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16.24 hrs.

CONSTITUTION (FIFTY-NINTH AMENDMENT) BILL

[English]

MR. CHAIRMAN : The House will not take up item No. 17 of the agenda. Shri Buta Singh...

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

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

(Interruptions)

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir I am on a point of order.

MR. CHAIRMAN : What is your point of order ?

SHRI SOMNATH CHATTERJEE : How can I tell you until and unless you bring the House to order. There is disorder going on.

MR. CHAIRMAN : There is no disorder. What is your point of order ?

SHRI SOMNATH CHATTERJEE : Sir, every Bill, which is presented, has to contain the Statement of Objects and Reasons. This Bill was introduced in Rajya Sabha and a Statement of Objects and Reasons was attached there. That Bill has been circulated to us also after it was passed by Rajya Sabha. At this time, the Statement of Objects and Reasons does not tell us, does not give us any indication as to the ambit of the applicability of the Bill.

Now, subsequent to the Statement of Objects and Reasons, some amendments

were brought. Now I want to refer to the Constitution of India as uptill now assaulted by them. Subsequent assault will come. It says, Sir, that this Bill, although purports to relate only to Punjab, will have operation in the areas where there will be no emergency even. Therefore, that fact does not find any place in the Statement of Objects and Reasons,

Taking advantage of this Bill, they can extend the duration of this House. The proviso to Article 83 of the Constitution, which provides for extension of the duration of this House beyond five years when a Proclamation of Emergency is in operation, can be taken recourse to, by this Government, although it is only for Punjab, apparently allegedly for Punjab.

Now Article 358, Although this Amendment is purported to be for Punjab, it will have operation throughout India even in areas where it will not be in operation.

Sir, these are very important matters. They do not find any place in the Statement of Objects and Reasons. It is essential that the Statement of Objects and Reasons must make absolutely clear what are the objects with which the Government is bringing this Bill. Therefore, the old Statement of Objects and Reasons will have no relevance so far as the actual state of affairs, which was prior to the amendment, which they themselves brought. How does it serve the purpose of our rules ? Our rules require, all Bills must have Statement of Objects and Reasons. Therefore, until that is rectified and a proper Statement of Objects and Reasons is circulated, this Bill cannot be taken up.

(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT) : There is absolutely no point of order. (Interruptions). Objects and reasons are very clear...

SHRI S. JAIPAL REDDY (Mahbubnagar) : How can he give the ruling ?

(Interruptions)

SHRI BASUDEB ACHARIA  
(Bankura) : You have not delegated your power to him.

(Interruptions)

MR. CHAIRMAN : He is not giving the ruling.

(Interruptions)

SHRI INDRAJIT GUPTA (Basirhat) : When an hon. Member has raised a point of order, it is for you to decide whether there is a point of order or not. It is not for the Minister of Parliamentary Affairs to say that there is no point of order.

MR. CHAIRMAN : I do agree.

(Interruptions)

MR. CHAIRMAN : That is what he submits.

(Interruptions)

SHRI BASUDEB ACHARIA : He cannot say that there is no point of order.

MR. CHAIRMAN : The Chair will not be dictated by anybody.

(Interruptions)

SHRI S. JAIPAL REDDY : You may hear the Members before disposing of the point of order. If it is the opinion of the Chair to hear the members on the issue before formulating the ruling, the Chair may do so but in that case, you should not only permit the Minister but other Members too.

S. BUTA SINGH : Mr. Chairman, Sir, the hon. Member has sought to introduce some extraneous matters into the Bill for which I want to reply. (Interruptions)

Unless you hear me, how can you decide, Sir? (Interruptions)

MR. CHAIRMAN : All right. I will hear two members from this side and two Members from other side.

SHRI BASUDEB ACHARIA : You should allow him first. He raised the point of order,

MR. CHAIRMAN : Let us hear from the leaders of the parties... (Interruptions)... Not all Members but some Members. Let him give the point of order.

SHRI E. AYYAPU REDDY (Kurnool) : With regard to the absence of Statement of Objects and Reasons, after the amendments, which were introduced by the Rajya Sabha, there should have been an explanatory note also with regard to the changes which were introduced by the Rajya Sabha. There was no such explanatory note. Apart from that, kindly look at the Bill which is supplied to us in its naked form.

MR. CHAIRMAN : Please confine yourself as to which rule of the House has been violated.

(Interruptions)

SHRI E. AYYAPU REDDY : The Bill also seeks to amend Articles 356, 352...

(Interruptions)

MR. CHAIRMAN : Please tell me which rule of the House has been violated.

SHRI E. AYYAPU REDDY : Let me state that this Bill seeks to amend Articles 356, 352, 358 and 359. If you read, you will not be able to understand as to what are the portions of the Articles which this Bill is seeking to amend. For example, if you read Clause 3, you will not be able to understand anything. Therefore, in all such cases, the convention is that they should supply to us Clause by Clause, i.e., original Clause on one side and the amended Clause on the other side. Without this, it is not possible to understand. How can there be an enlightened discussion or debate without the Members being supplied the original Article and the Articles with its portions which are sought to be amended? This is the normal practice which is followed in every Assembly and every Parliament so far as amendments are concerned; the original Articles with all the sections will be there in juxtaposition with the amendments which are sought to be introduced. If you read Clause 3, you will not be able to understand either

head or tail and it took two hours for me to read the Constitution and then go on checking and cross-checking. In the present form, it is not possible to have a useful debate or discussion on this Bill; and the financial memorandum must also be there.

SHRIS.V. KISHORE CHANDRA S. DEO (Parvathipuram): Mr. Chairman, Sir, if this Bill is passed, it goes against the very basic structure of the Constitution. Article 21 of the Constitution guarantees personal life and liberty and that forms a fundamental part of our Constitution and you cannot introduce a Bill which will affect it. The Supreme Court has already held by a majority judgement that it cannot be changed or abrogated even by a law of Parliament. Therefore, this Bill is infructuous in the sense that it violates the basic structure of the Constitution.

SHRI DINESH GOSWAMI (Guwahati): Sir, in this House, the undivided Congress Party and its leader, Shri Chavan, made a solemn assurance that on no future occasion, the Congress Party will introduce internal disturbance as a ground of emergency. This was a solemn assurance given by Shri Y.B. Chavan, as the leader of the Congress Party, sitting in opposition on this side of the House. This was the commitment given to the Parliament. Therefore, in the Statement of Objects and Reasons, it must be very clearly specified as to why the Party has suddenly gone away from that commitment and the Statement of Objects and Reasons cannot be complete unless there is an explanatory memorandum and explanatory ground as to why the commitment has been given up.

Secondly, Article 21 cannot be suspended because the right of life is not dependent on the constitutional provisions alone. The right of life is an inherent right of an individual and an individual's right cannot be taken away by a constitutional amendment. The moment it is taken away, this affects the basic structure of the Constitution. There is the judgement of the Supreme Court that the basic structure of the Constitution cannot be amended. My respectful submission is that this amendment is beyond the scope of this parliament to

discuss and the Home Minister should withdraw his motion.

PROF. MADHU DANDAVATE (Rajapur): Mr. Chairman, Sir, I rise to challenge the legislative competence as far as this Bill is concerned. If you recall the ambit of Article 368, which prescribes the powers of Parliament to amend the Constitution, you know that after the Golaknath judgement there was the case of Keshvananda Bharati case judgement. In that judgement, the Supreme Court has upheld that the powers under Article 368 to amend any part of the Constitution are subject to restrictions. They have said that amending the Constitution is one thing and destroying the Constitution is another thing. They said that if you make some marginal changes in the Constitution without trying to temper with the basic structure of the Constitution, it can be construed as an amendment and under Article 368, with two-thirds majority in both the Houses of the Members present and voting, you can amend any part of the Constitution...((Interruptions)).

Sir, as I said, I am challenging the legislative competence of the Parliament. The ambit of Article 368 is clearly defined by Keshavanand Bharati judgement of the Supreme Court. While upholding the power of the Parliament under Article 368 to alter any part of the Constitution, they said that the amendment must not touch the basic structure of the Constitution. Only by way of illustration they have said that; they said that it was illustrative and not exhaustive. Therefore, we appeal to you that what the Supreme Court has stated—illustrative and not exhaustive—in view of that you should try to use your discretion and judgement and see that this is not allowed to be moved. Article 21 concerns the life and liberty of the people and that would form a basic structure of the Constitution. Therefore, anything that touches that part of the Constitution would violate the Keshavanand Bharati judgement and therefore, Sir, you do not allow the Minister to move this amending Bill.

SHRI INDRAJIT GUPTA (Bairhat): This House has to be treated with the respect it deserves. This Bill, not the Bill, the original draft of the Bill which was introduced in the Rajya Sabha, was debated

[Shri Indrajit Gupta]... there, discussed there and amended there by the Government itself. When there had been a lot of opposition, a lot of criticism, the Government came forward to introduce an amendment. And now, that amended Bill is brought before us without a single word of explanation or any note or any statement or anything as to what was the original purpose of the Government when this matter was not being restricted only to Punjab. What was the intention then; is quite clear now. Later on, because it met with the united opposition of every body, and amendment was introduced by the Home Minister purporting to restrict its applicability only to Punjab. The wording of these clauses and Article is so wide that many things can be done and applied to other parts of the country also even though it speaks only of Punjab. You see only Article 83. In all these Articles, they refer to a proclamation, not any particular proclamation. Any proclamation of emergency can lead to certain consequences. You cannot play lightly ducks and drakes with these things. This is a fundamental law of the land from which all the rights flow. And then, Sir, I want you to give a ruling as to whether it is proper—Are you listening, Sir?

MR. CHAIRMAN: Very carefully.

SHRI INDRAJIT GUPTA: Because you have to give a ruling as to whether it is proper and as to whether it is consistent with the dignity and the rights of this House, for such type of Bill which is going to change the Constitution, seeks to amend the Constitution, radically which will have far reaching repercussions and implications on the future of this country and the future of the rights of the citizens of this country: whether it is proper, whether it is permissible to bring such a Bill here for discussion without giving any statement as to what was the original purpose, why it was amended. Now what is the Government's stand for justifying the insertion of that clause about internal disturbance which was not there at all, which had been deleted by consensus? Both sides of Parliament came to a consensus and agreed to delete that expression, 'internal disturbance' which has got no definition and no meaning. You can give it any definition you like to give. Why has it been introduced again? And why was

it necessary to amend the Bill in the other House? The original idea and intention that they have in mind was reflected in the original draft they brought there. But they were forced to retreat, though it was only a tactical retreat. The substance remains the same. You must tell us whether we shall have to discuss everything that is being put here. What is the idea?

PROF. MADHU DANDAVATE: Better, adjourn the sitting and think about it the whole night and then come with the ruling.

SHRI BALWANT SINGH RAMOO-WALIA (Sangrur): Sir, according to Article 41, the rights provided to the Indian citizens under Article 21 shall not be withdrawn or changed in any case. This was the intention perhaps that was there in the minds of the fore-fathers who framed the Constitution. But, Sir, here are two points which I would like to mention.

It has been clearly stated that this amendment will be applicable, as the Minister says, only to the State of Punjab. I would like to know, Sir, why through this amendment a certain part of the country is being isolated, that area, and the people living in that part of the country will not be given equal opportunity and justice before the law of the land. (Interruptions)

It means that there will be two laws: a separate law for the country and another law where the people will not have any protection from the law and where there is total repression. Sir, it is depriving the people of Punjab, in certain areas of the country, of their rights.

SHRI M.S. GILL (Ludhiana): I challenge the competence of this House to pass this legislation on two points. Firstly, at the time of the 44th amendment of the Constitution in 1978, it was unanimously decided and the whole House including the Congressmen sitting on this side of the House then, arrived at a consensus that the right to liberty and right to life under Article 21 cannot be suspended again. Now, two-thirds of the majority represented by one party here cannot override the decision of the whole House. This is point No.1.

Secondly, it is stated by all these persons



here that the number of terrorists is only 200 or 300 or at the most about 600. The population of Punjab is one crore and seventy lakhs. Now, my question is how the whole population of Punjab be subjected to this law? Can the right to life of about one crore and seventy lakhs of people be withdrawn for the sake of just 500 people? Is there any justification? So, Sir, these two are my points of order.

MR. CHAIRMAN : Shri Acharia.

SHRI MURLI DEORA : How many people are you going to allow, Sir? (Interruptions)

SHRI BASUDEB ACHARIA (Bankura) : The Government cannot take away the right of this House. What is the object and what is the reason behind this Bill? Why are they bringing this Bill? Moreover, the statement of objects and reasons and the explanatory note, which should there along with Bill are absent. These are not to be found in the Bill. The right of the House and the privilege of the House is being taken away and it is being scuttled. I say, the right to liberty and right to life is an inherent right.....

MR. CHAIRMAN : Please speak only about your point of order.

SHRI. BASUDED ACHARIA : This right to liberty and life is applicable to all the people throughout India and how can such an inherent right be taken away by this Bill? As such, this Bill cannot be considered here and we cannot support this Bill.

MR. CHAIRMAN : These are all facts. You restrict yourself to the point of order concerning the rule.

SHRI BASUDEB ACHARIA : You cannot discriminate between the people of the Punjab and people of other States in India.

SHRI DINESH GOSWAMI : Facts are better than fiction anyway. (Interruptions)

SHRI BASUDEB ACHARIA : This House is not competent to decide on this issue now because there was consensus in the House earlier. Secondly, as regards internal disturbances, how can you define 'internal disturbances'? When Delhi Transport

workers are on strike, even that can be considered an internal disturbance.

MR. CHAIRMAN : You are not to make a speech please. You are on a point of order. Why do you waste your own time? Please come to the point.

SHRI BASUDEB ACHARIA : This Bill cannot be considered by this House. It is not competent to do so.

MR. CHAIRMAN : I tell you again to restrict yourself only to the point of order and not to mention facts in detail. You see, point of order is only to state as to which rule of the House is being impinged upon. (Interruptions)

SHRI THAMPAN THOMAS (Mevelikara) : This very Constitution Amendment brought before this House is *ultra vires* of the Constitution. The very federal character of the Constitution is challenged. That is the most important point. Punjab is part and parcel of this country. This cannot be treated in any manner separate to this country. And now an attempt is being made to challenge the very federal character of this country. Therefore, it touches the basic character of the Constitution. This is my first point.

Secondly, the Parliament cannot review its own decision. I would like to point out that the House wholeheartedly to agreed it.

Now, by some means or other, it is brought again for the purpose of a review? Can it be done?

Therefore, I would say this is *ultra vires* of the Constitution and against the interests of the people and therefore, it should not be brought before the House.

MR. CHAIRMAN : Shri C.P.N. Singh.

(Interruptions)

SHRI S. JAIPAL REDDY : They do not have the words to speak.

(Interruptions)

PROF. MADHU DANDAVATE : Why are you provoking them? They do not want to raise any point of order.

(Interruptions)

MR. CHAIRMAN : You speak only on

[Mr. Chairman]

the point of order. Not on facts but on the point of order only.

*(Interruptions)*

SHRI CHANDRA PRATAP NARAIN SINGH (Padrauna) : Sir, you have given the permission to each Member from the Opposition who could scream louder than me. This is a very unfortunate position because if a Member does not get up and shout, he will not be permitted to speak I seek the indulgence of the more sane and senior Members on that side to give me this permission as a Member of this House and also to add a few lines, may be of ignorance to their very-very informative question and assertions *(Interruptions)*.

Prof. Dandavate's submissions need to be learnt and quoted. My ignorant submission should at least be heard ! I would just like to say that, the Government is bringing in a Bill by which the situation in Punjab would improve. *(Interruptions)*.

When the Arms Act was introduced, when the Anti-Terrorists Act was introduced, even Members from the Congress, including, me, had certain reservations. But the Opposition seems only to oppose anything the Government does. We want a healthy situation in Punjab. The hon. Member said about 200 people who are terrorists..... *(Interruptions)*.

MR. CHAIRMAN : I only request the hon. Members to speak on the point of order raised and not otherwise. *(Interruptions)*.

SHRI CHANDRA PRATAP NARAIN SINGH : Before I come up with my point of order, I would like to submit that when the Government is introducing this Bill, I don't understand why the hon. Members are agitated. I have a right to speak on a point of order. *(Interruptions)* I will not sit down because of your hollering *(Interruptions)*. The Members said that 200 or 300 terrorists were holding Punjab to ransom! In a dacoity, one dacoit holds the whole village to ransom. *(Interruptions)* So, may be to curb 200 terrorists.....*(Interruptions)*

MR. CHAIRMAN : These are all facts.

*(Interruptions)*

SHRI CHANDRA PRATAP NARAIN SINGH : I will not be cowed down by your shouting, unless I am asked to sit down. *(Interruptions)*

PROF. MADHU DANDAVATE : The Chair is asking what your point of order is.

SHRI CHANDRA PRATAP NARAIN SINGH : I am only on the point of order. Prof. Dandavate, I have learnt the way to come up with my submissions from the senior Members sitting in front. Professor, you are not letting me say anything.

PROF. MADHU DANDAVATE : I am only interpreting what the Chair says. The Chair is asking you what your point of order is.

SHRI CHANDRA PRATAP NARAIN SINGH : I am not able to hear what the Chair is saying. *(Interruptions)* I reiterate that the Government has a perfect right to introduce the Bill ; and at this stage, the Opposition cannot try and steamroll what the Home Minister is scheduled to do. At a later stage when the Bill has been introduced, you can raise these various issues, and not now. *(Interruptions)*

SHRI SHANTARAM NAIK : Sir, why don't you allow me ? You have allowed a full discussion. *(Interruptions)*

MR. CHAIRMAN : These are all facts. What do you have to say on the point of order ? *(Interruptions)*

SHRI SHANTARAM NAIK : Please listen to me, Sir. I am saying that Mr. Dandavate has challenged the legislative competence of this House. He has not said that the subject of this Bill is not in the Concurrent List or the Union List. He has not said so. He says this Bill challenges the basic structure of the Constitution. Changing or altering a fundamental right does not change the basic structure of the Constitution. The Keshavananda Bharati case has not laid down a law which says that the imposition of Emergency means changing the basic structure of the Constitution. It has not been said so. *(Interruptions)*

MR. CHAIRMAN : My ruling is... *(Interruptions)* Please take your seats. *(Interruptions)*

17.00 hrs.

*At this Stage, some Hon. Members came the and stood near Table.*

MR. CHAIRMAN : I have heard enough. All of you please go back. Please go to your seats. Go back to your seats ; I will call you. I will call the Minister ...*(Interruptions)*

MR. CHAIRMAN : Go back to your seats. Just take your seats. All of you go back to your seats.

*(Interruptions)*

MR. CHAIRMAN : Please go back to your seats.

*(Interruptions)*

17.01 hrs.

[MR. SPEAKER *in the Chair*]

*(Interruptions)*

[*Translation*]

MR. SPEAKER : What are you doing ? Please go to your seats.

*(Interruptions)*

MR. SPEAKER : Please go to your seats. This is not the way.

*(Interruptions)*

MR. SPEAKER : First you go to your seats, then I will listen.

*(Interruptions)*

MR. SPEAKER : Let me listen. I am unable to make out any thing.

*(Interruptions)*

MR. SPEAKER : Please sit down.

*(Interruptions)*

MR. SPEAKER : I don't know. Let one person tell me what is the matter.

*(Interruptions)*

MR. SPEAKER : Let me listen.

*(Interruptions)*

MR. SPEAKER : What you people know ?

*(Interruptions)*

[*English*]

MR. SPEAKER : I have to go by the rules.

[*Translation*]

It will not allow you to prevail upon...

*(Interruptions)*

[*English*]

MR. SPEAKER : Nothing doing.

*(Interruptions)*

MR. SPEAKER : I cannot break rules.

[*Translation*]

I will go by the rules.

*(Interruptions)*

MR. SPEAKER : Why are you making noise ? Are you not ashamed of it ?

*(Interruptions)*

[*English*]

MR. SPEAKER : What you are doing ? If they also start doing that, what will happen ?

*(Interruptions)*

[*Translation*]

MR. SPEAKER : They will send you out ; what will you do then ? Let me tell you one thing. They are in majority and if they also start doing the same thing, then what will happen to the Parliament ?

*(Interruptions)*

[*English*]

MR. SPEAKER : What can I do ? can I overrule the rule ? I cannot.

*(Interruptions)*

MR. SPEAKER : There is no question.

*(Interruptions)*

MR. SPEAKER : I appeal to you. Look here. I cannot change it.

*(Interruptions)*

MR. SPEAKER : Points of order over-ruled. Now Shri Buta Singh.

*(Interruptions)*

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

“that the Bill further to amend the Constitution of India, as passed by Rajya Sabha, be taken into consideration.” (*Interruptions*)

Under clause (5) of Article 356 of the Constitution, a resolution approving the continuance in force of a Presidential 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. (*Interruptions*) President's rule was imposed in the State of Punjab by President's Proclamation issued under Article 356 (1) of the Constitution on 11th May, 1987 and the Legislative Assembly kept under suspended animation. The initial period of six months of President's rule was to be over on 10th November, 1987. However, in view of the situation in the State, approval of both the Houses of Parliament was obtained for continuance of President's rule for a further period of six months which is due to expire on 10th May, 1988. The Legislative Assembly of the State has been dissolved on 16th March, 1988. (*Interruptions*)

In view of the continued disturbed situation in Punjab, escalation in the activities of terrorists and anti-national forces resulting in the death of innocent men, (*Interruptions*) women and children, the continuance in force of the said Proclamation beyond the period of one year may be necessary in Punjab. (*Interruptions*) In my statement made in this august House on March 7, 1988, I had stated that the Government proposed to introduce a Constitution (Amendment) Bill in the current session of Parliament to facilitate the extension of President's rule in Punjab as and when necessary and also to amend the Constitution suitably in respect of emergency provisions in their application to Punjab. Article 356 (5) of the Constitution is, therefore, proposed to be amended so as to facilitate the extension of the said Proclamation, if necessary, up to a period of three years as permissible under clause (4) of that Article. (*Interruptions*)

The activities of terrorists may not appropriately come under the definition of

“armed rebellion” so as to invoke provisions of Article 352 of the Constitution, if considered necessary, and declare a Proclamation of Emergency either in respect of the whole of the State of Punjab or parts thereof. (*Interruptions*) It is, therefore, felt that Article 352 may be suitably amended in its application to the State of Punjab to include “internal disturbance” as one of the grounds “that the integrity of India is threatened by internal disturbance in any part of the territory of India” so as to facilitate the taking of action under that Article if it becomes necessary at a future date. (*Interruptions*) Consequently, Articles 358 and 359 are also proposed to be amended so as to provide for the automatic suspension of Article 19 of the Constitution and the issuing of an order by the President suspending the operation of any of the other provisions contained in Part III (except Article 20) under Article 359, if and when a Proclamation of Emergency on the ground of internal disturbance threatening the integrity of India, is issued in relation to the State of Punjab. (*Interruptions*)

As the proposed amendments are only for the purpose of curbing the terrorist activities in the State of Punjab more effectively, the powers that are proposed to be conferred by these amendments would not be resorted to for any period beyond what is absolutely necessary for achieving the aforesaid object. Accordingly, the amendments proposed in Articles 352, 358 and 359 have been made to be operative only for a period of two years from the commencement of this amendment. (*Interruptions*)

In view of this position, I request the august House to approve and pass the Constitution (Fifty-ninth Amendment) Bill, 1988. (*Interruptions*)

MR. SPEAKER : Motion moved :

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

There are two amendments to consideration motion. First, Shri Anil Bosu—No. Shri Manik Sanyal—No. The

amendments to consideration motion are not moved. Shri Ayyuppu Reddy...

(Interruptions)

MR. SPEAKER · Shri R.L. Bhatia (Interruptions)

SHRI R.L. BHATIA (Amritsar) : It is the duty of the Government to protect the life of ordinary people. (Interruptions) It is also the duty of the Government to give full security against the enemies of the country within and outside. Ordinary laws of the country will not meet the challenge posed by the extremists in Punjab and the situation created by them. (Interruptions) Therefore, the Government is constrained to bring this extreme Bill to meet the extreme challenge posed to the security of the nation. (Interruptions)

The situation in Punjab has deteriorated. Where one or two people were murdered, now about 20 people per day are being murdered. The people within the Golden Temple are challenging the authority of the Government, laws and the Constitution of this country. This is a grave situation. (Interruptions)

It is a war against the State backed by Pakistan and foreign forces who want to weaken this country and de-stabilise this country. (Interruptions) Unfortunately, some of our own people who are misled by the foreign forces, are playing their game. The present laws are unable to meet the challenge posed by the terrorists. Therefore, we need to bring a measure which can meet the challenge of the present situation...(Interruptions).

This measure is restricted only to Punjab and only for a limited period of two years. If the condition improves, it can be withdrawn. But the Government, under article 355, has a duty cast on them to protect the States against external aggression and internal disturbance, and to ensure that the Government of the State can function in accordance with the provisions of the Constitution. That is why this measure has been brought so that the laws of the land could be enforced in Punjab and the State Government could function under the Constitution...(Interruptions).

I request the leaders of the Opposition to understand the grave situation that is

prevailing in Punjab and they should rise to the occasion to help the people of Punjab ... (Interruptions).

Punjab has given the food, Punjab has given the blood. Punjabis are fighting in Jaffna, Punjabis are also fighting in Siachin. But when the Punjabis need the help of the Centre and the cooperation of all the political parties of India, the Opposition is standing in our way in meeting the challenge. They are standing in the way of the Government to meet the challenge posed by the anti-national forces... (Interruptions).

I appeal to them help us in meeting this challenge and pass this Constitution (Amendment) Bill. I support this Bill... (Interruptions)

[Translation]

SHRI NIRMAL KHATTRI (Faizabad) : Mr. Speaker, Sir, while supporting the Bill, I would like to say that keeping in view of the situation prevailing in Punjab and the way the innocent people are being killed there, it was necessary to take strong measures. In that context, the present Bill seeks to make emergency provisions for Punjab and extension of President's rule in the state. I support the Bill from the core of my heart. (Interruptions).

The Government has taken several measures from time to time to keep the situation in control and to maintain peace in Punjab. Operation Blue star, Rajiv Longowal accord, the establishment of Barnala Government after holding elections, (Interruptions) imposition of the President's rule, release or Akali leaders and the priests arrested from time to time adopting a polite attitude towards them and negotiations with all the concerned parties through different mediums, are the measures taken by the Government from time to time. But (Interruptions) today, we have reached a point where there is maximum demand from all quarters of the country that strong action should be taken to tackle the Punjab situation, because now this problem is not confined to Punjab only as the terrorists are (Interruptions) fanning hatred among the Hindus and Sikhs and trying to create a gulf between the two communities. It is, therefore,



[Shri Nirmal Khattri]

necessary in the interest of the entire nation that strong action be taken to maintain good will and brotherhood in the country. (*Interruptions*).

Besides, conspiracy hatched by the foreign countries for damaging the unity and integrity of our country by training the terrorists has come to light. It is, therefore, necessary to take strong action to wipe out the terrorists and to maintain the law and order in Punjab. I, therefore, welcome this measure again and congratulate the Government for introducing a measure which seek to provide emergency provisions for Punjab. (*Interruptions*)

SHRI DILEEP SINGH BHURIA (Jhabua) : Mr. Speaker, Sir, I support the Bill presented by the hon. Minister of Home Affairs in this House. Is it in the interest of nation, the way opposition is behaving in the House? We have been elected and sent by the people here to discuss about the Development programmes for their welfare. Crores of rupees from public money are being spent on this Parliament. It is a matter of shame that opposition members are making such a rumpus here. The people of this country have entrusted the administration of the country to the Congress party under the leadership of Shri Rajiv Gandhi and we will continue to serve the people with full devotion. We are not going to be demoralised with such incidents, because we have the people with us. We will take up all such legislations and programmes which will be required for the development of the people in this country.

The Bill has been presented by the hon. Minister of Home Affairs (*Interruptions*) to deal with the terrorists who are creating a Chaos in Punjab and it seems that some people from the opposition are also extending a helping hand to them. Every day nearly 15 people are being killed in Punjab. They may be sikh, hindu or members of any other community, they are our brothers. This bill has been brought to deal with such people who are indulging in such disruptive activities. I support the bill and the people of the country also support it. These are very few people who are making noise to prevail upon us, but they will not succeed. The Congress party and our leader Shri Rajivji has

always struggled and will continue to do so. I want to submit through you that in the next election the people sitting that side, whose faces we see now, will not be there, because the people of this country have now come to know the reality about them. (*Interruptions*)

Finally, I congratulate the hon. Minister of Home Affairs for presenting a very good Bill here which I fully support.

SHRI MOHD. AYUB KHAN (Jhunjhunu) : Mr. Speaker Sir, I rise to support the Bill presented by the hon. Minister of Home Affairs. If the opposition members, who are making so much a noise here, had love for their country, worked for the unity and integrity of this country and if they are hon. Members and born in India then, they should not have behaved this way...(*Interruptions*)...if they have any concern for the country... (*Interruptions*) Punjab is our heart and it is our bounden duty to protect it... (*Interruptions*).....it is our duty and we must be prepared to make every sacrifice for maintaining unity and the integrity of our country, if need be... (*Interruptions*)... They are the killers of democracy, if they make such a propaganda for their own country...(*Interruptions*)...our people should be warned of them. These are the people who are against the democracy. To protect the country, its unity and integrity, is our duty. It is our own country, so we should warn the people...(*Intrusions*)... See, how these people are playing to the wishes of foreign powers...(*Interruptions*)... we must protect Punjab. We should make every sacrifice for it. We will never allow Punjab to be separated at any cost. It is the duty of every Indian to protect Punjab.

I support this Bill.

SHRI BANWARI LAL PUROHIT (Nagpur) : Mr. Speaker, Sir; I rise to support the Bill presented by the hon. Home Minister. Sir no Indian will allow disintegrations of the country. (*Interruptions*)...Generalls of we talk about the interest of the people of Punjab but what is happening there, every day 15-20 people are being killed. Will the people of India tolerate these killings? We cannot be a silent spectator to this kind of barbarism. We will have to establish peace and harmony in Punjab. We will have to

provide protection to the people there... (Interruptions). Please listen to me... (Interruptions). This Bill has been brought to crush the demand of Khalistan and to improve the situation in Punjab. By all means, Government has to wipe out the elements who are waving the flag of Khalistan and killing innocent people in Punjab. It is not the demand of any individual but of the 70 crores people of India. Therefore, I request all the hon. Members of opposition with folded hands to wholeheartedly support the Bill because it is in the interest of the people of Punjab, and in the interest of the entire country... (Interruptions) you should think over it with a cool mind. It is not proper to oppose a good Bill or a good step of the Government merely for the sake of opposition. I once again request you to support this Bill.

CH. SUNDER SINGH (Phillaur) : The entire opposition support the terrorists... (Interruptions) I am of the view that there must be even more stringent law than the emergency provisions. Everyday, 11-12 people are being killed there but the opposition do not bother about it... (Interruptions) Small children are being killed there and these people do not bother about it. (Interruptions)

There should be even military rule in Punjab. I belong the Gurdaspur district in Punjab. Everyday I enquire about the well being of my children on telephone because every morning we read about the killings in (Punjab. (Interruptions)

These people support the terrorists. We do not take our meal till we get information about the well being of our children.

With these words I conclude.

\*SHRI C.K. KUPPUSWAMY (Coimbatore) : Hon'ble Speaker, Sir, (Interruptions)

The interests of this nation come first. We, the people of Tamil Nadu vehemently oppose the separatist demand for Khalistan. (Interruptions)

The 5 crore people of Tamil Nadu vow to safeguard the integrity of the nation. (Interruptions)

The 70 crores people of this country identify themselves as sons of the same mother and are determined to safeguard our hard won freedom. (Interruptions).

Let me call upon my countrymen to come together in maintaining the unit and integrity of this country.

With these words, I conclude.

CH. RAM PRAKASH (Ambala) : Mr. Speaker. Sir, our Government has been working with great patience for the last three years. But, so long as the Government keeps patience, terrorists go on killing the innocent people... (Interruptions)... There is hardly any day when 10-20 persons are not killed there... (Interruptions) These opposition Members claim sympathy for the people in Punjab but today when a Bill which intends to protect Punjab has been brought in the Parliament, they are opposing it... (Interruptions)... From this it is obvious that they are not friends but enemies of the poor and innocent people... (Interruptions)... They encourage the terrorists to create more and more disturbances and they do not condemn killing of the innocent people by the terrorists. Their morale is so high that they move freely... (Interruptions)... All the Granthi have been released (Interruptions)... The terrorists have been guarding them with Chinese rifles in their hand (Interruptions)... They are getting money from Pakistan. (Interruptions) Pakistan wants a separate nation in the name of Khalistan along the Punjab border... (Interruptions)... Pakistan wants to establish its military basis there, so that it may invade India. (Interruptions)

These people should be condemned... (Interruptions) ..by their actions they are assisting the anti-social elements and the killers... (Interruptions).

SHRIMATI VIDYAVATI CHATURVEDI (Khajuraho) : Mr. Speaker, Sir, today such a circumstances have been developed in the country... (Interruptions). We have to protect the life and prope-

\*The speech was originally delivered in Tamil.

[Shrimati Vidyavati Chaturvedi]

of our countrymen...*(Interruptions)* We also have to maintain unity and integrity of our country...*(Interruptions)*. This bill has been brought with the intention that the Government wants to take action in Punjab for the maintenance of unity and integrity of our country...*(Interruptions)*...It has been moved in distress for the welfare of our country...*(Interruptions)*.

There is bloodshed and butchery in Punjab. People are crying in terror there...*(Interruptions)*...whole families...*(Interruptions)*...women are being rendered widows...*(Interruptions)*. This bill has been moved with a passion what a mother feels when she agrees for the operation of her child...*(Interruptions)*...she is aware of the pain her child will have to undergo...*(Interruptions)* even then, she agrees to the operation only to save the leg of her child from sinus...*(Interruptions)*,

I would like to thank to the people of Karisari...for they averred to the terrorists of their brotherly bondage...and firmly said that they would like to die for it...*(Interruptions)*.

Punjab is a State of having five rivers, Panch Parmeshwar and Guruwani.*(Interruptions)*...The State is being ruined by terrorists.*(Interruptions)*...Life of peace loving people of Punjab is being made a fun...*(Interruptions)*.

Mr. Speaker, Sir. I would like to request the opposition Members to understand the need of the hour...*(Interruptions)* It is our duty to think that how can we protect life and property of the people in Punjab...*(Interruptions)*.

SHRI MUKUL WASNIK (Buldhana) : Mr. Speaker, Sir, I wholeheartedly support the Bill moved today by the hon. Minister of Home Affairs to restore peace in Punjab...*(Interruptions)*.

The Prime Minister Shri Rajiv Gandhi has always emphasized in the manner Indiraji did that Punjab is an the integral part of India. We will take all the steps that may be required for the development and to restore peace and brotherhood in Punjab. We will not hesitate if we have to take some stiff actions...*(Interruptions)*. We will make all efforts and will not hesitate in taking stringent measures in

discharging the responsibility entrusted on the Congress Party by the people. The demeanour and din created by the Member and leaders of opposition parties today in the Lok Sabha is totally despicable. Their action will be condemned in the History of this House and also in the history of the country. The Government will not be deterred by the obstacles created by the activities of the Members of Opposition and will try to implement the decisions it has taken...*(Interruptions)*. Members of opposition parties should rethink about their stand on such matters and their support along with the Member of the Congress Party atleast on such occasions.

I once again support this bill. *(Interruptions)*

SHRI K.D. SULTANPURI (Simla) : Hon. Speaker, Sir, I oppose the attempts being made by the Members of Opposition parties to weaken the democracy in our nation by creating rumpus in the House. I support the constitution (fifty ninth amendment) Bill 1988 moved in this House. I think the alliance of C.P.M. and C.P.I. is meant to weaken the body-politic...*(Interruptions)* They seek to weaken the nation by such moves. The Bill introduced here would help in improving the situation in Punjab remarkably.*(Interruptions)* This Bill is moved to protect the people of Punjab against the injustice and to make them free from fear. You cannot weaken us and our country by raising such slogans. The Government led by Shri Rajiv Gandhi is very stable. It can not be destabilized by making a din. We have been elected by the people. You should have strengthened the nation by extending your support to this bill instead of making a din and raising slogans...*(Interruptions)*..I do not understand why do not you apply your wisdom. You have been applying your mind always to the activities which will weaken the nation. Your activities cannot weaken us. *(Interruptions)* Such of your activities would only add to the strength of our Government. We all stand with Rajiv Gandhi. I extend my support to this Bill.

[English]

SHRI R.S. SPARROW (Jullundur) : Hon. Mr. Speaker, I support this Bill

based on cogent reasons as a Parliamentarian. Punjab is burning and is at the mercy of perpetrators, murderers, killers of the innocent. And as is evident very clearly, there is no other option...*(Interruptions)*...left except to bring in this Bill which I am certain will be used very judiciously.....*(Interruptions)*...In so far as the opposition stand in concerned, I feel very surprised...*(Interruptions)*...I feel very sad that in the manner they are dealing with in the House, they are throwing Parliamentary system in democracy to the fourwinds...*(Interruptions)*...Our discussion should be based on give and take of reasons and whatever emerges to be the right direction, that should be followed...*(Interruptions)*...In fact, I would wish to recommend very strongly to them that they should also consider this as a national question and with that perspective, they should...*(Interruptions)*...They should join to discuss things logically and whatever be the essence of the whole discussion, we move on that...*(Interruptions)*.....There has to be animosity, there has to be no rancour or ill-will amongst the Parliamentarians...*(Interruptions)*..... There are

issues to be discussed. There is a line of thought in democratic life to be thrown up. Then, why this fist-showing?...*(Interruptions)*...why this type of attitude to be displayed? I personally think that we all have to work together as elders of this country...*(Interruptions)*...Finally, I would wish to recommend to the Government that we should try to study all avenues of the situation in Punjab and...*(Interruptions)*...handle the whole thing in as salutary manner as possible. Taking all points into account, I support the Budget for Punjab as also the Bill that is ...*(Interruptions)*...presented by the hon. Home Minister. Thank you very much for giving me the time...*(Interruptions)*...

MR. SPEAKER : I think when at night time you are cool, you think about what all of you are doing now and come back tomorrow and let us sit together and work.

16.00 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, March 23, 1988/Chaitra 3, 1910 (Saka).*