

(Interruptions)

SHRI P. CHIDAMBARAM (Sivaganga): Somebody has to tell us as to whether or not it will be taken up. How can it be not taken?.. (Interruptions)....

MR. CHAIRMAN: I hope that it will be taken. But it was not taken up so far.

[Translation]

SHRI KALKA DAS: It should be stated whether or not a judicial inquiry will take place?

[English]

MR. CHAIRMAN: My dear friend, that is right. I have permitted you to ask a clarification only and I can give you time only for that. But I cannot allow you to proceed like this to deliver a speech.

[Translation]

SHRI KALKADAS: The fire which broke act in my constituency was of result of a deliberate mischief. will a judicial inquiry be ordered or not? It should be stated after getting done information in this regard.

15.41 hrs.

DEMANDS FOR GRANTS (GENERAL)
1990-91

Ministry of Home Affairs—*CONTD.*

[English]

MR. CHAIRMAN: Now the House will continue discussion on demands for Grants No. 42 to 46 and 90 to 95 of the Ministry of Home Affairs, moved on 19th April, 1990. Shri Hukumdeo Narayan Yadav may speak.

[Translation]

SHRI HUKUMDEO NARAYAN YADAV (Sitamarhi): Mr. Chairman, Sir, I rise to

support the Demands for Grants of the Ministry of Home Affairs I would like to refer to a rural saying, which is as follows:

"Man harshit to gawe geet aur ghar kharcha to sute nishchint."

15.42 hrs.

[SHRIMATI GEETA MUKHERJEE in the Chair]

If the people are happy they sing and if there is enough at home, they are able to sleep peacefully. Similarly, if everything is all right with the Ministry of Home Affairs, internal peace and amity will be maintained and development will take place rapidly. Till there are internal tensions, violence, terrorism and anarchical conditions prevailing in the country, the economy will be utilising its entire resources in containing them and our systematic development of the country will suffer. If there is peace and amity in the country, all round development will take place faster and if it is other wise, development will receive a set back. Therefore, first of all, it is essential to deal with that matter. Besides, regarding the internal situation prevailing in the country, it is difficult to say whether the Government is responsible for it or there are other factors at work as well. I cannot say whether this Government is responsible for it or that Government is responsible. My question is whether the Government alone is responsible or other people are also responsible along with it. Mahatma Gandhi led the national movement for the independence of the country. Mahatma Gandhi was a great personality on whom every section of the people relied. Gandhiji wanted the Britishers to be ousted from the country. Independence means paying maximum attention to the downtrodden. if a penny is spent out of the Notional Exchequer and if it is spent for the welfare of the downtrodden, it will be considered to be worthwhile expenditure. If the funds are spent on the upper classes, it will not be considered to be proper. Gandhiji paid maximum attention to the lowest strata of society. He emphasised that they should be uplifted. Secondly, leaders of all section,

communities and religious groups were his associates and they sat by his side. For example, Pt. Madan Mohan Malviya who was a great scholar of Hindu religion sat on one side and along with him would sit Shri Mohd. ali Jinnah and similarly, a sikh leader and a harijan leader would be there. Mahatma Gandhi sitting in the midst of such eminent men would appear like a sun amidst the twinkling stars. But as the Gandhian era came to an end, the confidence of the people became shattered. The mutual trust built among the people is not the work of any constitution, history, geography or literature but it is built among people working together through internal good will, love and faith and when all this confidence begins to crack, the nation is not able to hold together any more. This happened in our country. When the trust and confidence built up over the years got eroded gradually, whoever came to power regardless of the section of community, he may belong to, he would not allow any opposition to emerge. In India, there have been two schools of thought or traditions from time immemorial. I and Shri Kalp Nath Rai belong to the same school. One can be called 'Vashishtism' or the tradition set by Sage Vashishta and the other is 'Valmikism' as set by Sage Valmiki. As per the first tradition, if another hermit such as Shambuk attempted to equal Sage Vashishta by hard penance, he would be executed with due instructions from the king in this regard. Whereas as per the convention set by Sage Valmiki, if anyone is abandoned by the King, even if it is a woman, Sage Valmiki would provide that person with shelter in his own hermitage without caring about the reactions of the society. Valmikism is for liberalism and Vashishtism is fanaticism. In the post-independence India, Government adopted "Vashishtism" instead of 'Valmikism'. If anyone had dared to challenge the Government whether in the North-East, Central India or coastal States, every effort would be made by the Centre to suppress it. If some leader belonging to the harijans, Sikh or Muslim community or a leader of the backward classes or some other section of society happens to show any spark of talent which threatens the Central authority all out at-

tempts would be made to nip it in the bud. When the soul of the nation is hurt, it is bound to have serious repercussions and therefore, I would request that different streams of thought should be taken into consideration for solving the internal problems of the country. What has been done cannot be undone. Do the people belonging to the ruling party as well as the opposition by being faithful to their conscience agree with this point that many such bills have been framed which have been supported unanimously in the House? Are we prepared to admit that many such steps have been taken by this House which are damaging for the nation. When after resigning from the Legislative Assembly in 1977, I entered the Parliament, I had stated at that time that Parliamentary Democracy existed only in name in the country. We may call it Parliamentary Democracy but it is the Parliament which is controlling the country and the Parliament is controlled by the majority party and which in turn is under the control of the Cabinet and one particular individual heads the Cabinet. Therefore, we may call our system of Government as Parliamentary Democracy but it is actually a force because the Parliament after all obeys the dictates of a single person. If there is a problem facing the country, we will not be able to tackle it properly if we view it in fragments and as it suits our interests. Until we are able to take a holistic view and rise above party politics while we are discussing a problem in the House, we will not be able to have an open mind and the image of the Parliament will continue to suffer. I have been elected thrice to the Parliament since 1977. We have one face in the House, another in the inner Lobby, still another in the another Lobby and likewise in the Central Hall and in this way we are multi-faced characters which is doing maximum harm to the nation. Whatever views we express here should be expressed outside as well. It is only when the hon. Members sitting in the air-conditioned comfort of the House realise the problems of the people outside and their views reflect the same, the House will be moving in the right direction. The people in the Government are unable to respond to the problems of the people. They are blind. The

[Sh. Hukumdeo Narayan Yadav]

hon. Members belonging to the Ruling party as well as the opposition may come out with a number of suggestion but it is the point of view of the Government officials, who are close to the centre of power, which really matters. The I.A.S. and I.P.S. Officers are taken to be ultimate in intelligence, intellect and wisdom. We, who have come here after winning lakhs of votes, do not matter. Our culture is quite different than the culture observed in the five star hotels and mansions today. Indian civilization and culture is imprisoned in the five star hotels and modern palaces. We have to change this kind of culture. In case of such a culture existed on one side and the extreme poverty on the other, it is bound to result in conflict, which will have serious repercussions.

There is bound to be a conflict when a newly wed couple celebrates the honey-moon in a five-star hotel and another does the same under a tree. The latter couple brings up children as well outside. Till children are born in this way on the pavement and necessary arrangements are not made to take proper care of them, the condition of anarchy will increase and a explosive situation will be created. What is the reason behind the explosion in Punjab and Kashmir? What is the reason behind the notion that only the people occupying the Chair in Delhi. The people who go against them and revolutionaries are patriots are not considered as patriots. They are considered as traitors and anti-nationals.

I was born in an ordinary agricultural family. My father, mother and cousins were put behind bars during the independence struggle. My ancestors sacrificed all their property in the struggle for independence. All their property was sacrificed for financing the struggle but the names of my ancestors have not found any mention in our history. The occupants of Anand Bhawan and people who made lesser sacrifices find their names in the history of our country. They have got compensation worth many times their contribution. But Shri Hukumdeo Yadav has not

got any compensation. He has not been entrusted with any kind of position of authority. No office has been given to him. He is used to sitting on the floor. Such people cannot hope to get any political position. It is only the children of the eminent parents who are bestowed with top positions. If an ordinary person has a very talented son, he would not be allowed to display it.

The story of Hastinapur may be an ancient one but it is relevant even today. Kunti has a child out of wedlock and he is not accepted by her folks in the palace. Dronacharya rejects Eklavya and Karna is thrown out. This is an old tale of Hastinapur. A baby born out of an unwed mother is set afloat in the river and who is saved and brought up by someone else. That baby is a genius. The ruling class recognizes him as their own in private but does not give him similar recognition in public. Therefore, I would like to quote a few lines:

“Shanti nahin tab tak jab tak,
sukh bhag na nar Ka samjho,
Nahin kisi ko bahut adhik ho,
nahin kisi ko kam ho.
Shanti susheetal shanti kahan
wah samta dene wali aaj
vishamta ki hi to karti hai rakhvali.”

MR. CHAIRMAN: You may conclude now.

SHRI HUKUMDEO NARAYAN YADAV: Madam Chairman, I will conclude at whatever point you want me to do so. I would like to request the hon. Minister of Home Affairs that if you intend to usher in a change in the country, the maximum and minimum wage must be fixed. Finally, when a Sikh belonging to Punjab takes up arms to resist atrocities, he is branded as a terrorist and an antinational. If a Sikh challenges the Nation and the Constitution, it is unpardonable but if he is fighting atrocities, it will not be proper to brand him as a terrorist and an antinational. In Bihar, the people who fight against atrocities are ruthlessly killed. They are put to death terming them as naxalite, a member of IPF or belonging to some other militant

organisation. We are also the sufferers. If we are not able to deal effectively with injustice and atrocities, we shall also be crushed as in Punjab and Kashmir. Therefore, I would like to submit that if anarchy and atrocities have to be done away with we will have to take a clue from the following couplet:

"Pujaniya to pujya manne mein jo badha kran hai,

Vahi manuj ka ahankar hai, vahi manuj ka bhram hai."

I would like to congratulate and thank the hon. Minister and I would request him to take strong steps. Shri Mufti Mohammad Sayeed may consider that he is a Muslim and his appointment as the hon. Minister of Home Affairs may be a special privilege for him. Therefore;

"Hai Jahan kahin bhī tej vahan se pana hai,

Samgra Bharat ko ab ran me le jana hai.
Samagra Bharat ab ran ki ore prasthan karega,

Jalim aur julmi ke beech anyaya ko vah mitakar rahega."

Injustice and atrocities cannot continue for long.

[English]

SHRI PIYARE LAL HANDOO (Anantnag): Before I start, I must thank you that at least three days after there is somebody who has looked to a small party like National Conference to say something about the Demands under discussion.

Before I come to the main subject, I would like to bring to the notice of the hon. Home Minister the latest document that has been made available to us. It is very necessary to make reference to this because as representative of the new Government the hon. Prime Minister had started his inaugural speech by promising an alternative model of Government.

It really dismayed me when I came

across the Action Taken Report on the Wadhwa Commission; the first Commission Report brought on the Table of the House by the present Ministry. I will not take you to the findings of the Commission but the Action Taken Report, particularly two parts of it.

16.00 hrs.

In Paragraph 4 of the Action Taken Report, if you kindly see, it is mentioned and I quote: "The police was actively involved in organising the mob and its transportation to Tis Hazari Court Complex on 17.2.88. The mob was brought by Shri Rajesh Yadav, Municipal Councillor in active connivance with Smt. Kiran Bedi. The crown was allowed by the police to indulge in vandalism without any check. There was failure on the part of the police officials in not controlling the crowd in time and not taking action against any one in the crowd and cognizable offences were committed. It has been decided to initiate departmental action against the officials concerned."

The finding of the Commission is that there has been an active connivance between Smt. Kiran Bedi, the Delhi Police and one Municipal Councillor. As a result of the connivance and conspiracy, cognizable offences were committed and the Government is pleased to say that: "We have decided to take departmental action." It means that action is against the police officers and not against the civilians involved in the conspiracy.

I would request the hon. Home Minister to take the House into confidence and say what is the criteria for initiating a Departmental Inquiry in a case where the finding of the Judicial Commission is that: "A cognizable offence has been committed as a result of the conspiracy between those who are out to protect the laws and those who are out to break the laws." The two entered into conspiracy and one of the conspirators was the Head of the Police itself. What is it that you have conveyed? You have said that, a Departmental Inquiry will be conducted and not that you would prosecute the officers.

[Sh. Piyare Lal Handoo]

The second finding which the Commission has recorded and about which the Government has also taken a decision is this. It is also surprising. It is almost an affront to the entire legal fraternity of the country. The finding of the Commission, according to the Action Taken Report is that:

"The lawyers who suffered injuries and also those who suffered because of mob violence in the Court premises on 17.2.88 should be compensated."

Now, the lawyers have been injured according to the finding of the Commission that "it was as a result of the conspiracy which entailed the hooliganism created and abetted by the police officers.

The Government's finding however on this was:

"The recommendation of the Committee has wide financial implications and a decision will be taken after examining all aspects of the matter."

Perhaps the Home Ministry is proposing to refer this matter to the Planning Commission and the Finance Ministry to indicate to them, whether they can accept the responsibility which has been foisted on them by a Judicial Commission, in respect of a very sensitive section of our society. I would again—irrespective of this finding also—appeal to the hon. Home Minister to rise above bureaucratic level and respect the findings of the commission and don't cause an affront to the legal fraternity of the country, particularly, so when the genesis of the entire occurrence was in the Capital city of Delhi, which will in fact control the legal fraternity of the entire country. This is about the latest report which is brought before the House by the hon. Home Minister.

The next important matter which I want to bring to the notice of the hon. Home Minister is this. Nobody will be so unhappily constituted in the country as to refuse the

hon. Home Minister the Grant that he is asking for. I am reminded of a famous poem written by an English Poet which when put in prose conveyed

"We can hardly find a soul so dead as not to have said unto himself that this is my own native land."

We know what problem the hon. Home Minister or the Home Ministry faces in the country today. We know that the Demand for Grants is very much justified. Therefore, no one can be so unhappily constituted as to say that he should not have the Demand for Grants okayed. But I would like him to contemplate over on matter. What is the duty of the Home Ministry in a Federal country? Why do we call this Ministry, a Ministry of Home Affairs? We know that, after 1950, we had chosen to give law and order subject to the States. I have been hearing the speeches for the last three days. I have seen many hon. Members making a reference to the lawlessness in Kashmir, lawlessness in Punjab, violence in Kashmir, violence in Punjab as if that is the total gamut of the Home Ministry of a Federal country. It is absolutely, according to my humble submission, a wrong nomenclature with which we have christened this particular Ministry. I am a man from Kashmir; but today, after having heard good, bad and indifferent observations about Kashmir, I will not say anything. Government of India has chosen to depend upon the perceptions of Governor of Kashmir. I said in the beginning that we would only express our sadness about this. We will express our sadness, and continue to repeat it, but would wish them the joy of their perceptions. I am 100% sure that the path he has started to tread upon, will take the country to ruination, will take the State to destruction. and they will have to come one day with an announcement that they have been wrong—because sometimes they think correctly, but only retrospectively and not prospectively, not contemporaneously.

Another observation I want to make is: What is the cause of Kashmir trouble, and what is the cause of the Kashmir situation?

I want all the hon. members of this House to contemplate: Forty years after independence, why is it that today you have this problem in two singularly-situated provinces—one, a Muslim majority State, a singular Muslim majority State in the country, and another a singular Sikh majority State in the country? Some days before, the hon. Prime Minister convened a meeting of the Chief Ministers of all the States: and, believe me, as a patriot, as a son of the soil, I was ashamed to see one Governor of Kashmir representing the Chief Minister of Kashmir; one Governor of Punjab representing the people of Punjab in the Chief Ministers' Conference. It may be a fact of modern, present-day history; but it has a cause. Unless we go into the cause, we will not know what it is all about. I would only appeal to the hon. Home Minister to take into consideration, what is it that we tried to do in India when we appointed the Sarkaria Commission. Which ailment did we recognize at the time of appointment of the Sarkaria Commission, and whom do we please by keeping the Sarkaria Commission and its recommendations, ever since its submission to the Government of India, under the carpet? Either the recommendations are to be accepted, or the recommendations are to be rejected. Either the ailment that we recognized and for which we created that Commission, either the diagnosis of it was incorrect—you say so: either the diagnosis was correct, but the remedy is not correct. You say so: but remaining silent about the Sarkaria Commission and its recommendations disclose and betray an understanding which, I am 100% sure, will give you more Punjabs, more Kashmirs, less of solution in Kashmir, less of solution in Punjab. This was the second subject I wanted to bring to the notice of the hon. Home Minister.

The third subject is immediately connected with the Wadhwa Commission: what is the manner in which Police has to act in a given situation in the country? I know that you are wrongly named as the Home Ministry of the country, in a federal country. There should be nothing like a Home Ministry of the country. You could be the Minister for Fed-

eral Affairs. You can deal with the Central Affairs; and that was a proper subject for the Home Ministry of the country. But now that you are called the Minister for Home Affairs, now that you have almost accepted to give, and receive criticism for and against disturbances of law and order all over the country, I would only make a request: what is it for which the National Police Commission was appointed years before? What was the ailment which had been recognized by the then Government and accepted by Parliament, for which we appointed the National Police Commission? It is a fact that upto date, despite the lapse of so many years, we have not even tried to turn the pages of the report of the National Police Commission. We are, each year, saying: Our Police is not yet equipped for a particular job; or Police has been taken by surprise because of AK-47 or AK-202: our Police has been taken by surprise by the element of stealth, by the element of secrecy involved in what we call the terrorism. Is that what a civilized country should say after it has ruled a country for a full 40 years? What is it that the National Police Commission was for; and how is it that your Demands for Grants do not even casually refer to how we are to deal with the recommendations of the National Police Commission? This was the third subject I wanted to bring to the notice of the Hon. Home Minister.

The last—but perhaps of greater importance—subject which I want you to consider is the state of our Civil Services, particularly in respect of my own State. I have very recently received a reply in answer to a question, from the home Ministry. The question is a very simple one, but a very meaningful one.

The question was about the number of IAS officers in the State of Jammu & Kashmir and the reply was that there were 99 IAS Officers in the State of Jammu & Kashmir. Out of that local promotes were 30, and to the part of question as to how many of the local promotees and how many out of the direct recruits have never moved out of the State of Jammu and Kashmir, the answer I

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do not like to read; but I will only commend this answer to the hon. Home Minister and I would like to know: How is it that at each point of time, of change of Government through *coup d'etat* whether it was 2nd July 1984 or 9th August 1953 or this year's, that is, the last, the 19th of January 1990 certain officers have been transferred and again those who had not moved out of the State of Jammu and Kashmir, either IAS Officers or promotees since the 9th of August 1953 some did not get transfers, even when it was in the case of 2nd July 1984 or even when it was 1986, or even when it was 1990, I would only request the hon. Home Minister to contemplate over this situation. Do not ask for the reply from me; I ask you a question, you try to think in your own mind many of the ills which you are trying to remedy, the cause of which you are trying to search for, you may be put on the correct track.

This was the fourth matter which I wanted to bring to your notice. And the last one again, will take you nearer home.

MR. CHAIRMAN: And I hope that is the last.

SHRI PIYARE LAL HANDOO: The last one. And that is, whatever you may choose to do, with the Sarkaria Commission, whatever you may choose to do with the National Police Commission, whatever you may choose to do with the wadhwa Commission and continue to do what you have stated in the action taken report, it will be an affront to the legal fraternity in the country and you will have to face very very bad days in days to come. This thing kindly take note. (*Interruptions*)

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): It will be an affront on what?

SHRI PIYARE LAL HANDOO: I said, "It will be an affront to the legal fraternity of the country." Unfortunately, you are in the habit of remaining absent from the House; other-

wise I read from your action taken report, two paragraphs. He has not noted this. He is too young to do the job. I could feel he was not listening but he was in a state of excitement when I was reading.

Anyway, the subject which I wanted to bring to your notice is about Kashmir, that is, Article 370 which has become the whipping boy those days. I do not want to say anything about Article 370. But I want to bring to your notice a very important apprehension which I am entertaining. Not entertaining it unjustifiably but because of some straws in the wind that I have been seeing for the last four or five days. And that is about the Governor of Jammu and Kashmir. He is trying to repeat what he did on the 30th July 1986. That, he knows it. On the 29th July 1986 I filed a Writ Petition in the High Court of Jammu and Kashmir, because I had the same apprehension then, seeking a Writ of Prohibition against the Governor for using the powers of the Government defined under Article 370. Because, he is not the Government as defined in Article 370 of the Constitution. But the dispensation of the political alignment as it was then, your aid and assistance was also available to the parties then. You did prevail upon the Governor to pass an order in favour of Article 370-I do not want to say it-even the Sarkaria Commission, I am sure you must have read it-recording that, "I would have certainly commented on this state of affairs but for the fact that the Advocate General has brought to my notice the fact of pendency of a Writ Petition about the exercise of this power by the Government of Kashmir." I am again putting myself under restraint because there are two writ petitions pending about that matter still-one in the High Court of Jammu and Kashmir and another in the Delhi High Court. Kindly keep a view and restrain your zealous Governor. (*Interruptions*)

SHRI MUFTI MOHAMMAD SAYEED: Governor has no legislative power.

SHRI PIYARE LAL HANDOO: No, Sir. He has no legislative powers under Article 370 because under Article 370, you know,

after a great deal of struggle, Government has been specifically defined as one consisting of Governor, aided and assisted by the duly elected Government of Jammu and Kashmir State. There is no definition which can be transported into Article 370. And unnecessarily since the matter is pending in the High Court, that is not for the discussion. But kindly ensure that till Governor's rule, nobody tampers with Article 370 and leaves it as it is till. For whosoever like you anyone else becomes an elected Chief Minister of Jammu and Kashmir State or the Legislature of the State comes to deal with it, the way the nation requires to deal with it.

These are my submissions.

16.15 hrs.

DISCUSSION UNDER RULE 193

Communal Situation in the Country

[English]

MR. CHAIRMAN: In accordance with the wish of the House, now we shall have to take up the discussion on the communal situation.

Before we go in for further discussion on the Ministry of Home Affairs, which will be tomorrow, I call upon the Minister kindly to make a statement on the communal situation, following which the debate will start. It will be initiated by Shri Harish Rawat.

THE MINISTER OF HOME AFFAIRS (SHRI MUFTI MOHAMMAD SAYEED): Mr. Chairman, Madam, I have no statement to make. Whatever facts are to be given, I will give in my reply.

MR. CHAIRMAN: Shri Harish Rawat.

[Translation]

SHRI HARISH RAWAT (Almora): Madam Chairman, we had expected the

Government to pick up the signals from the unfortunate incidents of Mathura and after assessing the gravity of the situation prevailing there it would make a statement in the House in regard thereto. We had expected that by doing so the Government would give a serious warning to the country as a whole and to those elements in particular, who are behind such incidents of communalism, but unfortunately today we have a Government which has failed to realise the gravity of the situation and it is ignoring the signals being given by the recurrence of such incidents time and again.

Madam, the planned manner in which a procession was taken out in Mathura and the way such elements were selected to join the procession from Uttar Pradesh and Rajasthan, who are completely communal in their attitude is a dangerous situation. The way these elements set afire a mosque without any provocation and tried to defile the Kuran deserves utmost condemnation. As regards the details of the incident, Shri Dinesh Singh, Shri Kalp Nath Rai and others who visited Mathura would present them in the House. I am surprised to observe that secular Indian culture of Ram, Rahim and Mahatma Gandhi which has been unique example of tolerance is giving way to communalism and communal incidents. These incidents, wherever they occur, are a disgrace to the nation and for everyone of us. When at this juncture we expect maximum tolerance, with our enemies on the borders awaiting to test our patience, it is regretful that some of our people without realising the gravity of the situation are falling into their trap. They are not realising the consequences their attempts at dividing the nation on communal lines would have for the country and how it would affect the country's unity, integrity and preparedness.

We are proud of our forces. We are also proud of our political leaders who have created a strong India, which cannot be defeated by any power of the world. If we are even defeated it will be through the enemies within ourselves. Today there is a conspiracy to create strife between two communi-