometimes even forgetting their identity that they still belonged to the Opposition even though they support the Government from outside.

I would only refer to a few. Mr. Ramachandra Reddy, the honourable Member, said the then Government wanted to keep the Punjab problem as it is, as it might utilize it for extending the period of Parliament for another six months or one year." Shri Indrajit Gupta said: "If the Government would say that in spite of the troubled situation we believe that the democratic process should be indefinitely put in cold storage, then I have no quarrel with you." He accused the Government of having no plan of action, he accused the Government of being insincere, and said that its resolution to extend President's rule was totally useless. He said Government did not know its own mind.

Sir, we heard Mr. Amar Roy Pradhan, Mr. Madhav Raddi and several other speakers like Mr. Saifuddin Choudhary. As I said, the choicest expressions, the choicest epithets were reserved for the Government whenever we debated Punjab.

The manifesto of the National Front said this. In passing, I might say that the manifesto of the National Front at that time did not think that the Jammu and Kashmir situation was so serious; it did not have even a single line, a single reference to J & K. But it devoted a whole paragraph to Punjab; and this is what they said.

Kashmir then was not so serious, but relatively quiet and peaceful. And the manifesto devotes a whole paragraph to Punjab. It says:

"Punjab is now a boiling cauldron. The National Front Government would immediately take steps to resolve the Punjab tangle. Laws that violate civil liberties will be reviewed. All those persons against whom there are no specific charges will be released. Wide ranging discussions will be held without pre-conditions with leaders of various sections of the people for a political solution to the Punjab problem. A round table conference will be convened for this purpose. Elections to the Punjab Assembly will be held

expeditiously. Discussions between Punjab, Haryana and Rajasthan for settlement of disputes would be organised."

There are five crucial sentences to which I will come back at the end of my speech in a few minutes. Five crucial sentences set out five important points of policy; a solemn declaration of policy involving five elements. The House and this country will judge this Government! how for they have been successful on these five points of declaration.

Shortly after assuming office, the Prime Minister addressed a Press Conference. he said,

"What is most important in Punjab is to generate the atmosphere."

And how did he generate the atmosphere. A questioner put him two questions. He said,

"In Punjab, the people complained about the presence of para-military and the army and the use of intelligence agencies."

The Prime Minister said,

"I want to create an atmosphere."

And now did he create this atmosphere. To quote his own words:

"I removed all security while moving in Amritsar and, I think, that gives the proper signal as to the spirit in which we want to approach the problem."

In one stroke, by travelling 300 yards in a jeep, the Prime Minister created an atmosphere. I wonder what atmosphere the Home Minister created when he last visited Punjab with six Black Cat commandos carrying MP5 Carbines and the whole road was lined up with security personnel. If the Prime Minister created one kind of an atmosphere, I am sure, the Home Minister must have

created yet another kind of an atmosphere. Which is the atmosphere that the Government has been faced with—the atmosphere created by the 300 yards travel in an open jeep or the atmosphere created by six Black Cat commandos surrounding you and the entire road being lined up by the security?

On the 20th of December, 1989, the Government speaking through the President, said:

"The Punjab problem has defied solution so far. Over the past few years, we have witnessed widespread violence. There will be no compromise with separatism and no yielding to extremists, but there is admittedly a compelling need for a national endeavour to resolve the problem. The Government will hold wide ranging discussions with leaders of various sections of the people to evolve a national consensus."

You remember, during the debate in the House, we said that the Government was so terrified with the terrorists that they dared not even use the word "terrorism". They said that they had used the word separatism and they would not yield to extremism. This was on the 20th of December, 1989. And look what the President said on the 12th of March. Suddenly, the Government of India and the Home Ministry presided over by Mufti Sahib discovered terrorism; the word which was missing in the President's Address on the 20th of December, came here in the President's Address on the 12th of March. And this is what the Government said:

"Government attaches high priority to restoring normalcy in Punjab and generating a feeling of confidence. Steps have been taken to involve all sections of the people and find a solution to the problem in a spirit of reconciliation and consensus. The State administration will be firm and fair and there will be no compromise with terrorism and secessionism."

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The terrorism that was absent in your Address through the President on the 20th of December was suddenly discovered in the Government's Address through the President on the 12th of March. And on the 12th of March, what did the Government say? They said,

"My Government seeks the cooperation of all to create conditions conducive to the restoration of democratic process in the State."

Today, we are on the 30th of March. In the manifesto, you said,

"Assembly elections will be held expeditiously."

On the 12th of March you said,

"My Government seeks the cooperation of all to create condition conducive to the restoration of democratic process in the State."

And on the 30th of March, you come forward with the confession of utter failure: you come almost in bended knees and say, we made an error repealing the 59th Amendment and now we come forward with the 64th Amendment.

How long will it take for you, Home Minister Sahib, to say that "We also wish to bring back the other part of the Fifty-ninth Amendment which we repealed only a few days ago"?

Your Punjab policy is in a shambles. You are presiding over the ruins of a policy, whatever policy there was. Let me tell you, Sir, with utmost humility I say but I say this with great anguish. This Government will go down in history and Mr. V.P. Singh will go down in history as a Prime Minister who was thoughtless, inactive, and with indecisiveness, vascillation and non-policy presided over the disintegration of the Indian Union. Home Minister, Sir, you will go down as the

high priest and your two Governors, Governor Jag Mohan and Governor Mukherjee will go down as the undertakers of this Government. That is the sorry pass to which you have brought India today. Mercifully we are not discussing both Punjab and Kashmir. I would have to speak with far greater anguish if we spoke about Kashmir.

In your manifesto Kashmir was not a boiling cauldron. Only Punjab was a boiling cauldron. Punjab deserved a whole paragraph. Kashmir, not even a single sentence! In the President's Address on the 20th of December paragraph 6 was devoted to Punjab and paragraph 7 to Kashmir. Perhaps in the order of your priorities. And on the 12th of March, 1990 Kashmir takes priority over Punjab. That is your contribution. In the last 110 days. That is the situation to which you have brought two vital States in India, Kashmir and Punjab.

Sir, when we moved for extension of President's Rule, when we were in Government, we said, "Look at the ground realities." It is easy to call for elections. It is easy to say that elections must be held. And I can quote from every single debate because I was there in the last four or five debates on extension of the President's Rule. On every occasion the then Government was accused of playing politics with Punjab, keeping the Punjab problem alive, not willing to restore the democratic process. We said, "Please look at the ground realities." What are the realities on the ground? I remember having catalogued the acts of mission and commission of the Barnala Government, having said, that as an act of faith we held elections and transferred power to the Barnala Government. But that faith which the people reposed in the Barnala Government was betrayed by that Government by the acts of omission and commission, by confabulating with the terrorists, by its policy of appeasement, by corruption; it had forfeited the trust which the people placed in the Barnala Government. Therefore, the Barnala Government had to go and President's Rule had to come. And we were rebuilding Punjab, rebuilding the collapsing administration in

Punjab, re-building the police in Punjab.

I gave the figures and I said in 1987 so many killings were there, in 1988 so many killings were there, and how in 1988 after Operation Black Thunder we were able to bring down the number of killings in Punjab and we were in the process of re-building the civil administration and re-building the Police.

Sir, we were taunted, we were abused we were accused of all kinds of things and today, where are you now? What are your reasons? What are your reasons for not holding elections in Punjab?

When we were in Government we identified three key issues which affected Punjab. And we said, "Unless we are able to find solutions to these very vital factors there is no way in which we can get the measure of terrorism nor can we restore democratic polity in Punjab." The first was overt and covert support from across the border. The second, a critical number of hard core people who believed in Khalistan and the third, fragmentation of the Akali Party. I do not wish to elaborate. The debates will show what we said, what we meant when we said those things.

Let me ask the Home Minister. What is the progress achieved by your Government in the last 120 days on these three issues? That is, has the overt and covert support from across the border increased or decreased? What have you done to deal with this? Have you taken up this matter with Pakistan? How have you dealt with it on the border?

The second question: A critical number of hard core people who believe in Khalistan, has this critical number increased or decreased? Are there more people today who speak openly of Khalistan or are there less people? Does the Home Minister know that there was a Conference on the 15th of January, 1990 in which Mr. Mann, Mr. Manjit Singh, the late Mr. Sandhu, Mr. Jasvir Singh Khalsa, and others participated?

This is what Mr. Mann said: Their single aim is the aim of Sant Jarnail Singh Bhindranwala. Nobody should remain in doubt about it. And he said that, Sardar Mann said, as Kehar Singh has been illegally hanged, Rajiv Gandhi and Buta Singh should also be punished likewise. He said we have been issued threats about Army being called in Punjab. We do not care about these threats. We will deal with every changed time accordingly. He said the Congressmen should be treated like Nirankaris. There should be a social boycott of them.

And Bhai Manjit Singh said, I quote:

"...that their aim is nothing but Khalistan. He mentioned that Sant Jarnail Singh Bhindranwale had openly declared that when police enters Golden Temple, the foundations of Khalistan shall be laid, so now the attack has been made and foundation have been laid. Now the construction of the Palace of Khalistan is going on. He said we do not need water or Chandigarh, he said our aim is only Khalistan. He said whether it is Rajiv Gandhi or V.P. Singh, it is the same thing for us."

Harminder Singh Sandhu, Bhai Jasbir Singh Khalsa, Bimal Khalsa has the number of hard core people, critical number which believes in Khalistan, has it increased in the last 120 days or has it decreased in the last 120 days?

And thirdly, the fragmentation of the Akali party. I have repeatedly said that the Akali party represents a substantial segment of political opinion in Punjab. The Congress Party represents another significant and substantial segment of political opinion in Punjab. The CPI and CPM are two parties which represent significant sections of political opinion in Punjab. It is the fragmentation of the Akali party which has completely derailed the political process. Therefore, in the last 120 days, have you tried to re-build the Akali party help them come together, help

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them show any kind of cohesion or unity?

You have friends in the Akali Party. Your Deputy Prime Minister is a very close friend of one faction of the Akali party. What have you done about that? Have you fragmented them more? By confabulating with Mr. Mann by building up Mr. Mann have you helped the building of the Akali party or helped to fragment it even more?

Sir, unless the Government addresses itself to these three key issues, this Government will not be able to make any kind of progress in Punjab. Sir, our Government, the previous Government, did a number of things in Punjab. The previous Government does not claim it achieved everything.

[*Translation*]

SHRI JANESHWAR MISHRA (Allahabad): It was their Government which had set in the trend of violence in Punjab which is spreading like fire and these very people are asking us to extinguish that fire expeditiously... (*Interruptions*)

MR. DEPUTY SPEAKER: Shri Mishra, I would like to ask you not to make unwelcome comments in between because then, we will not be able to finish the job in hand. If you wish to say something, you will be given sufficient time by your party to express your views. I request the Members of both sides to avoid interfering in between.

[*English*]

SHRI P. CHIDAMBARAM: Sir, I hope when the Home Minister replies, he will try to answer some of the questions which we are raising and identify the three key factors which affect the Punjab situation. And I sincerely hope that he will be able to share with this House what his Government has done in these three areas.

I have also some other questions. The previous Government spent a good deal of

money in laying a fence on the border and in flood-lighting. Another plan had been worked out to continue the flood-lighting even without a fence. What has this government done? In the last 120 days have you tried to strengthen the border? Have you added at least some kilometres of flood lighting? What is your experience? What is your success in this regard? Sir, the previous Government had through the Governor set up district development and grievances committees. All Parties had nominated their representatives. The Janata Dal of course, cannot claim to have any representation in Punjab. It cannot claim to have any significant representation in any Committees. But the other Parties had given their representatives. Now, what happened to these committees? I read the other day a statement that you will set up these committees all over again. Now what happened to these committees which were set up four months ago? These committees were functioning; funds had been allotted; authority had been given to them; they had been given authority to visit police stations, to meet people, to receive grievances and to review cases. Now what happened to these committees? Somewhere along your journey in 120 days did these committees also fall in the ruins of your policy.

Sir, last year on the figures which were uncontroverted we were able to say that 135 police stations did not report in the nine months of 1989 any terrorist crime. Terrorist crime was reported only in the remaining police stations, about 90 or 95. And even there, we said it is in 12 police stations that the bulk of the terrorist crime was taking place. Now what is your experience in the last 4 months? How many police stations have reported no terrorist crime? In how many police stations has there been an increase in terrorist crime? In how many police stations, are you still registering terrorist crimes? Is the Home Minister aware of these figures. If he has the figures, he must share them with us.

Sir, the previous Government had set up Village Protection Force. If I remember right this Village Protection Force had been

set up in almost 1250 villages and the D.G., who is still your D.G.,—I assume that he enjoys your confidence—had worked out a system by which these Village Protection Forces will be issued with weapons in the evening; volunteers will guard the villages during the night and the weapons will be taken back to the police station next day. Now, what happened to these Village Protection Forces? Only last week I intervened to say that our information is, these Village Protection Forces are defunct today; no money is being given for these volunteers who come there; no weapons are being issued and they are not functioning. Now the Home Minister denied it flatly. I say once again—it is not a charge, it is a statement that I am making—making these Village Protection Forces are defunct; they have been defunct for the last four months and that is one reason why there has been rise in terrorism.

Sir, there are two levels in which you must deal with the Punjab policy. One is the level of larger fundamental policy issues. The other is the level of administration. When the previous Government was there, you used to pooh-pooh it. Whenever we took any administrative steps, you said: "you are believing in administrative steps, bureaucratic steps; you are not dealing with the larger political issues, with the larger fundamental issues and the policy issues." Now what is your success in dealing with the fundamental issues of Punjab? What is your success in dealing with the larger policy issues of Punjab?

Sir, in the last four months, I believe, there has been a great setback in the Punjab situation. The setback is so serious today that the Government seem to be groping in the dark. Where are you going now? Will another three hundred yard drive in an open jeep create another atmosphere for you? Would you have to do this every four months? What do you want to do? Beyond extending President's Rule for six months now, What do you propose to do? There is not a word in your speech, Mr. Home Minister. Whenever we came with the Bill or a Motion or a debate

in Punjab, we spelt out what we had done and what we intend to do. I do not claim success for all that we had done. Of course, if we had succeeded, the problem would not be there. The previous Government did not succeed in full measure. But at least there was an effort to understand the problem, an effort to deal with the problem. That is sadly lacking today. What we have today, Sir, is sporadic, disorganised, ad hoc attempts. And I think the wheel has come full circle with the statement of Mr. Mann yesterday. The one person whom you projected; the one person whom you propped up; the one person whom you swore by, has finally said that he has no faith in you, he has no faith in your Government and has gone to the extent of saying that he is withdrawing the support to your Government. And Mr. Mann has also withdrawn, the supporting your Government. Who in Punjab is supporting your Government? Who in Punjab is supporting your policy or whatever remains of that policy?

Sir, given the things that have happened in the last four months, it seems there is no option but to allow the President's Rule to be extended. So, the President's Rule will continue and elections will not be held. Let me once again remind the Government that it is they who demanded elections in Punjab six months ago, it is bowing to that demand that elections were held in Punjab. The Akali Dal (Mann) Party polled something like 30 per cent of the votes, the Congress Party something like 25 per cent of the votes, the Communist Party 3 per cent of the votes. Six months later, instead of moving forward on the path and holding elections to the Assembly, you have set the clock back by your inaction, by your indecisiveness and by your non-policy. My greatest fear is, six months from now, on the same road of non-policy and inaction, where will India be? Six months from now, if this policy of dithering, vacillation, weakness and confusion continues, perhaps, we may not be in a position to discuss Punjab at all; we may not be in a position to discuss Kashmir at all. I say this with great regret. But I have to conclude that if you go down this road, this road of dithering, inaction, vacillation and non-policy, I am

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sorry to say that it will surely result in the disintegration of India as we know it. Kashmir and Punjab are problem which should be solved with a great deal of sensitivity and sagacity, which is totally missing in this Government. We reluctantly support this Bill. We do so because we bow to a sense of duty and a sense of obligation. But we charge this Government with utter incompetence in handling the Punjab situation. And if buying six months is going to make them wake up to the realities of Punjab, let them have these six months. But six months later, either they show progress or they accept responsibility and abdicate. That is our appeal to the Home Minister.

[*Translation*]

MR. DEPUTY SPEAKER: I have received a list of six person from the National Front and in total, they have been allotted forty five minutes of time. The first name I am calling is of Shri Het Ram. Now there are six names in the new list. Hon. Members should mind that if any hon. Members takes more than the time allotted to him, others will be given less time accordingly to speak.

SHRI HET RAM (S. 13a) Mr Deputy Speaker, Sir I rise to support this bill which has been brought forward in the House to make an amendment in the Constitutional provisions with a view to extend further the term of President's rule in Punjab. At this juncture it reminds me of the days of second world war when English was fighting against Germany and even then elections were held there. In view of that, we feel that there is some draw back in our democratic system as we have not been able to hold elections in Punjab during the last three years and it has made us to bring in this piece of legislation in the House to seek the further extension of President's rule in Punjab. This makes it amply clear that present Government is also not in favour of granting democratic powers to the people of Punjab. On the contrary, we

intend to rule this country with administrative powers only. The problem in Punjab is not new any more. We have three major issues before us regarding Punjab i.e. religious, political and economic. In the present context the religion as we know it today is Sikh religion which was once a part of Hindu religion and it is the legacy of highly respected preceptors of that era. The contribution of mentors towards the sublimation of entire human race is beyond description. Guru Govind Singhji asked every downtrodden to hold weapons in their hands to fight against injustice. Even Guru Nanak Dev had preached his followers three doctrines of religion i.e. kirtakar, Bandkha and Naam Jap. Today kirtakar and Bandkha have lost in the quagmire of doctrines and as a result of this, followers of Sikh religion are groping in the dark. In the beginning, both the keshdhari and the sahadhari Sikhs used to visit Gurudwaras for prayer and worship but with the passage of time all those things have undergone a change. As a result of misguidance on the part of pandas, who we can call as poojaris also, Keshdhari and Sahajdhari Sikhs, instead of keeping mutual harmony and amicability, drifted apart and consequently distorted the social fabric. Regarding economic problems, I would like to say only this much that Punjab is the most developed region of our country. In terms of agricultural production it is called the granary of Hindoستان. But in view of the sad plight of those farmers, I am constrained to observe that for these sections of people neither a industry has been set up in this region nor the provision of employment has been made for the educated unemployed of Punjab. The same adhocism which is prevailing all over the country, as been in practice in the case of Punjab also. I had talked there to those people who have been living in Punjab with a constant threat of terrorists to the very existence of these persons so as to enquire of them whether they wanted to leave Punjab for ever or what else they were intending to do? Then these people replied that they would prefer to be shot dead by terrorists in Punjab rather than dying of starvation in Bihar or Orissa. At least, they will not die of hunger here in Punjab. During the

span of last forty years, hunger has widely spread on such a large scale in this country that the entire nation is being made to suffer for the same. All this has happened on account of the policies adopted by the previous Government. You may take the instance of this Government or the previous one. They lack in a crystal clear approach. It is all too obvious. I can say that on political level, we are doing nothing but shedding the blood of innocent people in Punjab in order to serve our own ends.

Mr. Deputy Speaker, Sir, when incidents of violence had occurred in Champaran, Mahatma Gandhi had reached there and offered to sacrifice his life for the purpose but today, we have come to such a pass that our hon. Prime Minister can go to Punjab only in a police jeep. Not a single Member be it from opposition or the ruling party, has been bold enough to muster up his courage to go to Punjab or Jammu and Kashmir to console the innocent people and assure them of the sacrifice of his life for their cause. We lack in the spirit of sacrifice to enable the nation march forward on the path of progress. At the most here we have an administration in our country which is plagued by corruption to its core and today we are facing a situation where the police administration has earned such a bad reputation that even in those areas where the conditions are under control and normal, the common man is scared of police.

They cannot be expected to be just. When they are given administrative power, they become more tyrant and people can expect nothing but atrocities and atrocities alone at the hands of the police. When the people are subjected to atrocities, they are forced to tread the path of rebellion.

Mr. Deputy Speaker, Sir, there is a limit to tolerance to which a person tolerates atrocities but once the limit is crossed and particularly when his integrity is also subjected to doubt, he has no option but to become a rebel. This is what is actually happening in Punjab and in most parts of North India particularly in Bihar, U.P. and

Rajasthan where Muslims are subjected to atrocities, as a result of which the Muslims of Jammu and Kashmir feel that the same might happen to them also. So I would like to request hon. Home Minister that as Jammu and Kashmir is a sensitive state, taking recourse to stern measures alone will not serve the purpose, on the contrary people may feel alienated from India. Nor do they need to be dealt with so leniently that may send a wrong signal to the people of Jammu and Kashmir that it has a separate entity.

Mr. Deputy Speaker, Sir, there is one thing very remarkable in Punjab that the people has not been divided on communal lines as neither the Hindus nor the Sikhs ever attacked each other as has been done in Delhi in 1984. The bond of brotherhood between the two communities is still existent there. In order to promote this bond of brotherhood, I would like to urge upon the Government not to allow people to gain political mileage from the situation there.

Mr. Deputy Speaker, Sir, now a reference of Shri Mann was made. In our democratic system there is no such law under which an M.P. is forced to be in the House. The people who fight elections swear by democracy and express their faith in the Constitution and even then they boycott and Parliament. So there is something wrong somewhere. In this country there are people who are extremely poor, on the other 30% of our population are so rich that hardly feel any pinch of tax hike, no matter how much hike is affected. There are the people who spend as much as Rs. 25 thousand a day in a five star hotel. Therefore, unless such imbalances are done away with, the people of not only Punjab and Kashmir but of entire India may rise in revolt and pose a danger to the country.

**13.00 hrs.**

MR. DEPUTY SPEAKER: Mr. Phool Chand Verma, from your party I have four names and the time allotted to your party is just 27 minutes.

SHRI PHOOL CHAND VERMA (Shajapur): With reference to proposed Sixty-four Constitution (Amendment) Bill brought forward in the House, I would like to submit that in the original Bill circulated to the Members, it was proposed to extend the President rule in Punjab for another one year. Later Hon. Home Minister reduced it to six months. I think that it should be extended for one year. If such a provision is made, it would be better. Extension of President rule in piece-meal does not enhance the image of the Government in the eyes of public. As far as Punjab is concerned, law and order situation has not improved. So, there is no justification of holding assembly elections till peace is restored in Punjab a condition is created in which electorates exercise their franchise freely and fearlessly. Hence unless normalcy is established in Punjab, any talk of holding elections is not justified. As far as my party is concerned, it has all along been in favour of sealing the borders of Punjab along Pakistan so as to contain terrorism in Punjab. With the sealing of Punjab border along Pakistane, not only infiltrations could be checked but smuggling of arms and ammunitions will also be checked. Besides, it will also help in forcing Pakistan to close training camps of terrorists who sneak into Punjab and indulge in bloody orgy in Punjab.

I would request that the terrorists must be dealt with severely. If necessary, army can also be deployed in border districts without any hesitation. Besides, if situation so demands, army should be deployed in other sensitive areas.

I would also like to submit that all political parties should be taken into confidence on all the issues of Punjab and efforts should be made to arrive at a national consensus so as to restore peace in Punjab. Even if Akali Dal or for that matter any other person put obstructions on the ways, we should go ahead in this mission without caring for them. Only then peace can be restored in Punjab, otherwise not.

The previous Government brought a

resolution in the Rajya Sabha under Rule 249 about the sealing the border. That resolution was adopted in the Rajya Sabha. And there is only one way to seal the border and that is of building a security belt. The work was started by the previous Government. Right now hon. Chidambaramji was telling that barbed wire was raised and provision of light was also made. I would like to know the progress being made and the steps to be taken in this regard.

So, far as the Anandpursahbe resolution is concerned, the Sarkaria Commission also did not recognise it. But it pales into insignificance more in the present situation. We shall have to reconsider the problem of Punjab afresh in all its totality.

In the end, I would like to say that it is not a Hindus' blood nor a Sikh's blood that is being shed in Punjab. It is the blood of Indians. And I would like, in this House, to give manifestation to the pain & apathy aroused in every Indian to stop this bloodshed and request the hon. Minister to take measures to check it on priority basis. It gives me immense pleasure to note that despite and increase in terrorist activities, the prevalent communal harmony in Punjab is laudable.

I would like to ask the hon. Minister as to what has been conveyed to Pakistan Government by the Government of India in regard to training camps being organised in Pakistan to impart training to the terrorists who indulge in subversive activities in Punjab and Kashmir after receiving training in Pakistan. The Government shall, in clear words, convey to the Pakistan Prime Minister Shri-mati Benazir Bhutto that she is herself staying in a house of glass, therefore, the consequences of pelting stones at other's houses would not be good for her. With these words, a stern warning shall be given to Pakistan.

I hope the hon. Home Minister would consider the suggestions I have rendered to the Government. With these words, I support this Bill and conclude.

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Deputy-Speaker, Sir, on principle we are against taking recourse to the provisions of Article 356 of the Constitution for imposition of President's Rule or to extend President's Rule. Sir, probably no other Article of the Constitution has been more misused during the Congress regime as Article 356 and the Report of the Sarkaria Commission is replete with instances of improper and partisan use of this Article as we have seen during the previous Government, which as intended to serve their petty partisan political interests. But in spite of our very clear view on the provisions of Article 356, we have decided to support this Bill because of our realistic assessment of the situation that is now prevailing in Punjab.

Sir, one of the many grave problem which this Government have inherited from the previous regime is the complex and the grave situation that is prevailing in Punjab. And although after this new Government came into office the people welcomed there the initiative that has been taken by the Prime Minister and his Government is diffusing the situation, on controlling the situation, but so far it has not yielded any results.

Mr. Chidambaram was ridiculing the visit of the Prime Minister of India to Amritsar and his ride in an open jeep, and he said only 300 yards of drive in an open jeep cannot solve the problem. Now, who are saying this? Those who did not even attempt to go to Punjab, even cover one inch of territory on foot, they are now alleging and making allegations and snide remarks against the Prime Minister's very sincere and genuine attempt to solve the problem by personally visiting and going in an open jeep, calling an all party meeting to discuss the Punjab issue in which the attitude of cooperation was totally lacking so far as the Congress Party in opposition is concerned.

Sir, we have seen that this Government has removed many of the irritants in the Punjab which were troubling the people in

Punjab so far like the Fifty-ninth Constitution Amendment. That has been repealed. It has not been a gesture of good conduct on the part of the Congress party when they supported it; they realised that the people will not tolerate the continuance of the Fifty-ninth Amendment of the Constitution and they had no option but to support it on the floor of the House. That has been removed and repealed. Now, the people involved in the Delhi riots have been put on trial; many of the arrested persons have been released; the Army deserters have been given rehabilitation, riot victims have been given larger amount of financial assistance and this created a good impression which was reflected in the spontaneous attitude of the people when the Ludhiana rally was held. It clearly manifested the desire of the people of Punjab to have peace there and abhorrence of extremism and separatism.

Sir, yet it is a matter of concern, no doubt that instances of separatism and terrorism have increased in number and there are still some serious incidents which are taking place. There is a spurt in the activities of terrorists indulging in murders, kidnapping and extortion of money. Even people are afraid of lodging complaints with the Police. Unfortunately, a very serious trend that has developed, i.e. the migration that is taking place from villages to towns; not only the members of the minority community, but even the Sikhs are not spared and they have been made victims of these extremist activities. The recent killings at Abohar were also aimed at terrorising the minority and disturbing the communal amity.

Sir, no doubt, the role of Pakistan in this is most dangerous and we must all unanimously protest against the attempt that has been made by Pakistan to keep the issue not only alive but to aggravate the situation. There can be no concession to terrorism nor to anyone who advocates terrorism or separatism in this country. Now, Mr. Chidambaram spoke and gave a long list of actions taken by the previous Government. I can only describe his speech as a masterful exhibition of hypocrisy. He sounded to be, he

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concluded his speech as if he was a prophet of doom and despair. We have seen a totally bankrupt policy and totally impotent policy so far as the Congress Government was concerned. For three years they could not solve the problem; the problem was aggravated by them. This taunting remark that within 120 or 130 days nothing has been solved will not help in minimising the seriousness of the situation; it will only aggravate the situation.

Sir, we know how they held the Lok Sabha elections in Punjab and how they encouraged extremists when they were in power. The terrorists were allowed to have a full play during the election campaign and they believed that it would help the Congress Party to win the elections in Punjab; they even released some of the detained persons. They hoped by that process they would be able to contain their political opponents in Punjab, which they miserably failed to do. But, the position is this. The elections are to be held, but elections have to be held in a peaceful and in a manner in which the people can exercise their franchise without any fear and in favour of their chosen representatives to whom they like to vote. Unfortunately, that kind of a situation is not there. We have to be practical; we cannot just allow Punjab to burn in the manner in which it is doing now. We have to control the situation there; the Government has to take not only administrative action but political actions also. Our friends in the Akali Parties will have to realise that unless they condemn terrorism, unless they condemn extremist activities and unless there is a genuine political attempt to solve the situation, the problem cannot be solved. We cannot forget the political parties who matter in Punjab including the Congress Party who have now joined and Advisory Committee formed in Punjab by the Governor there; all of them wanted the postponement of the elections there. Not a single Party in Punjab which is operating on the ground within the State, including the Congress Party, wanted elections to be held now. They themselves wanted the post-

ponement of elections, for which it is essential to have extension of the President's rule.

There cannot be indefinite denial of the people's democratic rights. But proper conditions must have to be created for them so that they can exercise their democratic rights freely and fairly. There cannot be indefinite postponement. Along with administrative action, proper political action has to be taken. But we must realise the so-called policies of the Congress Government had not only not been able solve the problem but also intensified and aggravated the problem. I am sure, the Prime Minister, Mr. Vishwanath Pratap Singh will be able to give the lead to the people.

Sir, in Punjab, our Party, the Communist Party of India (Marxist) suffered immensely. Many of our comrades had to give up their lives for the purpose of normalising the situation.

I am sure, with the goodwill and cooperation of all and with proper political approach in the matter, the situation will be controlled and that we will be able to hold the elections much before the expiry of six months for which we are forced to extend the President's rule in Punjab.

SHRI KAMAL CHAUDHRY (Hoshiarpur): Mr. Deputy-Speaker, Sir, the Punjab policy of the present Government has a total disaster. I very strongly oppose the Constitution (Sixty-fourth) Amendment) Bill.

Just in the morning, Shri Chandrasekharji mentioned about the democratic process in our neighbouring country, Nepal and the whole House supported him. But it is sad that we are butchering democracy in our own country—be it Punjab, be it Jammu and Kashmir.

The problem of law and order has been deteriorating in Punjab day by day. The situation has gone from bad to worse right from the time, the present Government took over at the Centre, in December, 1989. Terrorism and terrorists have been let loose

in Punjab. Innocent people are being killed and there has been no respite.

In his reply to my unstarred question on 15th March, 1990 the hon. Home Minister had mentioned that 93 civilians and 28 police and para military forces personnel were killed in the month of December, 1989 as against 59 civilians and 16 police and para military forces personnel killed in the month of September, 1989. Similarly, 103 civilians and 23 police and para military personnel were killed in January 1990 as against 80 civilians and 17 police and para military forces personnel in the month of October, 1989. 21 police and para military personnel were killed in February, 1990 as against 14 in November, 1989.

People of Punjab thought, after taking over by the new Government at the centre and after the hon. Prime Minister's visit to Amritsar on 7th December, 1989, killings and terrorist activities in Punjab would vanish or at least be decrease. But their hopes have been shattered and people are disappointed. There is no improvement in the situation. On the contrary, terrorism and terrorist activities have been increased. There have been killings of innocent people, kidnappings, bomb explosions, tortures, lootings and extortions in Punjab. Innocent people are being massacred by terrorists daily. In fact, terrorism and terrorists have been let loose in Punjab and people are feeling panicky.

About 350 innocent people have been killed in the months of December, 89 and January and February, 1990. This is apart from cases of kidnapping, looting and extortions. Students belonging to minority community of technical colleges and institutions have been asked to vacate the hostels or else face dire consequences.

In his reply to the motion seeking confidence in his Council of Ministers, the hon. Prime Minister mentioned in December, 1989 that they went to Punjab and what Punjab needed was a message of trust and not bullets. But the people of Punjab are still panicky and are scared. Some of the deci-

sions taken by the present Government in Punjab have been misunderstood by the terrorists, as a sense of achievement, as a victory of their ideals. The result is that the law enforcing agencies feeling demoralised and common man is bewildered. After uncommunicated decision of the present Government to put a stop to all types of encounters with the terrorists, apart from killing of innocent people, the incidence of looting, extortion and kidnappings have increased in the past three months. People of Punjab are feeling insecure and terrorised, especially in parts of Amritsar, Gurdaspur, Ferozepur and Kapurthala and they have even started shifting/migrating of safer places. People voted for love and peace in Punjab. But where is that love, peace and trust? There is still a reign of terror by terrorists.

Punjab Police officials and para-military force personnel in Punjab are feeling upset. Their hands are now tied by the present political developments. There is anti-police campaign. Terrorist are using public address system from the religious places, shouting slogans, terrorising people and making inflammatory speeches. In the rural areas, people have been asked to make their relatives quit the Police job and sever ties with those who have anything to do with the Punjab Police. Terrorists have declared that their next targets will be home guards, special police officers and informers. What is the safeguard provided to them? Terrorists do not understand the language of love and peace. You have to act with might and with force.

It is unfortunate that when I had spoken about Punjab for the first time in April, 1986 the whole House opposed me when I was just telling them the facts and what was happening there and what was going to happen in the next five years. We would not have had these killings if the House had heard me that day. Half of my speech was expunged. Shri Mufti Mohammad Sayeed would have nearly lost his daughter. Are we going to wait for that day when many others are going to lose their daughters, sisters, mothers and wives? Innocent people are

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kidnapped, raped and tortured and thrown into the streets. We are talking about love. Love for whom? We are living together in Punjab, Hindus, Sikhs, Christians and Muslims. Everyday marriages are taking place between Hindus and Sikhs. My two sisters are married to Sikhs. My mother's mother and my father's mother both, were Sikhs. How many are supporting this Khalistan? How much percentage of people? Is it 1% -2%? Do they want love and peace? I had mentioned then that they terrorist do not have any right to live. But this Government has failed miserably I had gone to Punjab last week. I have been going there every week. I live in Punjab. When I went there, even the Governor showed his helplessness. There are some anti-Congress officers who have been imposed on our people. Do we what such Administrators in this country? For the last three-and-a-half years I have tried to contact almost each Akali Leader or Communist Leader or BJP Leader in Punjab. I have contacted leaders like Shri Surjit Singh Barnala, Shri Prakash Singh Badal, Shri Jagdev Singh Talwandi and Shri Gurcharan Singh Tohra, in the Treasury Benches, we have got a representative sitting from Punjab, hon. Shri I.K.Gujral. I contacted him I have contacted Air Chief Marshal Arjan Singh, Shri Indrajit Gupta etc. etc. I had been requesting them not to throw mud at each other. This mud has finally fallen on their. These people who are just sitting in the Treasury Benches, today, their vision is obscured.

The Government has failed miserably to create a congenial atmosphere. Was not the atmosphere congenial in September, October and November last year? Was not the atmosphere congenial and peaceful for the hon. Prime Minister's visit to Amritsar? When he visited, he decided to leave the security. Off course, it was a good gesture on his part. But kindly make this atmosphere congenial for everybody to visit Punjab without the security forces moving around. Since

the Government had failed miserably, I and my party have no option but to support this Bill in order to prevent a constitutional crisis in this Government.

May I only hope that this Government, after its 100 days of completion in office—it has already completed it—continues for 365 days and stretches it full for five years.

[*Translation*]

\*SHRIMATIRAJINDERKAURBULARA (Ludhiana): Hon. Speaker, Sir, my submission is about the extension of Governor's rule in Punjab for yet another six months. This is a set-back for the people in Punjab Why is this injustice being inflicted on us? Shri Gujral who is present in the House may be asked if he has won elections at gun point. Whether elections were held there at gun-point? You may check this with Shri Gujral. So why our constitutional right is being snatched from us when we want to live in a democratic manner. In the first and last instance, the Government should have been generous enough to allow elections along with other States. And if that was not done then the Governor's rule should not have been extended for another six months. Now the Government should have been generous enough to hold elections there and should have seen how people labelled as terrorist, extremists etc. live there in a democratic way. Thus this stigma on them could have been removed if the Government had allowed election there. The Delhi rule is being imposed upon us time and again and I would say that ever since freedom from the British rule, the people in Punjab are being ruled over by the Delhi Government. Do we not have the right to live in a democratic way? This is very wrong. Such a huge expenditure for maintaining the CRPF is being imposed on us. Why is it not called back and the democratic rights restored to us. Elections should be held there and the responsibility with which the Governor has been entrusted should be shared among the respective M.L.As. there. I feel that they will be able to

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\*Translation of the speech originally delivered in Punjabi.

run the State in a better way. For example in Ludhiana, I have an understanding with the present S.P. that if nothing more can be done, we should at least be able to maintain peace there. So why could not that responsibility also be divided amongst the people of Punjab. Then they would have realised their responsibility and would have lived in a democratic way. Regarding the issue of *Kirpan*, I would like to say that the ninth Guru had given a number of sacrifices for protecting the *tilak* and *Janaeu* (sacred thread). Guru Gobind Singhji had also protected Hindu religion with the same sword in his hand. Why is it being looked down with such disgrace. It is the same *Kirpan* the same sword. As I said earlier also and no one has forgotten it that in 1947 we were recognised as a separate third community as Hindus and Muslims. We were also being given a separate State but it was our generosity that we said that we would live with our Hindu brothers. May I ask as to what have our Hindu brothers given us during these 40-42 years. Our slavery has only been prolonged. We can not do anything with our own sweet will there. No one is happy there. A person who ties a turban-which is a manifestation of Sikh religion, is seen with suspicion. The repression machinery also continues to be the same there. A raid was conducted at an M.P. Shri Dhyani Singh Maund's scheme last night and six of his relatives who had come to see him were arrested. Is this democracy? Do we have no right to live in a democratic way? Is what we call Constitution meant only for us? We want to follow the constitution and therefore elections should have been held. Why have they not been held? Why are we being debarred from it? So my submission is that we the people of Punjab vehemently oppose this amendment which you are going to pass. Delhi's rule should not be imposed on us. Our rights should be restored to us by holding elections at the earliest so that we may run our own Government in Punjab and show the Central Government how to run the administration. I agree that there have been a number of Parties but the Mann's Group, which is a truly representative party should be given full cooperation and you will get excellent results. Do not consider the Mann

Group as a buy-bear and I submit that elections in Punjab should be held at the earliest.

[English]

CH. JAGDEEP DHANKHAR (Jhunjhunu): Mr. Deputy-Speaker, Sir, I will keep to the time constraint. But we had hoped that you would be more generous to the first timers.

MR. DEPUTY-SPEAKER: Well, you have to finish this business before the Private Members' Business starts. Otherwise, we will have to sit in the House even late in the night.

CH. JAGDEEP DHANKHAR: I will rush to my submission.

I rise to support the Sixty-fourth Constitution (Amendment) Bill. It is not that the Government is happy to bring this Bill before the House. It is on account of a legal compulsion. The existing Article 356 of the Constitution does not empower the Government, in its present shape, to continue the President's rule in Punjab. Hence, the Government has brought this Bill which will add the third proviso to Clause (4) of Article 356. This has been appreciated. The Government initially intended to have a provision for one year but this has been curtailed to six months. This is an indication of the strong determination and desire of the Government to move swiftly so as to bring peaceful situation in Punjab.

The Government does not believe in the least to throttle the democratic process or to keep away elections from Punjab. But the meeting which was convened by the Governor, of all the political parties on 13th March, 1990, left no manner of doubt that for the present the situation does not obtain in Punjab wherein peaceful elections could be held. The Governor has also recommended amendment of the Constitution and the parties are in agreement that, for the time being, the President's rule in Punjab is to be continued. All possible efforts were initiated by the present Government after it came to power

[Ch. Jagdeep Dhankhar]

to ensure that justice is meted out to the people of Punjab. What this Government inherited was a Punjab problem, genesis of which lay in a series of serious blunders committed by the earlier Government.

No serious effort was really made first to take into consideration the serious aspect of the Punjab problem. We had not really appreciated the contributions made by the Punjab people to the cause of nationalism, agriculture, defence and in so many other facets of our life. Can we forget Jallianwala Bagh, can we forget Lala Lajpat Rai and Bhagat Singh, all of whom epitomise, symbolise our integrity, our nationalism and our patriotism?

It was after this Government came to power that our Prime Minister went to Punjab. Much has been made to the point of ridicule that he went in an open jeep for three hundred yards. I do not assert that a visit by the Prime Minister to Punjab, and going in an open jeep would result in the resolution of this problem. But certainly it was a step in the direction which can be termed as very right. A message was sent to the people of Punjab that now an earnest endeavour is being made to wipe their tears, to inject confidence in the people of Punjab, to revive the youth to ensure that misguided youth alienated from the mainstream would come back to the proper course of action.

The Government has not only done these things not by way of lip service as was the practice of the earlier Government, but concrete steps also have been initiated. There has been a concrete move to rehabilitate the victims of the 1984 riots. Special courts have come to be created to take care of the offenders of 1984 riots. The Government has proceeded in the right direction by directing release of 1600 and odd persons against whom there were no proper cases and accusations had not been substantiated. The Budget which was passed for Punjab by this House also reflects a keen desire of the Government to see that there is

development in Punjab, situation gets to normalcy—that is when the budgetary proposals were increased by over Rs. 200 crores.

It has been stated that 59th Constitution Amendment had taken care of the situation and the Government is taking a step in coming back to this House and the second clause would be attracted. May remind the Members on the opposite side that the 59th Constitution Amendment in any case with all its clauses had to lapse on 30th March 1990? Therefore no parallel can be drawn on that count.

Survival of democracy is fundamental to fair elections and peaceful elections. The last election to the Parliament cannot be a pointer or guidance that elections now can be held in peaceful conditions. It is imperative and fundamental that the electorate must be in a position to exercise its franchise without fear. I am sure the House will agree with me that such a situation does not obtain in Punjab. I appeal to the Government to initiate all necessary measures to ensure that in less than six months the Government will create conditions of nature whereby we will be in a position to restore democratic process in Punjab.

[*Translation*]

SHRI BHOGENDRA JHA (Madhubani): Mr. Deputy Speaker, Sir, I rise to support the 64th Constitution Amendment Bill, though with a heavy heart as I have to support it under certain compulsion. It is true that in democracy everything does not go in accordance with one's own liking. We all have been wishing that a popular Government is formed in Punjab at the earliest. Some mistakes have been committed in regard to dismissal of popular Governments. Late Darbara Singh is no more with us. He was a great leader of the Congress Party. Measures to kill the democratic process were first taken when his government was dismissed in Punjab. In a similar manner, efforts to weaken the democratic forces in Kashmir were made by removing Farooq Abdullah who was friend rather than a foe of the

**Congress Party.** The situation which we are facing today is an outcome of the those mistakes. I feel pained to note that our friends in the Congress Party have begun to compare and contrast the situation that prevailed a 100 or 120 days before with the one that prevails today. If we too start saying that mistakes and only mistakes have been committed by the Congress Party and we have succeeded in rectifying the mistakes. I understand that both the above statements would be far from truth. This is true that even our Government, after the 9th Lok Sabha elections, has not as yet succeeded to undo those mistakes committed earlier with regard to problem of Punjab. Therefore, this is not a matter of concern for a particular party alone but that of the whole Parliament and the whole country. The Government shall endeavour to create a congenial atmosphere for the people of Punjab who want to live in peace. I hope that the Government shall proceed forward with main three objectives: firstly, as many of our friends suggested, that terrorism in Punjab cannot be checked unless a security belt is created along the Pakistan border to check the infiltration from across the border because it is not an open war with Pakistan. Secondly, I would emphatically like to say that the smugglers and other criminals, under the veil of Khalistan, have joined hands with terrorists and they are more active now in Punjab and committing crimes under the cover of political activists. They not only bribe the officials but also have annexed certain politicians with them. We shall have to isolate them from the stream of political patronage and treat them as criminals. The third thing is that all political parties irrespective of their ideologies or their existence in Punjab should unitedly launch a joint campaign in Punjab. Mr. Deputy Speaker, Sir, I have had an opportunity of visiting Punjab earlier as also during the current turmoil and I think it is possible to bring even those youth who firmly believe in Khalistan to the national mainstream provided they are dexteriously persuaded to do so. Some to them have actually shun the path of violence and many mere can be persuaded to shun violence. Therefore, there is a dire need to launch a joint

political campaign. I wish that no laxity should be shown in taking administrative measures. The administrative action include, inter alia, the political process, a total check on infiltration from Pakistan and arrangements for giving relief to the people of Punjab and remove the misgivings from the mind of the people. For example the widows of terrorist victims get Rs. 100/- each in Haryana while their counterparts in Punjab are paid Rs. 50/- only. This facility should be extended to the widows in Punjab also. We are facing similar other problems there. These are of course, trifling issues but they pinch the people when they look at the state in their neighbourhood. The main problem in Punjab, today, is that the village Protection forces, once constituted, have weakened and they need to be strengthened and equipped with arms. Therefore, I was submitting that about 100 communist leaders have been killed there.

[English]

SHRI SHIKIHO SEMA (Nagaland): Mr. Deputy Speaker, Sir, hon. Home Minister is not present here. Some other Minister is here but sleeping. Then, how will he reply? Government has to take note of the points of the hon. Members.

MR. DEPUTY SPEAKER: Everything is being recorded here.

[Translation]

SHRI BHOGENDRA JHA: Mr. Deputy Speaker, Sir, I would like to draw the attention of the House towards the fact that, as per my information, about 100 communist leaders belonging to Sikh community have sacrificed their lives till now for the unity and integrity of the country. Some of them were my close associates. I think the martyrdom of our communist brothers in Punjab is a matter of pride for all of us and at the same time it is also a matter of grief for all of us. One thing I would like to say to the Government that our intelligence agencies are weak. It is not open war. In dealing with the terrorism, our previous Government proved weak because of the our weak intelligence agen-

[Sh. Bhogendra Jha]

cies and still we are weak on this score. I do not want to go in detail but would like to say that it is not good to show any kind of slackness in identifying the subversive gangs. But without strengthening our intelligence agencies, terrorism cannot be dealt with effectively because it is not an open war. I want that joint operation should be started in Punjab and I hope that a favourable atmosphere will be created there to hold elections within six months. Perhaps some people have doubt about it that election will not be held there within next six months and that is why it has made them disappointed. But there is no other alternative before the Government except to extend the President's rule in the State for another six months.

Mr. Deputy Speaker, Sir, there are some M.Ps who are hesitating to come to the House. Therefore, such conditions should be created so that they can also sit with us and whatever they want to say they should say in the House where all of us express and discuss everything freely. It would be the last Constitution Amendment Bill of its kind and I hope that election would be held there and we would go ahead with democratic process there.

PROF. RASA-SINGH RAWAT (Ajmer): Mr. Deputy Speaker, Sir, I am reminded of a couplet which is as under:

"Aag lagi is briksh ko jalne lage pat  
tum kyon jalte pakshion, pankh tumhare  
sath"

To this a wise bird replied:

"Phal khayee is briksh ke gande keene  
pat  
Yahi hamara dharam hai jalna isee ke  
sath"

Today we need to promote a strong feeling of unity in the country. In case of crisis in any part of the country the entire nation should unitedly find solution to that problem. It may be the problem of Punjab or problem

of Kashmir, these are all national problems. We should rise above the party politics and efforts should be made to find our solutions to these problems, with national consensus.

I, on behalf of my party, support with heavy heart this sixty-fourth Constitution Amendment Bill brought by the hon. Home Minister. We want that election should be held in Punjab and power should be transferred to the popular Government but fair elections are not possible till favourable atmosphere is created there. Therefore, I, on behalf of my party, support the extension of President's rule for another six months.

Mr. Deputy Speaker, Sir, today the Congress Party is opposing this Bill but I would like to tell them that Rome was not built in a day. Who are responsible for the present situation? The Congressmen should be first retrospect its own deed. Had the party, which came to power after independence on 15th August, 1947 instilled the feeling of patriotism and national unity among the people and had it not adopted the policy of divide and rule, the situation would not have deteriorated to that extent in the country. But I regret to say that with the increase of every dose of the medicine, the disease aggravated. We have been irrigating the leaves and not the roots. The entire nation from Kashmir to Kanyakumari and Gujarat to Nagaland is one. As in case of the human body, there are different organs of the body for different work but if a thorn is pricked to the toe, all other organs at once get ready for the rescue, the mind sends signal to the eyes to see it and the hand remove the thorn. Had the ruling party taken timely steps to solve the problem, it would have not become so serious and the extension of President rule for another six months would not have required. I regret to say the Congressmen sitting here under the leadership of Shri Rajiv Gandhi are responsible for creating Dal Khalsa, Bindranwala in order to take political mileage out of the Punjab politics. It is their creation and now they are expecting us to hold election in Punjab and solve the problem immediately. But as you sow, so shall you reap. So long as favourable conditions

are not created in Punjab, brotherly relations between Hindus and Sikhs are not restored and menace of terrorism is not wiped out, the elections in Punjab cannot be held. Therefore, I support the 64th Constitution Amendment Bill introduced by the hon. Home Minister and would like to say that international border in Punjab should be sealed and a security belt should be created to check the infiltrators from Pakistan who smuggle arms also. The intelligence agencies should be strengthened and patrolling should be intensified on the border. Hindus and Sikhs are brothers and they continue to so in future also. The Sikh Gurus have sacrificed everything for the sake of religion. They have sacrificed their everything including their children for sake of the country and for protecting Hindu religion. Those Sikhs and Hindus cannot be separated. The Hindus and Sikhs were one, are one and will remain one. All factions of Akali Dal should come together on a common platform and join the national mainstream and dedicate themselves in the service of this great nation. Such efforts should be made by all the people of Punjab irrespective of their religion, caste, belief or political ideology.

Besides it, steps should be taken to ensure that Gurudwaras may not become hideouts of the terrorists and religion should be separated from politics.

With these words, I wholeheartedly support the 64th Constitution (Amendment) Bill and hope that it would be good if elections are held in Punjab even before the expiry of the present tenure of the President's rule. The efforts made by our Prime Minister in this direction are welcome. All parties rally was organised, families of the deceased were given compensation, special courts were set up for cases related to 1984 riots, innocent people were released from jails, and now army desertions are being rehabilitated. These all steps have been taken by the Government to restore normalcy in Punjab. But besides these steps, Government should adopt stern measures to check terrorism. We have to crush the terrorism which is being abetted by the for-

eign powers. The misguided people have to be brought to the national mainstream and unemployed youths have to be given employment. The solution to this problem has to be found at the Administrative and social levels.

[English]

SHRI AJIT PANJA (Calcutta North East): Mr. Deputy Speaker, Sir, although we are discussing the Constitution (Amendment) Bill which is necessary in view of the law and order situation in Punjab this House is in fact dealing with the fate of one crore 70 lakh population of Punjab, i.e., 12 districts with 217 police stations. Punjab and Haryana constitute half of the granary of India. Therefore, the whole of India is grateful to those toiling farmers. When we think of any amendment, we must also see to it that because of a handful of terrorist, we should not lose sight of people looting people who are willing to vote and participate in democratic set up. Therefore, we have to study all these factors. There is no use in both the sides blaming each other

Let us see the facts. Election took place in November, 1989 and that election was peaceful in which all parties participated. The percentage of voting also show that the election was not a farce. There might have been one or two law and order problems as it happened in other states. The situation was such that the Election Commission duly held the elections only four months ago. The position was like that. As the State was peaceful, on 7th December, 1989, the Prime Minister visited Punjab. Whether he went in an open jeep or not is not the point. The point is that he did visit Punjab and thereafter, he has not visited the State for the purpose of holding any meeting there. Now, the question is why this Government, after two somersaults, has brought this amendment when they could have easily agreed for extension of the earlier amendment. Therefore, whatever deterioration has been there in the law and order situation, it has been in the months of December, 1989 and January, February and March 1990. And that is the responsibil-

[Sh. Ajit Panja]

ity of this Government. Elections were held there only four months ago. Parties now supporting this Government and the other parties there took part in the elections, got themselves elected and some of them got votes. Thirty per cent votes were polled in favour of the Mann group; Congress was the second with twenty-six per cent votes. Rest of the votes were divided among other political parties and independents. Therefore, the whole responsibility of deteriorating law and order in Punjab during last four months is of this Government. It is no use blaming others. Kindly see the facts.

When such an important debate is going on, neither the Prime Minister, nor the Home Minister is present here. So long the External Affairs Minister was present. What importance do they attach to this debate? I could have understood if the Law Minister is present here or somebody else who is responsible is present here. That is the attitude.

Let us see the history of amending Article 356 of the Constitution. Shri Somnath Chatterjee is not present. He said that we played with the Constitution in order to suit our purpose. During the long history of Congress rule, there were only four amendments, and during the period of this Government, there are already two amendments. And those four amendments were there for what purpose. That was in relation to the situation prevailing there at the time. Now, they have brought this amendment. I need not go into the details and history of the amendments; that has been covered by Shri Chidambaram. I am not going into the administrative aspects also. That has been covered by Shri Chidambaram as well.

I would like to know whether this Government is applying its mind to certain basic policies which are necessary to be settled immediately and right now. The previous Government started action; gradually, one by one all the points were being resolved, so that peace prevails in Punjab, which has a

population of one crore and seventy lakhs of people.

The first thing that the Government must answer is whether they have decided about Chandigarh. That is the basic thing in the minds of the people of Punjab, not of the terrorists. Terrorists are asking for Khalistan; we all agree that is impossible. But what have you decided about Chandigarh? How far have you proceeded? Secondly, the Eradi Tribunal award was for 5 lakh cusecs of water for Punjab and 3.83 lakh cusecs of water for Haryana. Taking into consideration the pre-partition use of water for Punjab, it was decided that 2.20 lakh cusecs of water would be given. That is the minimum need of Punjab and the Punjab people. They give food for the people of India; half of the granary is filled up by them. Therefore, their total requirement is 7.2 lakh cusecs of water and that of Haryana, it is 3.83 lakh cusecs of water. Is there any specific answer being given by this Government? Have you proceeded any further in this respect after you have been sworn as Ministers? Have the Government applied their mind?

Then, what are the views of the present Government regarding Anandpur Sahib resolution of 1973 and 1978? We do not find anything except that the Prime Minister visited Punjab and got publicity in the newspapers and electronic media. That is all right. The Prime Minister must visit Punjab, but the point is what is the action plan? The people want to know that.

Further, Clause six of the Longowal-Rajiv Accord, Anandpur Sahib resolutions with regard to Centre-State relations. This was referred to Sarkaria Commission. The Sarkaria Commission, the hon. Minister knows, have given the award on Anandpur Sahib resolution. Have the Government applied their mind and opened the book? The Government must consider that. It is no use saying as Shri Somnath Chatterjee said that the Congress Government had amended this Article many times.

14.00 hrs.

Before this Government came into power, there were only 42 Police Stations. Out of which 27 were marked as sensitive. Now all the Police Stations are disturbed and sensitive. Disturbed Areas Act and Special Police Act were withdrawn by Shri Rajiv Gandhi from 9 out of the 12 districts. Only the border districts of Amritsar, Gurdaspur and Ferozepur were put under this Act. But, now, Sir, every inch of all these 12 districts is disturbed. Has the Government applied its mind? Have you identified which are the sensitive areas and what should be done about them?

Prime Minister made a speech and said, '*Moka Di Jiya*'. I would say whom to give 'moka' and how to give 'moka'. Your eyes are only on the terrorists and even the basic problem of the people is not solved. You have to solve the basic problem of the people first, so that the people can have confidence in you.

I don't know whether the Government is briefed about the bank dacoity case of Rs. 5 crores which was proceeding in the court of Punjab. Do you know that the Punjab Government made a petition to Supreme Court before Mr. Justice Sethi on 26th of this month for transfer of this case to any court outside Punjab or Supreme Court for the trial? It has been dismissed with a very hard words that if you want to transfer this case then close all your schools and colleges and come before us. Do the Government know it? Has the Prime Minister applied his mind to it? I have never heard of a situation where the Government comes for the transfer of a case. A litigant can ask for it in light of the fact that he may not get justice. The Government of Punjab made a petition for transfer of Rs. 5 crore bank dacoity case out of the State of Punjab thinking that justice will be done only outside Punjab. Mr. Justice Sethi rightly dismissed it.

In place of Mr. Mufti Mohammad, the Home Minister, Shri George Fernandes was appointed to tackle the Kashmir problem.

Although his name is not Mufti, he goes in Mufti in Srinagar town and then in an Indian Air force aircraft secretly goes to Goa to topple the Congress Government there. Again in order to protect Shri V.P. Singh and his son. The C.B.I. Chief Shri Arun Mukherjee was removed over night. Hence the Government is applying its mind elsewhere than for Kashmir and Punjab.

AN HON. MEMBER: Are these relevant points?

SHRI AJIT PANJA: Yes, Sir, these are relevant. You are a responsible Minister. You should have a proper perspective plan with regard to Punjab. You should not go on transferring people on mere suspicion. The position is that we are supporting this Bill because of the future of Punjab. But we would like to know what is the action plan. We would like to have point-by-point answer. We would like to know whether the action plan has been prepared or not for solving Punjab problem.

Finally I will talk about 6 months' time. One hon. member said that we have not asked for one year but we have asked for 6 months. It is incorrect. Government asked for one year time and we opposed it by saying that it should be for 6 months. You have to have real democratic system there as soon as possible. Therefore, you cannot go beyond six months. Without our support, the Constitution Amendment cannot take place.

With this I do support this Amendment but with a word of caution. Please be in action and save the peaceful people of Punjab. Remember that our National Anthem starts with Punjab, Sind, Gujarat, Maratha, Dravida, Utkala, Banga.

If you disturb Punjab, that is the first flower of the garland and if you disturb Bengal the end Flower the entire garland will fall down from the bosom of our Mother India. Kindly remember that and please do realise it.

[Translation]

MR DEPUTY SPEAKER Shri Kapil Dev Shastri, you have to conclude in very short time because the Hon Minister has also to reply in the remaining time

SHRI KAPIL DEV SHASTRI (Sonepat)  
Mr Deputy Speaker I shall try to be very brief and to the point

[English]

SHRI PIYARE LAL HANDOO (Anantnag) Sir there are other small groups like my party

MR DEPUTY SPEAKER But I will not promise anything to you I will keep in mind what you have said

SHRI PIYARE LAL HANDOO It is a very important matter not only for Punjab but also for Kashmir (Interruptions)

[Translation]

SHRI KAPIL DEV SHASTRI Mr Deputy Speaker, the entire country is worried about the solution of the Punjab problem but no one wants to study its background I was born in Punjab, thereafter Punjab was divided I remained resident of divided Punjab and came to Haryana in 1966 Even today I visit Punjab frequently and go to the border area fearlessly I never hesitate in going there and I maintain regular contacts with the people of Punjab

Mr Deputy Speaker Sir, there are certain basic things relating to Punjab problem Just now my friend sitting in front of me raised many points which are their own creation and now they themselves are raising them here I have Shah Commission's report with me and I want to refer to it as he was raising Chandigarh issue According to this Report, Chandigarh including Khadad tehsil was given to Haryana After the agitation launched by Akalis, the decision was taken to give Chandigarh to Punjab and Fazilika and Abohar to Haryana Indira award is with

me which was given on 29th January, 1970. Then he raised the issue of water. An Agreement was signed with Pakistan in 1955 and water of Ravi, Beas and Sutlej was reserved for Punjab-Haryana after making payment of crores of rupees The engineers of this country signed an agreement in 1976 to the effect that water may be distributed among Punjab, and Rajasthan, 42 lakhs acres feet water was marked for Haryana as its share. Again an agreement was signed on 31st December, 1981 I have got a copy of this agreement which was signed by the Chief Minister of Rajasthan Shri Shiv Charan Mathur Chief Minister of Haryana, Shri Bhajanlal and Chief Minister of Punjab, Sardar Darbara Singh I want to say that Shrimati Indiraji laid foundation stone of a canal in Kapuri, which could not be completed in the tenure of Congress rule We believe that Sutlej-Beas Yamuna link canal will be completed by this Government

Hon Deputy Speaker, Sir, I want to say that root cause of the Punjab problem is that unlimited number of agreements have been signed Last Accord was signed between Shri Longowal and Shri Rajiv Gandhi and in this Accord Shri Rajiv Gandhi ignored even ex-Prime Minister Shrimati Indira Gandhi's Award He has done injustice to Haryana and thereafter Commissions were set up for enquiry Mathew Commission was set up to enquire about the Hindi speaking areas. Mathew Commission determined 82 villages of Abohar and Fazalika as Hindi speaking areas but even these were not given to Haryana Thereafter Venkatsubbaiah Commission and Desai Commission were set up, report of these Commissions are with me. I have all the documents with me I want to say that the base of Punjab problem is this that many agreements were signed but none was implemented in its entirety Just now our colleague, Ex-Minister was speaking He is jealous of our regime of 4 months or 140 days whereas they ruled this country for 40 years, made agreements but did not honour them, set up Commissions but ignored them None of the agreements was implemented and recommendations of the Commissions used to be ignored Now they want to blame

us for the blunders committed by them. We are of the view that elections should be held in Punjab as this is their right.

I agree with my colleagues—that Punjab and Haryana provide foodgrains to the entire country. But when the question of rights to the people of Punjab arises, elections are not held there. It is nothing but highhandedness. They had been repeatedly saying for 3 years that they would get the election conducted in Punjab. They may visit any place in Punjab, no body talks about Khalistan there. A fear psyche has developed there. I go there and find that people take revenge on each other, daughters and daughter-in-laws are insulted there, politics of revenge is in vogue there. Only way to get rid of this politics of revenge is that elections should be held in Punjab. Process can be started there by holding Municipal election first.

Mr. Deputy Speaker, Sir, I want to suggest that first of all Municipal elections may be held there and thereafter Panchayat and Zila Parishad elections and a last of all the Assembly elections. In an incident a journalist was murdered. Terrorists killed him. Today also there are four journalists on their hit list. Out of these four journalists, one belongs to Abohar, other to Moga and two belong to Ferozepur. They send their hit-list to the district with the directions as to who has to be killed. The only way to bring peace in Punjab is that elections should be held there. With these words I take my seat and support this Constitution (Amendment) Bill and request the Government that election process should be started there with municipal elections.

[English]

SHRI INDER JIT (Darjeeling): Mr. Deputy Speaker, Sir, I rise to support the Constitution (64th Amendment) Bill, as I did at the all-party meeting the other day. But I do so most reluctantly. I say this for two reasons. Firstly, I am totally opposed to frequent amendments to the Constitution. I do think that in case the Government felt that it might have to bring forward such an amend-

ment, then in repeating the 59th Amendment, only the provision extinguishing the right to life should have been repealed, and not the entire Amendment. Secondly, I hope that this would be the last extension of President rule and that every step would be taken mean while to restore adequate confidence and ensure a free and fair poll in the State. I do hope that all this can be done, and that we can have the elections latest by October.

I would like the Government to use this intervening period to do two things: One, to intensify their confidence-building measures I do think that the measures which it has initiated so far have starting creating confidence and a desire to cooperate among the people. On Friday last, I had occasion to visit Hussainiwala and also Khatkar Kalan, the village of Shaheed Bhagat Singh and attended meetings. One saw thousands of people turn up. There were something like 25,000 people at Hussainiwala. Thousands of others were pouring in as we left for Khatkar Kalan. At Khatkar Kalan itself, there were something like 50,000 to 60,000 people, there were thousands all along the route as we drove from Adampur airport to Khatkar Kalan, there were large crowds at Hoshiarpur, at Garh Shankar, at Nawashahr and all the villages enroute. I think these measures are beginning to stimulate and inspire confidence and these ought to be stepped up.

Finally, I would like to appeal to all the parties that even as they prepare for the and try and ensure a free and fair poll, adequate steps should be taken to try and encourage a fresh realignment of political forces in the State. I think there should be a clear dividing line between those who stand for India, its unity and integrity and those who want to secede and break away from India. Those who stand for India, in my opinion, need to come together and forge some kind of a nationalist, democratic front. We will then know who all stand for the country and who do not stand for the country I do hope that the various political parties would be able to come to some understanding in this regard. Unless this is done, we will have a lot more of trouble and the future would be very dark.

[Sh. Inderjit]

I conclude by reiterating my earlier appeal for elections at the earliest. There should be no occasion at all for any further postponement of the poll. But before that, a realignment of the political forces is vital for the future peace and prosperity of the State.

SHRI P.R. KUMARAMANGALAM (Salem): Mr. Deputy Speaker, Sir, I think it would be appropriate for me to recollect and bring to the notice of the house that, when the 63rd Amendment to the Constitution was being put to vote in this House, I had moved an amendment requesting that it should come into force immediately and then we all amended it at once. I recollect at that time the Government while moving the amendment spoke of life and liberty and did their best to ridicule the efforts that were taken by the Congress Government to solve the problem in Punjab. Not only did they do that but they went even further. They said we were unnecessarily without any cause of action extending the President's Rule time and again. What surprises me is that it was only in November-December last year at the very first session of the Ninth Lok Sabha that this amendment came up; and this is the second session. We find another amendment coming up to undo the 63rd Amendment. It is my humble submission that it is not going to bring much credit either to the Government or to the House or to the nation; it is surprising that the Government could not foresee at that time and we should be honest enough to admit to the country, to the nation, to this august House that six months are not sufficient time to handle the problem. If they had done that and come forward and included the 64th Amendment as part and parcel of the 64th Amendment, one would have understood that there is a genuine attempt on their part to solve the problem. But, on the other hand, all they thought important was to drive in an open jeep. I would not like to quote smiles at this stage. But, definitely, it did have a lot of drama in it. Suddenly, one rejected the security cardon rejected the security cars, got into an open jeep, stood up and they drove and took an ovation of the

people and came to this House and said, we will solve this problem with love, affection, openness. Now, what is happening. We seem to have come to this House to say, no, no, no; we cannot hold elections; it is very difficult; we must, somehow, have a little more time. What did we ask the Government when it moved their Bill in the Rajya Sabha. We did not ask for 3 1/2 years or six months' time. They asked for one year. What was the signal they were trying to send to the rest of the nation that they were not sure whether even in one year they would be able to bring about a situation where the democratic process can re-start in Punjab.

We insisted that there should be six months time, in the Rajya Sabha. And that is why the Bill that has come to us, as passed by the Rajya Sabha speaks of three year and six months, instead of four years. The reason why we insisted was we must send a message to the nation, especially to Punjab that we are not rejecting the total democratic process for them. They are as much citizens of India as any other citizen in any other part of India, they are as much eligible to the right of casting their vote, as any other citizen is eligible. That is the reason why we pressed.

It is very amusing and at the same time it pains me. Once again, musical chairs, Mr. Deputy-Speaker. It is becoming a bit of a habit. We find Ministers changing chairs as the music of the speeches in the Opposition changes. I am obliged to all our friends but then it is surprising that when such an important amendment in the House of the People, Lok Sabha, is being discussed, the concerned Minister is not present, the Minister of Home!

I think it is relevant that the Deputy-Speaker should note this because this has not been the practice in the past.

MR. DEPUTY-SPEAKER: Everything you are saying is being noted and recorded there.

SHRI P.R. KUMARAMANGALAM: I would like not the House only to record, but

the Deputy-Speaker to record in his mind.

**PROF. P.J. KURIEAN (Mavelikara):** Make your observation.

**SHRI P.R. KUMARAMANGALAM:** Do not embarrass him. This issue which I think is relevant at the present moment is that the Sixty-fourth Amendment Bill, this Constitution Amendment Bill, is an admission of failure. It is an admission where the Government of the day has come to this House just like they did in Kashmir on the matter of Kashmir to us, "We are helpless, we are not able to handle the problem".

Mr. Deputy-Speaker, what hurts all of us is to see the serious breakdown of law and order all over the country.

**MR. DEPUTY-SPEAKER:** Please conclude.

**SHRI P.R. KUMARAMANGALAM:** I would complete in a minute. One sees it in Kashmir, one sees it in Punjab, one sees it in Assam. Today I saw it in the newspapers that in Madhya Pradesh there is a jailbreak. What is happening? Are we going to entail to a phase of lawlessness and indecision? Are we going to have a situation where if every man for himself or worse, I have heard that some people are being encouraged to bring, what are called dangerous weapons within the meaning of the Indian Penal Code into the House. Some others were saying that they would bring even more dangerous weapons! Is this what is going to happen? I plead with this House and the Government that, they should come with that programme, at least place a programme before this House, what you are going to do in six months. We do not want niceties. We do not want platitudes. We do not want dreams sold to us. It is time that we really get down to the problem and unless—I wish to make it clear—the Government comes forward with the programme, with a plan of action, whether it fails or succeeds is different, at least the effort must be there. Unfortunately the effort is missing. The honesty of purpose is missing. Allowing things to flow is not going to solve

the problem.

Can we not request the Government to bring forward their problem and plan of action? If they cannot do it in this House let them do it otherwise in an all Party meeting. But the programme must be there. Otherwise, it is quite possible that we as a Party would take a stand that the Government and this House has no right to refuse—I repeat no right to refuse—the democratic rights that the citizens who live in the State of Punjab have. It is most unfortunate that the manner in which the Government has been handling Punjab is not just questionable but also, which one can say, has no direction.

Sir we are with the people of Punjab. We understand their anger over the fact that they have not been given their rights. We also understand the reason why the Government has brought forward this Constitution Amendment. We have, in an All Party Meeting, made our points very clear. I do not think, it is necessary for us to repeat. But those conditions still stand and we only hope that the Government will take urgent steps to bring Punjab to that level of peace and harmony, where you can have elections.

**DR. VENKATESH KABDE (Nanded):** Mr. Deputy-Speaker, Sir, the leadership of the opposition bench should be complimented for showing the grace to extend the President's Rule for atleast a period of six months. However, a proposal was made to extend it for a period of one year. Everybody in this House knows that it takes very short time to put the House on fire but it takes much longer time to put down the fire. The previous Government was not able to put down the fire for three years. They had asked for extension of the provision of Article 366. Where was it necessary for them to extend the President's Rule? Now, they are saying that the present Government is not able to control the situation in the last three and a half months. It is just an example of political expediency. This can be further confirmed from the attitude of the opposition on the question of Kashmir. Why do they retract from the Political Advisory Commit-

[Dr. Venkatesh Kabde]

tes of Kashmir? Why do they retract or withdraw from the All Party Meeting convened to solve the Punjab problem? I would like to say that the most important thing is not the political expediency, it is creating of an atmosphere in which a political process could take place. And I think, it is for the first time in Punjab a qualitative change has taken place in the minds of the people. It is unfortunate that our friends in the Opposition are ridiculing this as a mere exercise in promoting charisma.

Sir, what the people of Punjab need more is joining of the hearts. Although the Congress Members are saying that they are prophets of disintegration and that our Government represents forces of disintegration and using strong words like butchery of democracy in Punjab. I would say that the people in Punjab are united. They have remained united over the years and no amount of political expediency is going to divide the people in Punjab. They have sustained the industry and agriculture in spite of what happened in Punjab. Sir, the process has set in motion in the right direction by our Government and, I think that different sections in Punjab for the first time are coming together and thinking about the political dialogue. I would like to say that even Shri Mann, immediately after his release, has said that he would like to follow the path of Mahatma Gandhi in solving the problem of Punjab. I think this is something which our Opposition friends should remember. Nobody is in favour of Khalistan. Mr. Mann has come up to the doors of Parliament. Let us wait for a while and not get impatient. He will find the warmth and affection of the country in this House.

There are a very few people who are really talking about Khalistan and secessionism. Given the time, you will find that these people could be brought to understand the concept of integration and they could be brought in the national mainstream. We have gone from the age of bullet and a policy of just taking the whole Punjab prob-

lem as a problem of law and order to a state where we have started thinking that this is not a law and order problem but it is a problem of taking the people into confidence, taking the leadership into confidence. And this has been done to a great extent.

All that I would like to state at this stage is that some of the suggestions which the members of the opposition have made are quite right that we have to reinforce our village protection force and that there should be more flood lights. All these are welcome suggestions. But most important of all is that a political process has to be started in Punjab. That is not something which only the Government can do. Political process can start and it has started, at different levels in which all the political parties also have to participate. I would like to ask my friends in the opposite as to what their party has done in practical terms to instil confidence in the people, in different political parties so that we can go ahead with elections. I think, we have to work at different levels—at the level of intelligentsia, at the level of common man and at the level of all political parties. With all these things and coupled with the efforts of the Government will start the real political process in Punjab. It is going to take a few more months. Nobody wants continuation of the President's rule there. And the early it comes to an end, the better it is. I wish that it will be much earlier than six months and the efforts of all the parties, all concerned, will culminate in seeing that this particular provision is not resorted after six months.

With these words, I thank the Chair for giving me permission to speak.

[*Translation*]

SHRI ARIF BAIG (Betul): Mr. Deputy Speaker, Sir, I am grateful to you that you have provided me an opportunity to take part in this debate. The situation of Punjab has been deteriorated to such an extent that the Government have to introduce this Bill in this House to extent President's Rule for one year more. I feel that this situation has not been created by the present Government,

but they have inherited it. I want to say to my all those colleagues who were opposing this Bill today that now it is not the question as to who is responsible for the situation in Punjab, the question is how to bring calm there by mutual cooperation and through concerted efforts. We want to establish peace in our country. I want to remind my Sikh brethren of Punjab that it is the country where teachings of Baba Guru Nanak Dev, Guru Govind Singh and Guru Teg Bahadur are remembered with due respect. Today it is the same Punjab where a Hindu feels proud on making his elder son a Sikh. Now the situation has come to such a pass in Punjab that the Hindus living in Punjab are being forced met to go for their hair cut and Sikh living outside the Punjab have to get their regular hair cut. The most regrettable situation has arisen in our country. The Bharatiya Janata Party wants to say it categorically and make it clear to their brethren in Punjab that they are ready to accept everything within the framework the Constitution of India but they also want to make it clear that they will not allow further division of India at any cost, and they will not lag behind in making the greatest sacrifice for the purpose.

The President of Bharatiya Janata Party of our Punjab State Hit Abhilashiji has made supreme sacrifice and our youth Sikh leader Shri Tarsen Singh has been assassinated and he became a martyr. The Bharatiya Janata Party has always given top priority to India's unity and integrity. Therefore I want to say to my brethren that whatever they want, of course, within the frame work of our constitution that should be discussed across the table and find out solution of the Punjab problem.

With these words I support this Amendment Bill.

[English]

MR. DEPUTY SPEAKER: Shri Chitta Basu.

SHRI PIYARE LAL HANDOO: Mr. Deputy Speaker, Sir, if I am going to get a

chance to speak, I will sit, otherwise what is the use of my sitting here?

MR. DEPUTY SPEAKER: Mr. Handoo, you should appreciate that it is not possible for me to promise anything on the floor of the House. It depends on the availability of time. You will have to take a chance.

SHRI PIYARE LAL HANDOO: I will take a chance. But if there is no chance, I will leave. Otherwise, what is the use of my sitting here? Are we only chance speakers? I am not here on a chance.

SHRI CHITTA BASU (Barasat): Mr. Deputy Speaker, Sir, we have got a limited issue to discuss today and this limited issue is related to certain ground realities and options. Therefore, I rise to support the Bill for the amendment of the Constitution of the country, the main reason being that the ground situation in Punjab today does not provide any opportunity for holding any fair and free election. In order to create genuine conditions for free and fair election, there should be more extension of time and that is being sought in the present Bill for amending the Constitution. I also want that the Government should not plunge into complacency during this intervening period of six months and must go in for a poll. During this intervening period, I would urge upon the Government to have a strategy. So far as my party is concerned, I want to suggest that there should be a three-pronged strategy for the intervening period—(1) to isolate the terrorists from the broad masses of Punjab; (2) to invite those who could be united on the singular issue of national unity and integrity; and (3) to accelerate the process of polarisation in the spectrum of social forces in Punjab between two camps—one camp is the camp for national unity and integrity and the other camp is the camp of secession and the camp of division. Therefore, I ask the Government to pursue this three-pronged strategy during the intervening period. I would also like to urge upon the Government not to harbour any further illusion about the position take by the Mann group of Akali Dal. Since I have got very limited time to speak, I would only say

[Sh. Chitta Basu]

that from his recent observation, it appears to everybody that the Mann group is oscillating between Khalistan and the so-called State autonomy. Ultimately it borders it support to the Khalistani elements who want to secede from the country.

I would also like to appeal to the other factions of the Akali Party to unite themselves so that a condition for stability is created.

Now, only one word for Mr. Chidambaram. He was accusing the National Front and the parties constituting the Front, that it is they who fragmented the Akali Party. It is actually they who have brought in the fragmentation of the Akali Party for their own partisan interests, for their survival.

Lastly, they should also know that the policy of the previous Government in regard to Punjab was nothing but a policy of hypocrisy, a police of drift, a police of procrastination and a policy of subserving partisan interest. Therefore, they should also understand what has been their policy in the last three or four months.

SHRI KADAMBUR M.R. JANARDHAN (Tirunelveli): Mr. Deputy-Speaker, Sir, I thank you for giving me an opportunity to speak on the 64th Constitution Amendment Bill which is now being discussed in this House. Sir, I was also a Member of the 8th Lok Sabha and a similar discussion on Punjab took place at that time also. I would like to recall how the Congress Party under the leadership of Shri Rajiv Gandhi had given enthusiasm and support in conducting public meetings and rallies by the AIADMK Party from Tamil Nadu. From Tamil Nadu, we went to the village of Shri Bhagat Singh and several thousands of people, not numbering about 5,000 or 6,000, but about 40,000 people had collected and marched to Shri Bhagat Singh's village. I would like to recollect the rally conducted by us and there we could assuage the feelings of the people of Punjab who said that they wanted election there very soon. Now, the National Front Govern-

ment has come to power and the Prime Minister, Shri V.P. Singh, had been to Amritsar. But what steps are they going to take within this period of six months? They are talking about six months. But I would like to tell you that this period of six months will run away like six minutes. But I do not know what they are going to do within this period of six months. This is more important. They should not blame the Congress Party. The Congress Party was taking concerted effort to bring calmness and cohesion in Punjab. One example is that the MPs from the Southern-most part of the country, that is, Tamil Nadu, had been to that village. The aspiration and wishes of the people of Punjab should be fulfilled. I wish the National Front Government take immediate steps to fulfil their wishes.

Sir, the Government has not got a Certificate saying that the present situation in Punjab is not conducive to conduct an Election. Without that, there cannot be President Rule there. According to the Election Commission rule, the Government should get the certificate saying that the situation is not conducive there to have election. But there is no certificate from them. Only the politicians are saying that the elections cannot be conducted because the situation there is not conducive to hold election. Sir, I have given an amendment also. I would therefore urge upon the National Front Government to make sincere effort and try to solve the problems in Punjab in six months and as per the wishes of the people of Punjab, you should hold election in Punjab very soon.

[Translation]

KUMARI UMA BHARATI (Khajuraho): Mr. Deputy Speaker, Sir, I am grateful to you for giving me time. I assure you that I will complete my speech within 2-3 minutes. I would like to begin my speech with a couplet—

"Masjid to bana di shab bhar mein imra ki nararat walon ne,  
Man apna purana paapi hai, barson mein namazi ban na saka".

It is easy to build a mosque but it is difficult to become a devote Muslim. Similarly, it is easy to build a temple, but it is difficult to become a true devout. A new Government has come into power but the Punjab problem remains as it was. It is a matter of regret that a Constitution Amendment Bill, to extend the President's rule in Punjab had to be brought for the approval of the House. The present situation in Punjab warrants the extension of president's rule. I am confident that during this period; the Punjab problem would be solved, free and fair elections would be held and the people would be able to elect their own Government.

I have some submissions to make in this regard. First, in order to take a positive initiative towards resolution of Punjab problem those found guilty of involvement in that 1984 riots in Delhi should be punished. There are still people in Punjab who harbour the feeling that the Children and relatives of those, who were killed and whose families were annihilated during the 1984 Delhi riots, were forced to take to terrorism to take revenge.

Secondly, when we discuss this problem we must take the background as to how and from where this problem started. We must punish those persons like the former Prime Minister late Smt. Indira Gandhi who called that Bhindrawala 'Saint', who preached the most fierce form of terrorism in Punjab, at least in the form social condemnation. Unless the people who are directly or indirectly involved in 1984 Delhi riots are punished, we will not be able to extinguish the fire of revenge that is raging in the hearts of the people of Punjab.

I have one more submission to make. The widows and children of those who are killed at the hands of terrorists in Punjab, should be given protection. We should remember that the wives and children of the terrorists who are killed are not guilty. They wander from door to door when they fail to get some job, they take to terrorism in desperation duly motivated with a feeling of

taking revenge. May be that the husband or father was a terrorist or was involved in terrorist activities or some evidence was found to that effect, but the wives or children may not have any hand in it. Later on such persons take to terrorism impelled by the feeling to take revenge. Such things have happened in Punjab I have seen this myself. Therefore, we should sympathise with the families of the terrorists who get killed and see to it that their children get some employment or some source of livelihood, so that they are not attracted to terrorist activities.

There is yet another submission, which I had made earlier also and which I would like to reiterate. The Hindus and Sikhs were one, are one and will remain one. No power on earth can separate them. The problem of Punjab is not that of discord between the Hindus and the Sikhs in the States. The problem has been created by somebody else. So, I would request that the widows of those in Punjab who get killed at the hands of the terrorists should also be given a pension of Rs. 1,000 each, as has been granted to the widows of the victims of the Delhi riot. The most important step, that should be taken is that the Punjab borders should be sealed, otherwise this problem of extending the President's rule would crop up again after six months. And how long can we allow it to go on like that? Therefore, we must make all out efforts to solve this problem, within this period of six months.

I am grateful to you for giving me time to speak.

SHRI YAMUNA PRASAD SHASTRI (Rewa): Mr. Deputy Speaker, Sir, there is no other way out, except supporting this Constitution Amendment Bill because everyone has the same opinion on this subject, not withstanding whatever they may say here.

In fact, we should go deep into the roots of the Punjab problem as to how it started and why it has been continuing. There has been bloodshedding during the last nine years without any let up, where are its roots? Sir, the root cause of it is that today, our Sikh

[Sh. Yamuna Prasad Shastri]

*brethren in Punjab harbour a feeling that they are being treated as second class citizens and the rights and amenities available to other citizens of India are not available to them. As Kumari Uma Bharati has said one thing that is still haunting them is that no proper action has been taken against the people responsible for killing of thousands of innocent people during 1984 riots in Delhi. When some people like Shri Chidambaram stood up here to speak I felt like asking him to do some introspection and find out whether his hands are not soaked with the blood of thousands of Sikhs, who were brutally killed and burnt alive during that riot. This is the situation cut it will continue, till the Sikhs in Punjab have the feeling that while death sentence is given for the murder of one person, no action is being taken against those who burnt alive thousands of people, cut thousands of people into pieces during that riot. Now, our Government has taken a very positive step by announcing that special courts would be set up to punish all those people who were involved in the massacre of those innocent people. Whether it is in Morena, Kanpur, Delhi, Bokaro or Durgamgarh these criminals should be identified and punished so that a feeling is instilled in the hearts of the Sikhs that those who commit crimes and atrocities on them have also been punished. Apart from this, we should also see that, despite our repealing the 59th Constitution Amendment Act, many black laws, which were enforced by the previous Government and which are discriminatory against the Sikhs and the people of Punjab are still in force. One is the Prevention of Terrorism Act. What sort of a law is it? According to the law prevalent else where in the country, the onus, the responsibility does not lie on the detenu to prove his innocence, it is the responsibility of the prosecution, which launches the legal proceedings, to prove that the detenu is guilty, but under the law which is enforced in Punjab, the onus or responsibility of proving his or her innocence lies with the person detained. They should not be called culprits simply because the police apprehended them. Only those who*

*commit a crime should be called accused. If the law is enforced in this manner then they are bound to feel that they are being looked at with suspicion. Why should the Sikh community or others living in Punjab be called culprits? Therefore such a law should be repealed. The National Security Act has also been framed in the context of Punjab. I demand that this Act too should be scrapped. I would also suggest that officers who were posted in Punjab during the Congress rule and were connected either with Operation Bluestar or Operation Blackthunder be posted elsewhere. It would not be wrong to say that there were a lot of false encounters in which several young Sikhs were killed. During the time of the previous Government there were police officers who killed several young Sikhs after wrongly labelling them as terrorists. But now the police officers do not have to account for their misdeeds. There are several innocent people whose whereabouts are unknown. Police officers like Shri K.P.S. Gill should be transferred from Punjab. There are interrogation camps in Punjab such as the Ladda Kothi in Sangrur, Bhai Ki Sarai in Patiala or the Dal Mandi and Subzi Mandi in Amritsar. There are several such rest houses and guest houses where innocent young Sikhs are interrogated with third-degree methods. All this was done during Operation Woods also. The families of the innocent people who were victimized cannot forget these events, the inhuman fortune inflicted upon the victims. Such interrogation centres should be closed. There is no other alternative. For the last nine years we have been seeing this repression which was carried on by the para-military forces like the B.S.F. and the C.R.P.F. We should unanimously agree to abandon the repressive methods that have hitherto been used. Nothing can be achieved through repression. Terrorists are also citizens of this country. There should be a frank and free dialogue with them. When they sit across the table they will surely see reason and drop their demand for Khalistan. So, I request the Government to take steps towards solving this problem through a dialogue with the terrorists. The elections should be held immediately after the six-month period is over.*

With these words I thank you.

[English]

SHRI PIYARE LAL HANDOO (Anantnag): Sir, at the outset, I thank you for the indulgence shown to me, though belatedly. Though we are a small Party of three Members, we should have been given the precedence over the Independents.

MR. DEPUTY-SPEAKER: Mr. Handoo, this kind of comment is not called for. You should please understand that we are working under the constraint of time.

SHRI PIYARE LAL HANDOO: My submission is that in so far as the Amendment to Clause 4(A) is concerned, if it is 3 years or 3 years and 6 months; perhaps it makes no difference. But what is more important in projecting today's Amendment is the Amendment which is moved to Clause 5. My submission is only to find out what is the relevance of it in Clause 5? Why do we go away from the nationally accepted norm? What applies to the entire nation under the present law is that President's rule, under certain contingency, can be extended upto a period of 3 years, provided that before the Parliament passes any approval of the proclamation of Parliament's rule beyond one year, you have to fulfil two important conditions. That is the crux of the matter. The first conditions is that you have to declare emergency either in the country or in any part of the country. Along with that, we must salute the ingenuity of the forefathers of our Constitution. The forefathers of our Constitution said, "In addition to declaring emergency in a particular State, you must have a certificate from the Election Commission that election in that area cannot be held." May I know from the hon. Home Minister why do we remove these two conditions in so far as Punjab is concerned for extending the President's rule for six months beyond 3 years. Why do you remove these two conditions, namely declaration of emergency and obtaining a certificate from the Election Commission that election cannot be held? Why are you assuming power to continue the

President's rule without fulfilling these two conditions? If you take it in a light-hearted manner, you may have to further amend the Constitution. This is the organic law of the land and it should not be dealt with light-heartedly in this manner. Last time, I said, America has not amended its Constitution more than 10 times so far, whereas it is our 64 Sixth-Fourth Amendment since 1950. If we go on with amending the Constitution, we may suffer.

I have an apprehension of what will happen in Kashmir, if we continue in this light-hearted manner. On 28th of June, 1990, the Governor's rule in Kashmir ends. The Jammu & Kashmir Constitution does not permit the extension of Governor's rule beyond six months. I have an apprehension, not because you will not hold elections in Kashmir but because it will add to alienation of the people. Today's amending Bill will add to the alienation of the people of Punjab further.

I will humbly ask the hon. Home Minister to ponder over this question. Why our forefathers of the Constitution thought it necessary that a certificate from the Election Commission must be procured and there must be emergency, as pre-conditions for postponement of elections and extension of President's rule. Holding of elections is the job of the Election Commission. You must have read yesterday's newspaper reports. Representatives from LTTE attended a function in Rakab Ganj Gurudwara on behalf of their leader Prabhakaran. There was ovation or greetings by the people of Punjab, when he said that Tamils and Sikhs had been victims of Hindu imperialism. All the way, LTTE cadres were coming to Delhi and delivering speech like this. Kindly have a look as to what is happening in Kashmir, Punjab and Assam. If we do not attend to these things, we will hardly be able to solve the problem. Some gentlemen from Janata Dal accuse Congress and somebody from Congress accuse Janata Dal for the present situation. Kindly salvage the nation and answer my one question. What is the Punjab problem and what is the view of the present Govern-

[Sh. Piyare Lal Handoo]

correct.

ment on the Punjab problem? Do you think the Punjab problem is only how we deal with 1984 rioters, or how we deal with ex-service-men or Army deserters or how we deal with Punjab water problem from one part to the other? If Punjab problem is known to you, please tell us. You declare unilaterally how you propose to solve the Punjab problem. Your icy silence on the report of Sarkaria Commission cannot help. You are keeping the main crux of the Punjab problem under the carpet. Kindly make your views known to the House and to all factions of Akali group—Badal Group, Barnala Group and Mann Group. How you will restructure the policy of Punjab? Otherwise what will happen in Punjab is what happened in Srinagar yesterday. We had three news-bulletins from Radio and TV, indicating 15 terrorists were killed. But all the national Press have said that 15 innocent civilians were killed. That is what happens in Governor's rule. Now, the Government have said that the terrorists have been killed. That would be one view. All the national papers have reported that the bus passengers and the passengers sitting in the three-wheeler and the entire family inside dies. But, the official version from the Governor said, 15 terrorists were killed.

MR. DEPUTY-SPEAKER: You must conclude now.

SHRI PIYARE LAL HANDOO: What is the correct version should be made known to the people.

15.00 hrs.

PROF. MEIJINLUNG KAMSON (Outer Manipur): Sir, I just want to answer some of the allegations of the Members from the other side. One Member said that Congress is opposed to the Bill. It is not true. Earlier, Shri P. Chidambaram, Shri Kamal Chaudhry, Shri Ajit Panja and Shri P.R. Kumaramangalam, all of them supported the Bill. Our Party wants to give constructive cooperation, of course, with some caution. Therefore, what the Members on the other side say is not

We are very sorry to see that some of the Members from the other side are always trying to witch-hunt referring to the 1984 riots. I think this is not a correct policy of the Government because it is not the time to find fault. It is time for us to find a correct step for a solution. So far as we see, Government has not done anything for the solution of the problem except the Prime Minister's visit as a 'healing touch' to the Punjab problem. It is a nice phraseology. We see the healing touch has healed the terrorists to rise again, but it has not touched the victims of the terrorists. The Government was trying to woo Shri Simranjeet Singh Mann, who is a Member of this House and also the leader of the biggest faction of Akali Dal which was a dangerous policy. I think they have got some point now not to hold election this time. If election is held at all in this situation, extremists will come up in majority and the Assembly may propose a Lithuanian type of resolution for complete independence of Punjab. It will be a sad thing for the country itself. Therefore, from this point, the Congress party supports the Bill not to hold the election and see that some time be given to Government to bring some concrete proposal or plan to solve the present problem.

I am very sorry to say that the other parties are alleging that the previous Congress is responsible for the Punjab problem. The fact is that Congress Government had been able to contain and control the terrorists effectively. Only during the time of this present Janata Government, all the insurgent and terrorist activities come up again with full force.

The present Government has short-sighted vision in the law and order problem. Therefore, the present Government forgot to mention in the President's speech on 20th December about Kashmir. The Government is a complete failure in maintaining law and order in Punjab and the rest of the country. The terrorist activity in Punjab and Kashmir has had repercussions in the North-Eastern region where insurgents had been there for long.

The Home Minister visited Assam and Manipur on 26th February. The next day on 27th, the NSCN stated attacking Assam Rifles in Manipur. This shows the weak policy of the Government. In Punjab also, 'Khalistan Panchayat' and 'Khalistan Adalat' were established during the regime of this present Government. In Assam, ULFA is running a parallel Government. This is the sorry state of affairs of the present rule.

We want that the Home Minister should come up with a concrete plan of action to solve the problem within these six months of extension of President's rule in Punjab.

[*Translation*]

SHRI HUKUMDEO NARAYAN YADAV (Sitamarhi): Mr. Deputy Speaker, Sir, a discussion is being held on the constitutional Amendment Bill which must be passed quickly. The opposition always speaks against the Government when I was in the Rajya Sabha they were in power. At that time when they introduced any law regarding the Punjab problem we used to support the law even when we otherwise used to criticise the Government. They are in a similar position today and they will support the laws introduced by the government. The situation has changed. I recall a short story. Four well-educated farmers got together and decided to take to farming. They thought of the type of farming they should do. One of them suggested sugarcane farming as it would be most profitable one. The other farmer opined that large sums are required for sugarcane farming. Another warned that villagers will take away the standing crop. One of them said that the villagers should be taught a lesson. The farmers then burnt the village and watched the villagers flee. The farmers did not plant the sugarcane crop but set fire to the village. So the problems of Punjab, Kashmir, Nagaland and Mizoram are the creation of the farmer Government. They should extend their support in solving these problems.

[*English*]

SHRI A.K. ROY (Dhanbad): Mr. Deputy Speaker, Sir, you can do anything with a bayonet but you cannot sit on it. With this Amendment, the whole House is going to sit on the bayonet. All the parties are reluctantly extending their support to this Bill. I am here, on behalf of my small party—the Marxist Coordination—to reluctantly oppose this Bill. I say reluctantly because I do not want to embarrass this new Government. I am opposing it because I consider that this Bill is logically wrong, ethically improper and practically a blunder. It is a sad day for this House. It will be recorded in our History that the whole National Leaders have united together to commit a Himalayan blunder to the future of this country. I am saying it is logically wrong because we are taking one stand for Kashmir. We want to initiate the democratic process. We are also thinking slightly wildly as to how to revive the assembly through various legal means. In another case in Punjab, we are stalling the same democratic process by delaying the elections. We were holding rallies at Ludhiana in the Bhagat Singh's birthplace called *Khatkar Kalan*. I had the opportunity to go there and we were rehabilitating the innocents. We were rehabilitating the army deserters. So, we are taking a logical step forward there. But you are now taking one step forward and it is going to be two—steps backward. It is ethically improper. We undid the 59th Amendment by the 63rd Constitutional Amendment. The 64th Constitutional Amendment is to undo the 63rd Amendment in spirit if not in letters. This is what we are doing. Practically, it is a blunder. If we go through the election result there, it was not there that the Mann Group had swept the entire poll. They have got 31 per cent, the Congress got 26 per cent, the Left parties got 3 to 4 per cent. Therefore, if we analyse the voting pattern there was nothing like sweeping the results. All the parties had got more than thousands and lakhs of votes. It means there are scope for all the parties. There is a difference between the way in which the parliamentary Elections takes place and the Assembly

[Sh. A.K. Roy]

Elections take place. In the Assembly Elections local issues come up. That will be the process by which the entire...

MR. DEPUTY SPEAKER: Please conclude.

SHRI A.K. ROY: Kindly look at me.

MR. DEPUTY SPEAKER: I am looking at the Watch. You shall have to be very brief.

SHRI A.K. ROY: For whom the Bell tolls? I am speaking now because all the parties have supported this Bill. I am here to oppose this Bill. Kindly allow me to put forth some more points. Otherwise, for whom the bell tolls? You know the story of Hemingway.

My point is, in the assembly polls, many irregularities took place. In the parliamentary polls, you have seen that in many provinces, one party swept the poll. But when again the assembly polls took place there, all the parties got their share. So it will go boldly to this process of holding an election. Definitely, it will pay up.

Leastly, I will say that it is most unfortunate the way they assembled at Khatkar Kalan where I also had the opportunity to go after being invited by the sister of Shri Bhagat Singh. After that all the official delegation came. After that, I stayed in the village. They came out. I stayed in the village of Punjab. I came from there with one impression that the people there are not terrorised. Specially I have seen that in a rally organised by the communists, CPI and CPM. My impression is that, there the people are not terrorised, but the Government is terrorised. Cadres of political parties are not terrorised but the leaders are terrorised. The common man is not terrorised but the gentlemen are terrorised. This is what my impression is. It could be corrected. 13th April is the Jaliawala Bagh Day. What impression will it lead to the people of Punjab after denying the democratic process? That is why, I want that this Bill should be withdrawn. Let us go to Jaliaw-

ala Bagh on the 13th April and face the people there. I have got confidence after seeing the rally at Khatkar Kalan that people will be on our side. Punjab problem can be solved after taking the people into confidence and not by taking shelter behind the camera like a raped woman. That is the position that the Government is taking.

Lastly, by taking people into confidence, we can resurrect our glorious tradition of sacrifice and struggle by fighting against the imperialist power. Our real enemies do not sit in Pakistan. But they are in Canada, America and England. This is their headquarters. These imperialist power are using Pakistan just as their pawn.

Lastly, have courage not only to speak against Pakistan but also against their real masters across the Atlantic.

SHRI RAMESHWAR PRASAD (Arrah): The 64th Amendment in the constitution is being moved for the extension of President's Rule in Punjab. The real problem in Punjab is the question of investment of the money saved by its people in the wake of agricultural development in the state brought about by the Green Revolution and the kisan andolan launched by Shri Bhupendra Singh Mann. All possible channels for investment were blocked. It is from this point that anger and resentment began to build up among the people in Punjab. May I know what measures are being taken by the Government to restore normalcy in Punjab? The Congress Government imposed President's Rule in Punjab for three years which suppressed the rights of the people. This Government also wants to do likewise by introducing an Amendment to extend President's Rule for a further period of six months. If the Lok Sabha elections could be held there in a democratic manner then Assembly elections can also be held there. Probably the Government wants a military solution to the problem and that is why it is not holding elections there. What is needed is to activate the democratic institutions in the State and hold Assembly elections. I strongly protest against the decision to extend President's Rule in Punjab.

Democracy should be restored there.

SHRI MADAN LAL KHURANA (South Delhi): On a point of order, Sir. I have learnt that rules have been amended and there has been an agreement to allow hon. Shri Mann into the speaker's chamber with a sword for taking the oath.

MR. DEPUTY SPEAKER: There is no point for order.

[English]

MR. DEPUTY SPEAKER: You had raised a point of order. I have said that it is not a point of order.

[Translation]

SHRI MADAN LAL KHURANA: I want an assurance from the Chair that no such rules will be amended and during the course of session oath-taking will not be allowed to take place in the Speaker's Chamber.

MR. DEPUTY SPEAKER: You have said what you wanted to say.

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): Mr. Deputy Speaker, Sir, I thank the hon. Members who participated in this discussion. They basically wanted to support the 64th constitutional Amendment. As I said earlier it has been alleged by certain friends that the present Government has not been able to find a solution to the Punjab problem in the past four months. As mentioned by some hon. Members, the hon. Prime Minister went to Amritsar for this purpose. The Punjab problem started in 1981 but we do not want to go into those details. Now it is the present Government which has to deal with this problem and this has been our policy I was with the hon. Prime Minister during his visit to Amritsar. It is true that he refused to move around under security. The parikrama at the Golden Temple took around 2 hours. A good number of people were present there and while moving around in the streets in an open jeep he was asked the reason for his

visit to city. He said he had come there to offer prayers for restoration of peace and normalcy in Punjab. I want to console the Hindus, Sikhs and people of other communities who have shed their blood in Punjab. My heart reaches out to these people. There is nothing wrong in my feeling this way because the people of Punjab are just like other citizens of India. Hon. Shri Chidambaram mentioned a round-table conference for this purpose. When this Government was formed an all-Party conference was held in which all Parties participated including the Congress (I). It is true that the action plan was a bit too ambitious. Terrorists in Punjab are killing innocent people. It is our policy that innocent people should not be harassed. Our Government has issued directives that there should not be fake encounters and person who have been imprisoned without evidence should be released. Special courts have been set up to convict those who are responsible for the 1984 riots. So I would not say that the Government has bluffed the people of Punjab. This is a serious problem. We were very happy when the former Prime Minister Shri Rajiv Gandhi signed the Punjab Accord with Sant Longowal. I was glad that Shri Rajiv Gandhi could do something which the late Shrimati Indira Gandhi could not do. But what happened after that? Sant Longowal, who symbolised the aspirations of the people of Punjab, was assassinated. Then elections were held and Shri Barnala formed the Government. At that time I was in the cabinet and had wanted that Shri Barnala be praised as a patriot. The then President Giani Zail Singh was not in favour of our referring to Shri Barnala by name. Kashmir too had a representative Government but the then Government was forced to dismiss that representative Government and impose President's Rule in the State. I am not saying that their intentions were wrong. Maybe the late Shrimati Indira Gandhi and the former Prime Minister Shri Rajiv Gandhi intended to solve the Punjab problem but lacked the political will. The Punjab problem has been evading a solution for the last eight years. Now the National Front Government does not want to do any thing in haste. Nobody should expect a miracle for us. We have to

[Sh. Mufti Mohammad Sayeed]

adhere to the time limit. We have to hold elections by May 10. As Shri Chidambaram and other hon. Members have said the split in the Akali Dal, has further aggravated the problem. If we think of holding elections then we will have to be hold by May, 10. The first thing is that we have to combat terrorism because even if we decide to hold elections the terrorists can play up any thing to compel us to abandon the elections process with the aid and abetment they are getting from the foreign sources. Now the question arose as to who should take the initiative in Punjab? Should we allow the terrorists to take the decision as to how and when elections should be held in Punjab?

We want a political solution of this problem and the Government has not taken any decision in this regard. The Governor of Punjab had called an all party meeting which was attended by the representative of Akali Dal (Badal), Akali Dal (Barnala) the President of Congress (I) and some other members of his party, representative of the B.J.P, C.P.I. and C.P.I. (M) and there was unanimously that the situation in Punjab was not conducive to holding elections and so elections cannot be held there at the moment. But even then I would like to assure you that our conscience is clear and we want to solve this problem. For instance, if we want to hold free and fair elections in Kashmir, that is not possible. One redeeming feature about Punjab is that despite the attempt of the divisive forces to create a Hindu-Sikh divide the communal harmony is still being maintained there. People of Punjab want peace and harmony there is momentum in Punjab and the people favour early elections. We must not allow this momentum to go waste. I would like to assure the House that it is the wish of the Government that an atmosphere conducive to holding elections in Punjab were created so that elections are held there as soon as possible that we are able to win the confidence of the people thereby. There is no other way. We have to follow this course. We expect that there will be no need to extend this period beyond six months, and

there is a provision in the constitution also that first the elections can be postponed for six months, and then for another six months and

[English]

that is the end of the road.

[Translation]

As Shri Handoo has said elections must be held on time in Punjab, I would like to assure the hon. Members that we will try our best to fulfil wishes they have expressed in the House. We are continuing with our efforts. Many steps have been taken in Punjab, the previous Government had also taken many steps, the fencing of 120 k.m. stretch of the border has been completed to stop infiltration. We have a programme of fencing borders of Punjab and Kashmir, though it is extremely prohibitive, but we are serious about it, we also intend to make arrangement for flood lights on the borders. Infiltrations can be reduced by using some sophisticated weapons also. The previous Government had also taken many steps in this direction. So the greatest need of the hour is to control, terrorism.

We have also had programmes for mass mobilization. Ludhiana rally and Hussainiwala rally were such steps. As for political activities dialogues with the people are very necessary. All the parties have extended their co-operation and supported to us in this regard. Now I would appeal to all the hon. Members to pass this Bill.

[English]

SHRI VASANT SATHE: I would like to know from the hon. Minister: Are you giving a clear categorical undertaking that this will not be extended beyond six months and you will hold election in Punjab?

THE MINISTER OF INFORMATION AND BROADCASTING AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): It cannot be extended without

your cooperation.

SHRI VASANT SATHE: Well, we want to know that. We have given this cooperation although we did not want to help you in this period of extension. We have done it reluctantly. We want you to tell this. Will this be a final thing? You have said it now. Will you give a clear undertaking? (*Interruptions*)

SHRI P. UPENDRA: We are starting the voting process. Five divisions have to be taken. After the voting process is over, then Prime Minister will make a statement on his visit to Namibia. From that time, you can count 2 1/2 hours for private Members' business.

MR. DEPUTY SPEAKER: I think, the House agrees to this.

Before I put the motion for consideration of the Bill to vote, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

Let the Lobbies be cleared.

MR. DEPUTY SPEAKER: Now the Lobbies have been cleared. Before I put the motion, I would like to read out as to how the voting has to be done in the House for the benefit of the new Members.

I would like to request each Member to make sure that he is sitting in his assigned seat. Each Member is requested to take special care to record his vote *ab initio* correctly as "Aye" or 'No' or 'Abstention' as the case may be, so that there is no occasion for making corrections. I may briefly recall that as soon as the automatic vote recording equipment is made active, on announcement by the Chair, 'Now Division', a gong sound which the signal to the Members to cast their votes. Each Member has to press push switch and then operate one of the three buttons, that is, 'Aye', 'No' or 'Abstention', according to his own choice. The push switch and the push button must be kept pressed simultaneously until the gong sounds for the second time after ten seconds.

Kind cooperation of the Members is solicited.

The question is:

"That the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration."

*The Lok Sabha divided*

**AYES**

15.33 hrs.

Acharia, Shri Basudeb

Advani, Shri L.K.

Agarwal, Shri J.P.

Aher, Dr. Daulatrao Sonuji

Ahmed, Shri Anwar

Amat, Shri D.

Antulay, Shri A.R.

Argal, Shri Chhaviram

Arunachalam, Shri M.

Baig, Shri Arif

Bais, Shri Ramesh

Baitha, Shri Mahendra

Bala, Dr. Asim

Balaraman, Shri L.

Banatwalla, Shri G. M.

Banera, Shri Hamendra Singh

Barman, Shri Palas

Basheer, Shri T.

Basu, Shri Chitta	Deshmukh, Shri Chandubhai
Behera, Shri Bhajaman	Dev, Shri Sontosh Mohan
Bhagey, Gobardhan , Shri	Dhankhar, Ch. Jagdeep
Bhajan Lal, Shri	Dome, Dr. Ram Chandra
Bhargava, Shri Girdhari lal	Gadgil, Shri V. N.
Bhartiya, Shri Santosh	Gajapathi, Shri Gopi Nath
Bhatia, Shri Ram Sewak	Gandhi, Shri Rajiv
Bhuria, Shri Dileep Singh	Gangwar, Shri Santosh Kumar
Chakravorty, Shri Susanta	Gavit, Shri Manikrao Hodlya
Chandrasekhar, Shrimati M.	Gomange, Shri Giridhar
Chatterjee, Shri Nirmal Kanti	Gujral, Shri I.K.
Chatterji, Shri Somnath	Gupta, Shri Dharmpal Singh
Chaudhary, Shri Ishwar	Gupta, Shri Indrajit
Chaudhary, Shri Rudrasen	Handoo, Shri Piyare Lal
Chaudhary, Shri Kamal	Hannan Mollah, Shri
Chavda, Shri Khemchandbhai Somabhai	Hansda, Shri Matilal
Chidambaram, Shri P.	Heera Bhai, Shri
Commander, Shri Mohd. Hassan	Het Ram, Shri
Dandavate, Prof. Madhu	Inder Jit, Shri
Danwe, Shri Pundlik Hari	Janardhanan, Shri Kadambur M.R.
Das, Shri Anadi Charan	Jaswant Singh, Shri
Das, Shri Bhakta Unaran	Jatav, Shri Than Singh
Dasgupta, Dr. Biplab	Jeevarathinam, Shri R.
Datta, Shri Amal	Jha, Shri Bogendra
Dennis, Shri N.	Jhikram, Shri Mohanlal
Deshmukh, Shri Ashok Anandrao	Ju Deo, Shri Dilip Singh

Kabde, Dr. Venkatesh	Meena, Shri Nandlal
Kalvi, Shri Kalyan Singh	Meghwal, Shri Kailash
Kapse, Prof. Ram Ganesh	Mewar, Shri Mahendra Singh
Kaushik, Shri Purushottam	Mishra, Shri Balgopal
Khan, Shri Arif Mohammad	Mishra, Shri Janeshwar
Khan, Shri Sukhendu	Mishra, Shri Raj Mangal
Khan, Shri Zulfiquar Ali	Misra, Shri Satyagopal
Kodikkunnil, Shri Suresh	Mukhopadhyay, Shri Ajoy
Kurien, Prof. P.J.	Munda, Shri Govinda Chandra
Lakha, Shri Harbhajan	Munda, Shri Kaira
Lodha, Shri Guman Mal	Naik, Shri Ram
Lodhi, Shri Ganga Charan	Nathu Singh, Shri
Mahadik, Shri Vamanrao	Nayak, Shri Nakul
Mahajan, Shri Y.S.	Nehru, Shri Arun Kumar
Mahale, Shri Haribhau Shankar	Nitish Kumar, Shri
Mahata, Shri Chitta	Oraon, Shrimati Sumati
Makkasar, Shri Shopat Singh	Pacherwal, Shri Gopal
Malhotra, Shri Vijay Kumar	Pal, Shri M. S.
Malik, Shri Purna Chandra	Pal, Shri Rupchand
Malik, Shri Satya Pal	Pande, Shri Rajmangal
Mallikarjun, Shri	Pandeya, Dr. Laxminarayan
Mandal, Shri Sanat Kumar	Pandian, Shri D.
Manjay Lal, Shri	Panja, Shri Ajit
Masudal Hossain, Shri Syed	Panwar, Shri Harpal Singh
Mathew, Shri Palai K. M.	Paraste, Shri Dalpat Singh
Mayawati, Kumari	Paswan, Shri Ram Vilas

Patel, Shri Maganbhai Manibhai	Rawat, Prof. Rasa Singh
Patel, Shri Ram Pujan	Ray, Dr. Sudhir
Patel, Shri Shantilal Purushottam Das	Raychaudhuri, Shri Sudarsan
Patidar, Shri Rameshwar	Reddy, Shri Kotla Vijaya Bhaskara
Patnaik, Shri Sivaji	Routray, Shri Nilamani
Poojary, Shri Janardhana	Roypradhan, Shri Amar
Pradhani, Shri K.	Sai, Shri A. Larang
Pramanik, Shri Radhika Ranjan	Saini, Shri Gurdial Singh
Prem Pradeep, Shri	Sait, Shri Ibrahim Sulaiman
Purushottaman, Shri Vakkom	Saran, Shri Daulat Ram
Rai, Shri Kalp Nath	Saroj, Shri Sarju Prasad
Rai, Shri M. Ramanna	Sathe, Shri Vasant
Raje, Shrimati Vasundhara	Save, Shri Moreswar
Rajveer Singh, Shri	Syed, Shri Mufti Mohammad
Rakesh, Shri R. N.	Selvam, Shri Kanci panneer
Ram Awadh, Shri	Salvaraus, Shri M.
Ram Babu, Shri A.G.S.	Shankaranand, Shri B.
Ram Dhan, Shri	Shastri, Shri Kapil Dev
Ram Singh, Shri	Shastri, Shri Yamuna Prasad
Ramachandran, Shri Mullappally	Shekhada, Shri Govindbhai Kanjibhai
Ramamurthy, Shri K.	Shukla, Shri Vidyacharan
Ranga, Prof. N.G.	Singaravedivel, Shri S.
Rathva, Shri Narayanbhai Jamlabhai	Singh, Shri Ajay
Rathod, Shri Uttam	Singh, Shri Dhanraj
Rathor, Dr. Bhagwan Dass	Singh, Shri Hari Kishore
Rawat, Shri Harish	Singh, Shri Jagannath

Singh, Shri L.V	Yadav, Shri Ram Krishan
Singh, Shri Mandhata	Yadav, Shri Ramendra Kumar Ravi
Singh, Shri Ram Bahadur	Yadav, Shri Sharad
Singh, Shri Surya Narayan	Yadava, Shri Ramjilal
Singh, Shri Vishwanath Pratap	Yadvendra Datt, Shri
Singh Deo, Shri A.N.	Yuvraj, Shri
Sodhi, Shri Mankuram	Zainal Abedin, Shri
Sonkar, Shri Kalpnath	<b>NOES</b>
Soz, Prof. Saif-ud-din	Bulara, Shrimati Rajinder Kaur
Subedar, Shri	Chavan, Shrimati Premalabai
Sur, Shri Monoranjan	Roy, Shri A.K.
Tarwala, Shri Amratlal Vallabhdas	*Verma, Shrimati Usha
Thambi Durai, Dr.	<i>(Interruptions)</i>
Thapa, Shri Nandu	SHRI P. UPENDRA: Sir, since the machine is not working properly the House may agree to postpone the voting.
Thorat, Shri S.B.	
Thungon, Shri P.K.	SEVERAL HON. MEMBERS: No, Sir.
Tiraky, Shri Piyus	SHRI VASANT SATHE: Is there any doubt? There are people who can count the hands. This should not be done.
Uma Bharati, Kumari	
Umbrey, Shri Laeta	SHRI SONTOSH MOHANDEV (Tripura West): It cannot be postponed.
Verma, Shri Dharmesh Prasad	
Verma, Shri R.P.L.	MR. DEPUTY SPEAKER: Shri Upendra says that the machine is not working.
Verma, Shri Upendra Nath	SHRI B. SHANKARANAND (Chikkodi): How can he say it?
Vijayaraghavan, Shri A.	
Yadav, Shri Baleshwar	MR. DEPUTY SPEAKER: I have said anything more than that. Shri Vasant Sathe Says that you can count the heads here. As this happens to be an important amendment, Will the House agree to count the heads?
Yadav, Shri Devendra Prasad	
Yadav, Shri Hukumdeo Narayan	

SOME HON. MEMBERS: No. No.

MR. DEPUTY SPEAKER: The result of the division is:

	**
Ayes	236
	**
Noes	5

The motion is not carried in accordance with Rule 157 of the Rules of procedure and in accordance with the provisions of Article 368 of the Constitution of India.

*The motion was negatived.*

SHRI SONTOSH MOHAN DEV: The Government must resign. (*Interruptions*)

SHRI SOMNATH CHATTERJEE (Balpur): Are you sure this reflects correctly the position here? How are you sure that the machine is working properly? In a Constitution Amendment Bill, it cannot be "Subject to correction."

MR. DEPUTY SPEAKER: It is not "Subject to correction."

SHRI SOMNATH CHATTERJEE (Balpur): Are you sure that the machine is working properly?

MR. DEPUTY SPEAKER: It is not "subject to correction." (*Interruptions*) The hon. Minister for Parliamentary Affairs feels

that the slips should be distributed and the votes should be counted.

I put it to the House. I have collected the sense of the House and after I got the information from the Secretariat, from the Officers over here, I have declared what I have declared. I have not said "Subject to correction."

SHRI KAMAL CHAUDHRY (Hoshiarpur): Voting has taken place. Voting has been completed and the result has been declared. (*Interruptions*)

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

MR. DEPUTY SPEAKER: Well, I think, the sense of the House is that this Constitution (Amendment) Bill should be passed and all the parties in the House have agreed to pass this Amendment. Now, if there is any technical mistake, on the basis of the technical mistake, the Amendment should not be rejected. Because they have all agreed to pass this Amendment, if House feels, we can take the course the House suggests.

SHRI SOMNATH CHATTERJEE: Let slips be distributed. (*Interruptions*)

SHRI VASANT SATHE: Mr. Deputy Speaker, I entirely agree with you. This is the spirit with which we came and spoke also. Whose responsibility is it to have a simple majority here, it is the responsibility of the

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\*The following Members also recorded their votes:

AYES: Sarvashree Ariadi Charan Das, Samarendra Kundu, Rasheed Masood, Tarif Singh, Anil Shastri, Yusuf Beg, Keshari Lal, Chunchun Prasad Yadav, Madan Lal Khurana, Jorawar Ram, Ram Singh Shakya, Bengali Singh, Sarwar Hussain, Kisanrao Baburao Bankhele, Shrimati Malini Bhattacharya, S/Shri Resham Lal Jangde, Tarit Baran Topdar, Shailendra Mahato, Abedya Nath Mahat, Tej Narayan Singh, Shrimati Usha Verma, Sarvashree G. Made Gowda, R. Ramakrishna, J. Chokka Rao, Shrimati J. Jamuna, Sarvashri K.D. Sultanpuri, Shikiho Sema, Prof. Meijinlung Kamson, Shri M.J. Akbar

NOES: Shri Rajdev Singh and Baba Sucha Singh.

\*\*235 as corrected.

Government which claims to rule the country. If they cannot even muster a simple majority, what can we do? There are only 140 people there. (*Interruptions*) Forget us. Even those who are supporting you, have not brought all their Members here.

MR. DEPUTY SPEAKER: I would request the Members... (*Interruptions*)

MR. DEPUTY SPEAKER: Mr. Sathe, I am going to hear you but you have to hear me also. I would like to facilitate your statement over here. Now, if you have to make any statement, I will allow you to make that statement. I will allow you to have your say over here. But let it be one by one.

SHRI VASANT SATHE: My submission is this. Our moral responsibility is to support you to get the two-thirds majority to pass the Constitution Amendment. But to have those 50 per cent Members present and voting, that is for simple majority, that is the responsibility of the Government which claims to have the majority. Not only the Government, but even the supporting parties have not brought all their Members.

MR. DEPUTY SPEAKER: Mr. Sathe, please address the Chair.

SHRI VASANT SATHE: I am addressing you. Sir, even crutches that they were given, are not there. How can this Government stand? In spite of the slips, you have noted, the majority is not there. Now, we cannot have this circumventing. The machine has worked. The Members have pressed their buttons according to their desire. After that, slips were given to those Members who voted wrongly or did not vote. That also has come to you. It is after all this, you have found that even the simple majority is not there and you have declared the result. The Constitution Amendment has failed. This puts a full-stop to it. We cannot re-open this question.

SHRI B. SHANKARANAND (Chikkodi): I have a point of order. The Constitution Amendment has been voted by division. You

have declared the result. You have given a ruling. Are we debating on this issue? I want to know.

MR. DEPUTY SPEAKER: What is your point of order?

SHRI B. SHANKARANAND: I want to know the subject on which we are debating.

MR. DEPUTY SPEAKER: There is no point of order.

SHRI B. SHANKARANAND: Mr. Deputy Speaker, I want to know whether we are debating on the ruling of the Chair. Please let me know what are we discussing.

MR. DEPUTY SPEAKER: You are not asking me a question. You are raising a point of order. I have given my decision.

SHRI B. SHANKARANAND: You have allowed the people to talk on this. What is the debate that is going on?

MR. DEPUTY SPEAKER: You have raised a point of order. I will give a decision on your point of order.

SHRI B. SHANKARANAND: The question is, I am requesting you to move to the next item of the agenda.

MR. DEPUTY SPEAKER: That is not point of order. If you want to know whether a matter like this can be discussed or not in the inherent powers which are with the Speaker, this kind of a matter can be discussed in certain circumstances.

SHRI L.K. ADVANI (New Delhi): I would request my colleagues from the Opposition also to cooperate because this a situation in which, on the first count, this House has not been able to show the requisite majority. I would accept what Mr. Sathe has said that it is principally the responsibility of the Ruling party and its supporters to muster the requisite simple majority. I would not dispute on that. The situation which we are discussing today is about the general consensus and

[Sh. L.K. Advani]

wishes of the House that a certain course of actions be adopted. It is therefore that we are discussing now as to whether or not there can be a legitimate, legal and proper way out of this kind of a situation. Otherwise if we were not agreed, then perhaps, you would be perfectly justified in saying that the matter ends and the Government has not been able to muster the requisite majority and therefore, the consequences should follow. Now, I have been going through the Constitution in respect of special majority. Article 368 lays down the provisions. It says:

"An amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of parliament, and when the Bill is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill."

It was very early that Speaker Mavalankar was called upon to interpret what is meant by 'when the Bill is passed'. What is the meaning of 'when the bill passed'? The Speaker Mavalankar while giving his ruling in May 1951 on the interpretation of Article 368, quoted the Attorney-General's opinion as follows:

"The expression 'when the Bill is passed in each House' has reference to the passing of the Bill at the final stage. The majority insisted upon by Article 368 is, therefore, applicable only to the voting at the final stage. It is, however, better to err on the safer side the take stricter view insisting on the requisite majority at all stages of the passage of the Bill."

What I am saying is that here is a

considered legal opinion given by the Attorney-General at that time and accepted by the Speaker and it is in pursuance of that that over all these years, a practice has developed in this House of having the requisite special majority at every stage of the Bill, though in case of amendments, in the case of reference to a Select Committee, in cases of reference to public opinion that special majority has been discarded with. And it has been accepted that a simple majority is all right. It was over at that time. Now, I would suggest, in view of that fact that the entire House is of the same consensus that these things ought to be done, if the House agrees that we shall confine to the opinion of the Attorney-General... (*Interruptions*)

SHRI VASANT SATHE: Not on constitutional matters. No tempering with the constitutional provisions and constitutional procedures.

SHRI L.K. ADVANI: I am making a plea to the House and to you particularly, that here is a matter in which by practice, by conventions, we have said that special majority should be required at every stage. If the House agrees, we shall confine this special majority strictly to the opinion of the Attorney-General at the final stage. This is the way out. This shall be subject to the House agreeing on this.

16.00 hrs.

SHRI VASANT SATHE: We are thankful to Advaniji. I can say straightway that we understand your feelings, but we do not want to set bad precedents and we cannot allow tampering with constitutional provisions and procedures as it would be a very dangerous thing to do. If you have not been able to do it, we are very sorry.

SHRI KAMAL CHAUDHRY: Mr. Deputy-Speaker, Sir, I am an elected Member from Punjab... (*Interruptions*). In a slipshod manner, this Bill has been brought and the way the Punjab problem is being tackled, I strongly protest. That is the opening sentence of my speech on this Constitution

(Sixty-fourth Amendment) Bill. The Punjab policy of the present Government is disastrous. This is how the Punjab problem is being tackled. If the Government wanted to pass this Bill, it should have ensured the presence of its own Members. It is not the way that this problem should be tackled. Even during the passage of this Bill, you have not been able to ensure the presence of your Members...*(Interruptions)*.

SHRISOMNATH CHATTERJEE: What I am submitting is that it cannot depend on the exigencies of the functioning of a machine or the non-functioning of a machine...*(Interruptions)*. They have committed to support this Bill. I do not know what is this commitment and what is this cooperation...*(Interruptions)*. My point of order is that this is a procedure which is governed by the constitutional provisions and there is a direct provision for that...*(Interruptions)*. The question is that you made an observation that this motion for the Bill to be taken into consideration has not been passed by the requisite majority; but there is no constitutional requirement for that, as Shri Advani correctly referred to Shri Mavalankar's ruling. No practice can obliterate a ruling. A ruling was given by the Speaker...*(Interruptions)*. This is the cooperation that they are talking of. The Leader of the Opposition is here. This is the way the cooperation is being given. It is very clearly provided that this special majority is for the constitutional provision. Because of the constitutional provision, we talk of special majority. It says that when the Bill is passed in each House. The Bill is passed at the last stage, for which the Minister has to move a motion that the Bill be passed. Therefore, it is very clear that at this stage, there is no question of defeating the Bill...*(Interruptions)*. We cannot depend on a defective machine...*(Interruptions)*.

MR. DEPUTY-SPEAKER: As far as the point raised by Shri Advani and Shri Somnath Chatterjee is concerned, I think, the Constitution Amendment Bills have to be passed by following a particular procedure laid down for that purpose. The Title, Clause

1 and other Clauses are passed by simple majority, whereas the substantive clauses have to be passed by two-thirds majority of the members present and voting and the majority of the members of the House. It is not only the passing of the Bill which requires two-thirds majority, but passing of the substantive clauses also requires two-thirds majority of the members present and voting and the majority of the members of the House.

SHRI SOMNATH CHATTERJEE: It does not say so.

MR. DEPUTY SPEAKER: Yes, it does say.

*(Interruptions)*

MR. DEPUTY SPEAKER: Now, I am giving my ruling. So, it is necessary that at the consideration stage also, two-third majority of the Members present and voting and the majority of the members of the House has to be there.

As far as that point of order is concerned, I don't think that point of order of Mr. Advani is correct and I am not upholding it.

There is one more aspect related to the present issue before the House. Each and every Member of the House has said that this amendment should be passed because we all want to tackle the issue in Punjab. That is why if all the members agree to pass this amendment, if the house agrees we can find a solution to the problem before us. It is very clear that when the voting took place the required number of members were not present there in the House. Now, whose responsibility is this and who has to keep the members in the House, all these things are very clear and it is not necessary to go into the details of all these things. But the most important thing is that we all want that this amendment should be passed. Are we going to help each other or not?

*(Interruptions)*

MR. DEPUTY SPEAKER: The point which you wanted to establish has already been established. The point which you wanted to establish has been established beyond doubt. Now, should we stress, should we go to the extent that what we all want to do is not one, is negated? I am trying to collect the sense of the House and I will go by the sense of the House. I would request the Members to look into the seriousness of the problem and try to help each other.

*(Interruptions)*

MR. DEPUTY SPEAKER: What you wanted to establish has already been established.

SHRI VASANT SATHE: Sir, if they can find some way out, we are always willing to cooperate with them.

SHRI SOMNATH CHATTERJEE: let us find out how many members are there in the House.

SHRI RAJIV GANDHI (Amethi): Mr. Deputy Speaker, Sir, we have agreed to cooperate with the Government in passing this Bill. We will cooperate with the Government in passing this Bill. At the same time I would like to say that the normal procedure that has been adopted for the last 40 years should not be changed. We are willing to sit with the Government outside the House to decide how we can solve this problem, and whether there is any other alternative or not.

SHRI JASWANT SINGH (Jodhpur): Mr. Deputy Speaker, Sir, before you adjourn the House, it is very important.

MR. DEPUTY SPEAKER: I am not adjourning the House.

SHRI JASWANT SINGH: I would submit that on account of mal-functioning of this machine, it is entirely possible...

SEVERAL HON. MEMBERS: No, no.

SHRI JASWANT SINGH: It is entirely

possible that the total number of members present here could not be counted.

MR. DEPUTY SPEAKER: No, please.

*(Interruptions)*

SHRISOMNATH CHATTERJEE: There are nearly 300 members present here...*(Interruptions)*

MR. DEPUTY SPEAKER: I will hear you, but let him complete first.

SHRI JASWANT SINGH: All that I submit is that the total number of Members of the House present may well be in excess of the required number.

SHRI INDRAJIT GUPTA (Midnapore): There are 300 members in the House...*(Interruptions)*.

SHRI SOMNATH CHATTERJEE: Because of a machine which is not working properly, you cannot go on like this. There are nearly 300 Members present.

MR. DEPUTY SPEAKER: Please take your seats.

*[Translation]*

Please listen, I would like to tell the House.

*(Interruptions)*

MR. DEPUTY SPEAKER: Please take your seat, Upendraji. I would like to tell the House that it is heartening that both the sides are talking of extending co-operation to each other and the leader of the Opposition has also given the assurance that they will try to find some solution of this problem by holding consultations outside this House. I was also thinking whether some solution can be found here itself, but I have been informed that the total number of the hon. Members present in the House is 252 only which is less than two thirds...

(Interruptions)

[English]

MR. DEPUTY SPEAKER: Now please take your seat.

[Translation]

and therefore, I would like to tell the House that despite some shortcomings, a good atmosphere has been created here and taking advantage of it we can hold discussions outside the House to decide as to how this Amendment is to be passed. Therefore, I would not allow further discussions in this matter. This being an important amendment I would suggest that all of you should put your head together and try to find some way to end this dead lock outside this House.

[English]

We are going to the next item. The hon. Prime Minister will make the statement.

THE PRIME MINISTER (SHRI VISHWANATH PRATAP SINGH): Before I make the statement, may I thank the Leader of the Opposition and leaders of all the parties and also the Chair for taking the whole consensus and attempting for a solution? I want to convey my thanks for that.

16.10 hrs.

#### STATEMENT BY PRIME MINISTER

##### Prime Minister's Visit to Namibia

[English]

THE PRIME MINISTER (SHRI VISHWANATH PRATAP SINGH): I had the privilege of visiting Windhoek from the 20th to the 21st March, to participate in the celebrations of Namibia's independence.

There could not have been a more befitting occasion for my first visit abroad as

Prime Minister than to witness Namibia's proud and joyous emergence as a sovereign, independent State. It was a memorable experience for all of us to be part of a historic occasion which marked the end of colonialism in Africa and the retreat of apartheid to its final crumbling bastion in South Africa.

The presence of our multi-Party delegation which included Shri Atal Bihari Vajpayee, comrade Surjeet, Shri Indrajit Gupta and Shri Narayanan from the Congress-I in Namibia demonstrated that India's principled and unwavering commitment to the anti-apartheid, anti-colonial struggle transcends party affiliations and ideologies. This is not just our national policy. It has been a part of our national psyche since the days of our own freedom struggle.

Immediately after the mid-night hour, India established diplomatic relations with Namibia, withdrew all sanctions and established a resident High Commission. We shared in the moment of great elation of the people of Namibia, who had struggled valiantly for 23 long years for their independence, under the banner of SWAPO and the leadership of President Sam Nujoma.

India is proud to have been in the forefront of the international effort to assist the Namibian people in their quest for freedom. We extended moral, material and political support to SWAPO during its days of exile. In the transition phase to independence, India made available to the United Nations Transition Assistance Group the services of a military peace keeping contingent, police monitors and election supervisors. I am happy to inform the House that our men in Namibia earned special praise for their diligence, discipline and dedication. I am sure that this House will join me in applauding our citizens who assisted Namibia in its transition to independence. At Namibia's request, we have agreed to the continuance for three months of 50 Indian police monitors, at our cost.

During my call on President Sam