

18.02 hrs.

TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT BILL AND CHANDIGARH DISTURBED AREAS (AMENDMENT) BILL

[English]

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): I beg to move:

"That the Bill to amend the Terrorist and Disruptive Activities (Prevention) Act, 1987, be taken into consideration."

As the Hon'ble Members are aware, the Terrorist and Disruptive Activities (Prevention) Act, 1985 was enacted by the parliament to meet a grave situation in May, 1985. The Act had a limited life of two years from the date of its commencement. The evil designs of terrorists and disruptionists continued unabated creating disharmony among various sections of society and thus destroying the very foundation of our democracy. Therefore, it became necessary to enact a comprehensive and deterrent piece of legislation in the form of Terrorist and Disruptive Activities (Prevention) Act, 1987, on the lines of the 1985 Act with suitable modifications. The said Act was enacted in September, 1987 to replace the Terrorist and Disruptive Activities (Prevention) Ordinance, 1987 with effect from 24th May, 1987. The said Act also has a limited life of two years i.e. upto 23rd May, 1989.

In view of the recommendations of the State Government and Union Territories for further extension of the Act and in view of the fact that terrorist violence still continues unabated, it is now decided to amend section 1(4) of the Terrorist and Disruptive Activities (Prevention) Act, 1987, to extend the said Act for a further period of two years with effect from 24th May, 1989.

I commend the Bill to the Hon'ble House. Sir, I also beg to move:

"That the Bill to amend the Chandigarh Disturbed Areas Act, 1983, be taken into consideration."

The Bill seeks to provide that no suit, prosecution or other legal proceedings shall be instituted against any person in respect of anything done or purporting to be done in exercise of the powers conferred by the Chandigarh Disturbed Areas Act, 1983, except with the previous sanction of the Central Government. Under the Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983, such powers have been given only to the Central Government. It is considered desirable that these powers under the Chandigarh Disturbed Areas Act, 1983, should be exercised by the Central Government and not by the Administrator of the Union Territory as provided in the Act at present. This Bill seeks to achieve this objective and I also hope the Bill will be adopted unanimously.

Both these pieces of legislation may kindly be taken by this House now.

MR. DEPUTY-SPEAKER: Motions moved:

"That the Bill to amend the Terrorist and Disruptive Activities (Prevention) Act, 1987, be taken into consideration."

"That the Bill to amend the Chandigarh Disturbed Areas Act, 1983, be taken into consideration."

SHRI E. AYYAPU REDDY (Kurnool): I am confining myself to the first Bill which is popularly known as TADA, the Terrorist and Disruptive Activities (Prevention) Act. Even at the time when amendments were moved to the Act of 1985 in 1987, making serious inroads into the basic principles of Criminal Jurisprudence, I opposed it. It was made out that this would be only a temporary measure and that its life would expire on the 24th May, 1989, that this measure was called for to meet the extraordinary situation in Punjab. But the Act was intended for the whole of

India and for notified areas. Practically all the States seem to have given notification and effect to this Act. I expected the hon. Minister to give to this House vital data and information relating to the working of this amended Act in the various states.

I may recollect to the members of this honourable House the drastic provisions of this TADA Act. First and foremost, we were to have Designated Courts. Now, bail is ordinarily refused. If bail is refused by the Designated Courts, then there is no appeal against the orders of a Designated Court to the High Courts. Any order passed by a Designated Court is appealable only to the Supreme Court. Then, a confession made by an accused to a Police Officer not below the rank of Dy. S.P. has been made admissible.

18.09 hrs.

[SHRIMATI BASAVARAJESWARI *in the Chair*]

This was against the basic principles of the Evidence Act which have been in force for over a century. Then there is another exception to the Evidence Act that a confession given by a co-accused also is admissible. Then there were so many exceptions made which were from the accepted norms of a criminal trial. What is more drastic is, a right of appeal to the High Court is denied. We know how difficult it is for a person who has been prosecuted maliciously or falsely before a Designated Court to go to Supreme Court. So many drastic provisions were introduced in this Bill on the pretext and plea that it would have a temporary life and that it would anyhow come to an end on 24th May, 1989. Now, you are trying to seek another two years extension for this. I, first of all want to know the purpose this Act has served. Has it been used or misused? You have not given us vital data about that. Yesterday, Mr. Shantaram Naik was referring to this Act. He was asking the hon. Home Minister to give him information as to how many designated courts had been constituted in various States

of India and how many persons were prosecuted before these designated courts and whether they had ended into conviction. That vital data is not here. I request the hon. Home Minister to give us that data. Shri Indrajit Gupta was telling us that you were not giving vital information about Delhi riots and all those cases which you gave just now. Even with regard to the designated courts, especially in the State of Punjab, you have not given us any data even now. Unfortunately, this Act has been misused and abused by the State of Gujarat and other States. I am sorry to say that even in my State, Andhra Pradesh, in my own district, even ordinary theft cases were booked under TADA simply because some firearms were used. I expect Shri Chidambaram to deal with this matter because this matter went to the Supreme court. The Supreme Court said: "Why do you apply TADA even for ordinary offences?" The Supreme Court remitted that case back. Fortunately, for us some party from Gujarat was able to take it up to the Supreme Court and get a decision; otherwise, it would have been impossible for ordinary persons in various States, who have been prosecuted for ordinary offences under TADA, to come to the Supreme Court and get relief. Therefore, vital information with regard to how this Act has worked during these two years, has been withheld. We are not in a position to appreciate why you require an extension for two more years. My own conclusion and inference is that this Act has not made any impact on the terrorist activities in Punjab. This Act did not act as a deterrent to the terrorist activities. This Act did not end in speedy conviction of those persons who had committed heinous offences under the guise of terrorism. So far, to my recollection, Doordarshan has been merely repeatedly saying that so many people have been killed but it has never given information that so many people have been convicted in any designated court. The press has also not reported any conviction by any designated court. Therefore, for all purposes, I presume that TADA had no effect in Punjab. Unless you give information I will not be in a position to say that it has served any purpose.

[Sh. E. Ayyapu Reddy]

With regard to other States, how can TADA be made use of in States like Gujarat, Tamil Nadu, Andhra Pradesh where there are no terrorists? I can understand it if some of the Punjab terrorists or some of the Sikhs are indulging in acts of terrorism. There is no such information. In fact, they are free from the activities of the terrorists. I must say to the credit of the Sikhs in all other States that none of them have at any time given any scope for any State government to prosecute them under this Act. There is not a single case to my remembrance where, except in Punjab, Sikhs have been prosecuted under this Act.(Interruptions).

S. BUTA SINGH: That is not correct. There are cases in U.P., Haryana, Himachal Pradesh and Jammu and Kashmir also.

SHRI E. AYYAPU REDDY: I see. That is because I suffer for lack of proper information.

S. BUTA SINGH: I will agree with the hon. Member that we should not call them Sikh terrorists. They are terrorists pure and simple. They have no religion.

SHRI E. AYYAPU REDDY: All right, I agree. But then if we take the number of cases, it will be quite clear that in most of the States this Act has been invoked for ordinary offences under the Penal code and the Arms Act because the easiest method for the police people is to file a charge-sheet under the TADA Act which will disable the accused from getting bail. More than that, if he registers a case under the provisions of an ordinary law, say, Penal code or Arms Act, he has to necessarily file a charge-Sheet within ninety days, according to the provisions of the Criminal procedure code, but if he registers a case under this Act, he will have one year's time to file a charge-sheet, and during that period the accused will be denied bail. Therefore, this Act has been abused in most of the cases, so far as the States other than Punjab are concerned.

This is a very Draconian law. such a law must not exist on the States Book of any civilised Welfare State. Our constitution has enshrined certain Fundamental Rights. The founding fathers of our Constitution had noble ideas about human rights and, in fact, we reflected the best of the revolution to safeguard life and liberty of a citizen, to see that the life and liberty of a citizen is not taken away, except under the due process of law. The due process of law should not be made a farce. That is why we had a very long established procedure of a criminal trap. It must be remembered that even during the worst days of the imperial rule in India, during the worst days of repression and suppression of the freedom movement, the Britishers did not think of having such a Draconian law. There were terrorist activities also during the freedom struggle and there were attempts to murder Governors also by throwing bombs. But even then the Britishers did not think of resorting to such a Draconian law because the Britishers felt that it would be uncivilised to have such an uncivilised, brutal law. Therefore, we must hasten to see that we do not have on our Statute Book such a Draconian law. Probably in a Fascist country they may have such Draconian laws. Therefore, the sooner we put an end to such Draconian laws, the better for us.

It must be remembered that in some of the international forums, for the first time charges are levelled against India of suppressing human rights. It came up in the American Senate, it has also come up in some of the forums of the U.N. It is on account of such enactments that we are tarnishing our image as champions of human rights. Unless it is compulsory, unless it is necessary, we must not have it. If we can deal effectively under the ordinary law, we should not have recourse to this draconian measure. We must always remember that our great freedom fighters especially Panditji, Gandhiji and others would never have tolerated such draconian measures. Therefore, I appeal to the Government that they should not try to extend the life of this enactment unless it is totally compulsory. Unless

they say that it is not possible to deal with the criminals under the ordinary law, you should not have made out any case like that. Therefore, I conclude by saying that in the fair name of our country, as a champion of human rights, we must not allow this enactment to blemish our Statute Book.

[*Translation*]

SHRI AZIZ QURESHI (Satna): Mr. chairman, Sir, I rise to support the amendments proposed in both the Bills under consideration.

Words fall short in appreciating the efficiency of the Central Government and of the Governor in handling the administration of Punjab despite all problems. Just now it was pointed out here that even after such a long span of time, the Government has not been successful in eliminating terrorist activities. I would like to remind my colleagues in Opposition that it is not so easy a task. If they turn the pages of history, they will find that every in Ireland, the biggest power of world, where the sun never used to get set, the British Government could not eliminate the terrorist activities during the last 100 years. So much so, even after coming of the extremist leader Shri B. Wareia to power these activities did not stop. The last trophy received by him recently was for the credit of killing the wife of first Governor General of India, Lord Mountbatten and his family members. Even today such activities are continue. The British Government also failed to solve ti. It needs to be paid special attention that when we oppose terrorism in India and oppose the terrorist activities, it is not something new to us. Our culture, education, values, beliefs and policies have always been against terrorism. I would like to remind the house that the Congress Committee had passed a motion of censure when the terrorists had for the first time tried to blow up the train in which the British viceroy was travelling. That resolution was drafted by none else but Mahatma Gandhi himself and he had condemned the terrorist activity. Even Pandit Nehru had refused to accept the terrorists, philosophy for achieving the goat

of independence when the terrorists were fighting for the independence of the country. He had also condemned it and I would like to remind the House that once while Pandit Jawaharlal Nehru was returning to Allahabad after attending a meeting, four Bengali terrorists intruded his bogie and threatened him that if he does not stop speaking against terrorism he will also meet the same fate as the Britishers. I remember that while discussing this incidence in his autobiography, Pandit Jawaharlal Nehru has written that he still remembers those pale faces with truth marked on them. They jumped out of the train as it started. He further says that God knows where would they be today. They must have either been killed by a British soldier or must be suffering detention in the cellular jail in the Andamans. Nehruji further says in his autobiography that had he asked their whereabouts he would have told them that apart from terrorism, the path of peace and non-violence also exists to achieve the goal of independence. We can reach our destination by following this path.

Madam Chairman, my submission is that our opposition to terrorism and the points made by the hon. Prime Minister in this regard are nothing new in India. We have always opposed terrorism and have condemned its philosophy. However, I would like to add that it would be wrong to think that terrorism can only be eliminated with the help of force or power. I would like to submit that even the police and the bullets of army could not make the dacoits of Chambal surrender. However when Vinobha Bhaveji, Shri Jai Prakash Narain and their followers convinced them then they surrendered. Therefore, an atmosphere has to be built in order to eliminate terrorism from India and people will have to be awakened out of their slumber. It is only after getting the support of every section of society that we can think of eliminating terrorism from India. An atmosphere needs to be created and unless it is there we will not be able to eliminate terrorism.

Madam chairman, in this regard I would like to draw the attention of all the developing

[Sh. Aziz Qureshi]

powers to this fact that they will have to unite in order to fight this battle. This struggle is against communalism and unless all the progressive forces unite to fight it out we can not succeed. In this regard, I would like to mention about and congratulate both the communist parties and the progressive forces in Punjab who have opposed terrorism there. Besides, I would also like to congratulate all those brave workers of Punjab Government, its police force and above all the masses there who have unanimously decided that there is no place for terrorism in the State and that they will face it in every part of their State. A number of points have been made in this regard by the hon. Members. I would like to add here that the Sikhs in Punjab are the bravest people and they were among the first who faced every problem or invasion on India by sacrificing their lives. I would also like to submit that we will have to make the Sikhs realise and assure them that they are the legal heirs of everything India has and that it is the duty of all of us to protect their culture and religion. This assurance has to be made not only in the towns but also in the rural areas. Unless we are able to do so, we will not be in a position to solve this problem.

Madam chairman, the Punjab police has worked with utmost bravery. However, I would like to say that under the leadership of the former D.G.P. of Punjab who is the Advisor to the Governor these days, excellent achievements were made and he fulfilled his duty very well. My submission is that while dealing with the terrorists, it should be clear to the police that they are not confronting a criminal, smuggler, gangster or boot lager. The police should not deal in the way it did with the terrorists or extremists because no matter how their means be, they have a mission and a spirit with which they come to the scene. The police should deal with them on the same lines. The police should be made to realise that only then can the problem be solved.

Madam Chairman, an awareness has

been created among the people in Punjab. They have realised that they have to face the terrorists. This awareness has been created by the policies formulated by the hon. Prime Minister Shri Rajiv Gandhi and the Central Government. The present situation is before you. Now those people have become united. They are sure that unless they get free from this demon, prosperity cannot prevail in Punjab.

So far as the partition of the country is concerned, all the Sikhs know that the question of founding Khalistan does not arise in our country. History is evident of the fact that on August 15th 1947 the country was partitioned. We had welcomed independence of the country by making sacrifices. But today every person in Punjab believe that he will not let the country be divided again and that he will make full contribution for the progress of a non-communal, non-religious and progressive India.

With these words, I support both these Bills.

SHRI THAMPAN THOMAS (Mavelikara): Sir, I oppose this bill. At the time of presenting this Bill in 1985 also we have shown apprehensions, how it would be used. I would like to know, under this Act, how many people have been arrested in Punjab and how this Act has been used against workers. In Uttar Pradesh, in Gujarat and in other parts of the country, the workers have been suppressed where people have been agitating for their demands. I am told that more than 1,200 people have been arrested by using this Terrorist (Prevention) Act. If that is so, it requires a clarification. Madam Chairman, the hon. Home Minister was telling that these two Bills should be taken along with the extension of the President's rule. I also feel that it should be so, because the President will be able to rule Punjab only with the help of these draconian laws. If those laws are not there, the President's rule may not be able to continue. It is because the relationship of the Central Government and the people of Punjab is such that such draconian laws are required

for the purpose of protection of the Government.

I also fear another thing. Under the President's rule, using the 59th constituent (Amendment) Act, which permits even declaration of Emergency, this Government is keeping all this together with a political purpose. The political purpose may be, on an evaluation, the Government find that they cannot have an election to Parliament and if they feel, Emergency is to be imposed, there are such provisions. Under the shade of the 59th constitution (Amendment) Act, with the extension of President's Rule and also coupled with the help of such draconian laws only, emergency can be implemented. The Government which is prepared to go and face the people will not require such laws for the purpose of continuation in power. I have every suspicion that with such draconian laws steps retrograding to the democratic principles are being implemented and renewed because there is a doubt in the mind of the Government whether to have the parliamentary elections or not, whether to impose the Emergency. They are thinking whether shelter can be taken under the 59th constitution (Amendment) Act, when these draconians laws are passed and the President's rule is extended. This creates suspicion to me about the *bonafied* of this Government, in what direction the Government is moving. I would like the Government to spell out clearly what is their attitude towards the parliamentary elections or whether my suspicion is correct. I want answer to these points when they are pressing for such draconian laws being implemented.

I also support Mr. Ayyapu Reddy's point that this law has created a very bad impression in the minds of the people elsewhere in the world. Even the Amnesty International has pointed out in its report, about the killings taking place behind the shelter of this law. About the encounter which is supposed to be reported every day in the papers, we do not know what is the reason of the encounters and who are the people killing there. These things are not made known or made clear to the people who would like to know. I would

only quote the Home Minister who was making a statement here in connection with the extension of President's rule, that everything is calm in Punjab. They are prepared to have Panchayat elections. If they are prepared to have Panchayat elections in Punjab, why this Act should further be extended, I cannot understand the logic in it. If panchayat elections can be conducted and things are so normal he himself admitted that there is not even a single person in Punjab supporting Khalistan. he said, 292 police stations or so have come out of the fear of terrorism and terrorist activities and they have the normal rule. If that is the case, why do they want such a law to be extended? Why should they take shelter under these laws? Therefore, my first suspicion is being coupled with this fact.

I would also like to point out the decisions of the Supreme Court in this regard. Our supreme court has repeatedly said that shelter should not be taken on such draconian laws but the common laws should be implemented. On this Act, the jurisprudence is just on the other way round. In this matter, the onus of proof is on the accused. The persons who are arrested for political motivation r with *mala fide* interest or because police officers taking vengeance on personal vendetta, such people are put in prison without an opportunity to get bail. This makes bail not as a matter of right but jail as a matter of rule. These are the basic contradictions of the jurisprudence of our country.

Therefore, I oppose in toto the extension of such laws.

[Translation]

SHRI VIRDHI CHANDER JAIN (Barmer): Madam I want to express my views on the Terrorist and Disruptive Activities (Prevention) Amendment Bill which has been presented in the House. The Amendment says:

[English]

for the words "two years" the words "four

[Sh. Virldhi Chander Jain]

years" should be substituted.

[*Translation*]

I think it would be better if we substitute "three years" for "four years". We believe that terrorist activities will come to an end by this time. The Central Government is taking effective steps to check terrorist activities in Punjab. According to latest reports, terrorists are being caught or killed in encounters. Apart from this prominent people like police officials and members of the congress (I) and the Communist Party are being killed. Despite all this there is communal harmony in the State. There is peaceful co-existence between Hindus and Sikhs and there has been an increase in agricultural and industrial production. As this is not an opportune moment for holding elections to the state Assembly, its term has been extended by six months. Elections to the Gram Panchayat also should not be held. Political parties are certainly going to participate in these elections as it is a test of their strength. And their participation is sure to create tension which in turn will encourage terrorists to strike. When a decision has been taken not to hold elections to the state Assembly, a similar decision should be taken in the case of elections to the Panchayats also. Particularly in the border areas of Amritsar and Gurdaspur, Panchayat elections should not be held at any cost.

SHRI HARISH RAWAT: Why?

SHRI VIRLDHI CHANDERJAIN: Terrorist activity is highly concentrated in these border areas.

The Government has not been able to bring about any substantial decrease in terrorist activities. Therefore, steps need to be taken in this direction. In spite of having a democratically elected Government, Pakistan's attitude has not changed. They are still providing training and support to terrorists. Steps taken against foreign elements who were supporting terrorists have proved

effective. More of such steps need to be taken to curb terrorists activities. What Punjab needs is an environment that induces the Akali Dal which has not so far come forward to deplore terrorism to have a dialogue with other Parties. Such an environment will weaken the terrorist forces which are demanding khalistan although the people, in general, are against such a demand. All political parties, whether like minded or not, should be consulted and a favourable atmosphere should be created for the democratic Government in the State. To this end we must do whatever is possible at the earliest.

With these words, I express my support for this Bill.

[*English*]

SHRI AMAL DATTA (Diamond Harbour): Madam, these two Bills which seek to increase the duration of certain provisions defy all the norms which we had known so far of criminal jurisprudence. It is a piece of legislation with the extension of the President's rule in Punjab and one is a corollary to other. When we extend the President's Rule and negate principle of democracy and rule by a popular Government, there is no alternative but to suppress the people to this kind of draconian measure. The Government has walked into a trap, which is of its own making, from which it cannot now extricate itself.

We have known that there are certain principles in criminal jurisprudence like a person is supposed to be innocent till he is proved guilty. But in this Bill the onus of proof against the accused is on the accused himself. He has to go and prove the Court— it is not in an ordinary court but in a special court — that he is innocent. Against him, all kinds of allegations in all forms like the confessions of a co-accused etc. Which are not admissible in a criminal court are here admissible as proof. These measures are draconian and even I think the Government will not deny that. But they take the plea that these are necessary in the present situation of Punjab as if the situation is not the making

of the Government itself. We know the history of Punjab agitation which was there in a nebulous nascent form and the ruling party at the Centre then i.e. in the early 1980s and now has taken advantage of this nascent agitation and used communalism to encourage and promote the agitation to a form where it has taken shape of violence. The Government initially did not take any steps to contain that violence also. Even today the Government comes with a plea that the situation has improved in Punjab obviously because in their effort to justify the President's Rule, they say that so many police stations, the majority of the police stations, are not terrorist infested but only a few are.

18.50 hrs.

Now if the situation has improved, where is the need for either President's rule or for these draconian measures which negate the principles of criminal jurisprudence. The Government, on the one hand, makes a claim that its policies have succeeded and on the other hand, it takes measures which are necessary when the policies are a failure. It says one thing, it conducts itself in another way. Let us take the conduct of the Government and not what it says, what it claims. The conduct shows that the situation has not improved. So, why is it that in these eight years, the Government has taken these measures. Some of these are not eight years old. But more or less, the Government has been struggling with terrorism in some form or the other in Punjab over the last eight years. How is it that the Government has not succeeded? I will say that it is because there is lack of will to succeed. The Government has not gone to the people who are supposed to be dissatisfied who are supposed to carry the will to go out of India. The Government has not approached them. Starting the political process is the responsibility of the party which is ruling in the Centre, but it has not made the slightest effort to reach the people in spite of protestations and claims made to the contrary. On the other hand, parties like our party, the CPM and the CPI, the parties of the left, have been continuously going to the people in order to

educate them, in order to tell them what is their condition and for whom it is due. If they are dissatisfied, if there are any grievances, who are responsible for the dissatisfaction or the grievances? We are going to the people. The Congress Party which rules in the Centre not. They are blaming Pakistan for the training camps across the border, the smuggling of arms across the border. All right. Why should it continue to happen for eight years? Why can you not seal the border totally? Today also you have not been able to seal the border. So, all these sources of irritation remain and encourage the people, the terrorists, who are some minded to take to arms, to smuggle arms, smuggle drugs and make money out of drugs and finance the terrorist activities.

India has become in the World a scourge for drug trafficking. This is a very tragic situation. We are, on the one hand, preaching and on the other hand, we are lending ourselves to drug trafficking by just not sealing the border, which in everyone's case should be sealed. Is the Government not competent or has the Government not got the will to do so or does the Government want this situation to continue? I think, the latter must be the case so that when it wants, the terrorist activities may be taken to such a pitch that the Government can create such a communal tension in the country and that will help it in winning the next election which are not very far off. In other words, the Government may do what many people who write on political subjects are saying. They may play the sikh card in order to generate what is called a Hindu backlash. The crux of it is that it expects to win the next election. That is the real intention of the Government. And that is why, the President's rule was continued, this Draconian measure was continued. On the one hand, it says that we can go and have elections in Punjab starting from mid-June only month from now. On the other hand it says that it is not fit for popular rule because no elections can be held. Panchayat elections can be held in the remotest of villages; but no other election for Assembly or Parliament can be held. Is it believable? Is not the Government saying two things in the same

[Sh. Amal Datta]

breath? So it is obvious that the Government has taken to Panchayat. The Panchayat Bill I understand is going to be brought here shortly. There is much talk about it already. That is one of the cards the Government is going to play against the Opposition Governments and opposition parties.

So, it is an election measure. For winning some elections it also requires to have a Government under Presidential rule and these draconian laws in Punjab. Just by arresting and putting to trial a few hundred people under these Acts, the Government can generate a communal feeling and terrorist activities and perhaps indulge in encounters itself which it has been doing, about which a speaker has already mentioned and about which comments have been made by organisations like the Amnesty International. They have condemned the fake encounters internationally. India does not and should not preach morality to other countries when it is doing these things to suppress a section of people.

These are all election ploys. The Government is keeping its cards open on all sides so that it can deal the card that is feels required to win an election and nothing more than that. I oppose the Bill and the House should reject it.

[*Translation*]

SHRI VIJOY KUMAR YADAV (Nalanda): Mr. Deputy Speaker Sir, I would like to speak on both the Terrorist and Disruptive Activities (Prevention) Amendment Bill and the Chandigarh Disturbed Areas (Amendment) Bill. This law is sought to be extended for a further period of two years. This Government has got a mandate for five years which ends this year. So the Government has no right to act in such an undemocratic manner and extend a law that curbs the fundamental rights of citizens. The public has not given them the authority to take past-election decisions at this stage when

the general elections are barely an year away.

Before taking up the Punjab issue for discussion, I shall speak on State terrorism. People who have adopted terrorism as a means to fulfil their objectives must be condemned and action should be taken against them. But what of a situation where a State organ like the police takes to terrorism? I shall cite two instances of police atrocities in Bihar. Last month in Maighol Village under the Khudabardhpur police Station in Begusarai district, the police took a Congress (I) worker named Ram Naresh Singh to the police station at the instance of the landlord. This man was harvesting the crop under a Court order. On the orders of the S.P., the man was mercilessly beaten in the Police Station. When he was close to death, he was sent to hospital but he died on the way. When the local people protested the police resorted to firing which resulted in four deaths three in the police firing and one in police custody.

The second incident relates to 150 Harijans staying in 150 huts in Madhulata village under the Raniganj police station in Purnea district. At the instance of landlords the police tried to demolish the huts. When the Harijans protested, the huts were set on fire. Two children were burnt to death and three Harijans were killed when the police opened indiscriminate firing. The police commits such atrocities not only in Bihar but in other areas also. In this way the masses are deprived their democratic rights and their demands all suppressed by adopting a terrorising acts. Atrocities like these must be condemned so as to put an end to them.

This happened subsequent to the appointment of Shri Satyendra Babu as the Chief Minister of Bihar. The Central Government should ask the State Government to take note of these incidents and charge the guilty under section 302 of the I.P.C.

SHRI YOGESHWAR PRASAD YOGESH: Mr. Deputy Speaker Sir, it is incorrect to say that these incidents occurred

because Shri Satyendra Babu was appointed the Chief Minister.

SHRI VIJOY KUMAR YADAV: I said that the incidents occurred after he was installed as Chief Minister.

SHRI BASUDEB ACHARIA: This incident occurred after he took over the charge there.

SHRI VIJOY KUMAR YADAV: Sir, just now the Punjab issue was discussed and it was said that there has been an improvement in the Punjab situation. Everyone is well aware of the steps being taken by our Party and the C.P.I. (M) to counter terrorist activities. But it is improper to over-estimate the normalisation process. The situation is certainly improving but this improvement is being protected in highly exaggerated terms.

The National Anthem is no more sung in most of the rural schools in the State Fort-like gurudwaras are being constructed at strategic places in the uninhabited areas in the districts of Amritsar and Gurdaspur. For this purpose, ultra-Modern weapons are being supplied in broad daylight. These gurudwaras are located rear border areas and underground tunnels can be constructed there for movement of men and material across the border.

It would be wrong to pin high hopes on the new Government in Pakistan and to say that it is very powerful. As per my information Mrs. Benazir Bhutto has limited power because the military still enjoys a supreme position in Pakistan. Terrorists are being trained in that country Mrs. Benazir Bhutto's foreign policy, as it relates to India and Punjab in particular, is influenced by the military in Pakistan. As things stand, a favourable change in the situation seems a remote possibility.

So far as other parts of the country are concerned, the activities of naxalites and extremists are on the increase in Bihar and some other States. But if you want to suppress it through the use of army or through

the bullets, it will not just be possible.

The problem of terrorism in Punjab is a different one and the problem of extremism whether in Bihar or Andhra Pradesh is totally different because some economic reasons are behind it. Even after 40 years of Independence, a solution to the problems of Harijans, labourer and the poor is not in sight. I agree that they are on the wrong track, but terrorism is not a solution to the problem. The Government are not paying attention to the real problem and are instead trying to solve the problem by using force and killing them in encounters. But I think, it will not solve the problem. The need of the hour is to make efforts to look into the economic and other reasons behind it and steps should be taken to remove this economic backwardness. The present legislation which seeks extension of the original Act for a period of another two years is, I think, not needed. Such laws cannot solve the problem. Therefore, I oppose it.

SHRI C. JANGA REDDY (Hanamkonda): Mr. Deputy Speaker, Sir, I think, the present legislation, which has been brought forward for Punjab will not improve the situation there. I know that abrupt withdrawal of this legislation will create a number of difficulties. Therefore, my submission is that the legislation should be extended only for one year instead of two years.

The hon. Minister had stated in the House that following the imposition of the President's Rule in Punjab, there was improvement in the situation. He told that the law and order situation was all right and the number of killings is also going down. But I think to say so is wrong. Still the innocent people are being killed there daily. Therefore, I oppose this Bill. The application of this legislation is not restricted to Punjab only, it is being extended to the entire country. Both Congress and non-Congress Governments are using this legislation in the States. This is being used in Andhra Pradesh, Maharashtra, Punjab and in several other States. What I mean to say is that this Act is being grossly misused. I would, therefore, submit that the

[Sh. C. Janga Reddy]

application of the legislation should be restricted to Punjab only and it should be extended only for one year. The Congress as well as the non-Congress Governments misuse it to arrest their political opponents.

The Central Government is concentrating all power in its hands by bringing Chandigarh under the ambit of this legislation. The intention behind bringing such a law is to concentrate all powers with the Central Government. Already several laws are there with the Government, but these laws are not being implemented properly. The Government has a number of weapons in its arsenal, but it does not want to make use of them.

I know that the congress party will seek votes from Hindus in Punjab in the coming election on the basis of Rajiv-Longowal Accord by saying that only congress can protect their lives. But in spite of all this, they will not get votes. The Government wants to keep the Punjab issue alive till the next elections and that is why such legislations are being enacted.

Finally, all that I want to say is that I oppose this bill.

[English]

SOME HON. MEMBERS: Sir, since there is very thin attendance in the House, now let the Minister reply tomorrow and the House may be adjourned for the day.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRIMATI SHEILA DIKSHIT): I have no objection if it is agreed that we will have only the Minister's reply tomorrow.

MR. DEPUTY SPEAKER: The House stands adjourned to reassemble tomorrow at 11 a.m.

19.09 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, May, 10, 1989/Vaisakha 20, 1911 (Saka).