

[Shri Saifuddin Chowdhary]

The Director was appointed by the Government of India on March 19, 1984. The new senior faculty had initially a great deal of regard and goodwill for the Director but he created a crisis in the Institute.

The Institute needs to be properly nurtured and an indifferent attitude on the part of the Government will only prove harmful. A meeting of the Board of Governors of the Institute on July 15, 1988 failed to come out with any concrete steps. Specific solution needs to be spelt out and the scientists of the Institute accordingly apprised. Government should clarify matters and save the Institute.

(viii) Need to develop Vaishali as a tourist centre

SHRIMATI KISHORI SINHA (Vaishali) : Sir, my constituency of Vaishali is a famous pilgrim centre and pilgrim tourists from all over the world come to visit the sacred places of religious and tourist importance here. However, tourism remains highly underdeveloped in this area. An airstrip is most urgently needed so as to connect the tourist places by air directly from Delhi and Varanasi on the one side and from Calcutta on the other. The roads leading to these places continue to be narrow despite the increase in traffic following the construction of the Gandhi Bridge. There is urgent need to widen these roads, particularly the road leading from Hajipur to Lalgunj and Vaishali-Sahebgunj to Betia. Government should take action to develop Vaishali as a place for pilgrim tourism.

13.15 hrs.

STATUTORY RESOLUTION RE :
DISAPPROVAL OF NATIONAL
SECURITY (AMENDMENT)
ORDINANCE
AND
NATIONAL SECURITY (AMENDMENT)
BILL—Contd.

[English]

MR. DEPUTY SPEAKER : Now we go to the next item of the List of Business,

that is, further discussion on the Resolution moved by Shrimati Geeta Mukherjee on the 16th August, 1988 and also we will take up along with this, Item No. 12 regarding further consideration of the motion moved by Shri Buta Singh on the 16th August, 1988. Now, Shri Ramoowalia to speak.

[Translation]

SHRI BALWANT SINGH RAMOO-WALIA (Sangrur) : Mr. Deputy Speaker, Sir, I support the Resolution moved by hon. Shrimati Geeta Mukherjee and I opposed the National Security (Amendment) Bill brought forward by the hon. Minister. The hon. Minister informed the House of the proposed Amendment in the National Security Act has been brought so that period of stating the grounds of areas could be raised from the present 3 months to 6 months. In this way, 6 months time will be provided to state the grounds of detention instead of existing 3 months. I oppose the proposed amendment on two or three points.

Firstly, it has become a fashion to take every reactionary measure, for instance, against our basic freedom, our trade unions etc. on the pretext of Punjab. Whatever powers they want to acquire they do so in the name of Punjab. I want to ask whether Punjab was ever used as an instrument for acquiring emergency powers so far? Now it is being used for sealing the borders, for installing dual Government and as a latest measure, Government wants to extend the period of detention for stating the grounds of arrest. Doesn't the Government have sufficient powers already that it wants to acquire some more? Today, we are already weighed down by a large number of laws. The Administration and Police in Punjab today, are using their enormous powers arbitrarily. I will give you an illustration. I have suggested earlier also as to how to check the misuse of National Security Act. The powers acquired by this Bill will also be misused. Persons like Shri Gurcharan Singh Tohra, Shri Prakash Singh Badal, Shri Sukhdev Dhindsa, Shri Kuldeep Singh Vadala and Shri Sukhjindar Singh have been detained under the N.S.A. Are they terrorists? They have been detained under this Act. In Punjab, a bill is being also

brought against doctors, nurses and other people belonging to the medical profession. This has been done to demoralise them from going on agitation. They are also being brought under the NSA. To bring such laws in a democracy does not behave the Government. Is the present duration of three months not sufficient? People are detained under section 107/151 of the IPC for 6 months on the grounds that the Executive may state the reasons of detention. I have been recently released from Chandigarh jail where I was detained for one and a half months under Section 107/151 IPC. You detain people arbitrarily so there is no necessity for this bill.

Actually I blame the Government for not finding a political solution to the Punjab problem. Instead it wants to show that it is not possible to have a political solution in Punjab. You do not have any intention of finding a political solution. You do not want to take the political parties into confidence and consult the opposition in this regard. You have decided to have an arbitrary stand on Punjab issue. Therefore, on one pretext or another you want to convince the people of this country that there is no one with whom you can negotiate in this regard.

Sir, such laws are detrimental to the relations between people and the Government. As it will increase distance and discontent will also increase. It will enhance the distrust of the people in the Government. As a result, whatever steps you take will have little effect on the masses.

Yesterday, one of our colleagues hon. Shri Bhatia told me to mention the following point in my speech. I want to submit that you have shook the confidence of people by not allowing an all party meeting. What is the intention behind the steps which the Central Government is taking one after another. This is not hidden from anyone. The Akali Government under Shri Barnala was toppled for the sake of Haryana. Now let's see what more punishment is in the offing? If you cannot retain the goodness of a good deed then what is the use?

An all party meeting was held under the aegis of United Akali Dal. Shri Bhatia and Shri Dhillon are aware of it. Hon. Shri Indrajit Gupta himself participated in it. An all party meeting under

the leadership of Shri Barnala was held and representatives of the Akali Dal, C.P.I., C.P.I.M., the Congress, Telegn Desam, DMK, AIDMK participated in it. It was a huge meeting and was held on 14th April, at Amritsar. In this meeting, an assurance was given to the people of Punjab that we will fight unitedly against terrorism and every party made proposal in this regard. But it is unfortunate that atmosphere which was created was completely destroyed. This enhanced people's distrust in the Government. Yesterday someone said that you should agree with the consensus. Therefore, I request the hon. Minister of State for Home Affairs, Shri Sontosh Mohan Dev to take a decision which reflects the national consensus.

The first point in the national consensus is the release of Jodhpur detainees. There is not a single Member in this House who does not agree to this opinion. This is a point on which there is national consensus.

Secondly, the entire House is unanimous that the people who were behind the riots in Delhi, Kanpur and Bokaro in which 3 thousand people were killed and where large scale plundering was indulged, should not go scots free. This is also a point on which there is national consensus. Not one of the 542 M.Ps want that these persons should go scotfree. Government should accept these proposals.

Thirdly, during the flag hoisting ceremony on the 15th August, the hon. Prime Minister in his address to the Nation on the occasion of Independence Day, said that the people of Punjab are struggling hard against terrorism. I want to know that if the people of a state are fighting so hard, then is this short of award that they are getting. Not even a single demand of theirs is being met. On the one hand you talk about the unity of the country, you praise the people of Punjab for their bravery, courage their hard struggle and that the Hindus and Sikhs have never fought against each other during the last 8 or 9 years whereas on the other hand you treat them this manner. The leaders incited them to fight with each other and it was their audacity. I do not want to take any one's name but the party in power also assisted the terrorists and even then there was no communal flare up. I want to know

[Shri Balwant Singh Ramoowalia]

from the hon. Minister Shri Sontosh Mohan Dev that what is the use of praising them when you do not accept their demands. You are not releasing the Jodhpur detainees, you are not punishing the culprits of the Delhi riots, you are not releasing these army personnel who have completed their term of punishment. You are neither endeavouring for a political solution nor calling an all party meeting. That is why I want to reiterate that the law which you are bringing will not serve any purpose. The Punjab issue is a very delicate one and it is not proper to handle it in this way.

Regarding the letter published in the daily 'Ajit', I want to submit that hon. Prime Minister has been unfortunately led to believe that the contents of this letter amount to rebellion of the country. I want to request that the Government should not take a one-sided decision in haste. The letter published in the 'Ajit', was an open letter in which the Editor has clearly written that he has always been a nationalist and a supporter of the unity and integrity of the country and will continue to support it. Apart from this, it came out in 'Tribune' also that 'Ajit' even supported the Operation Black Thunder'. In Tribune it was written that it is easy to issue directions from Delhi but in Punjab, the journalists have to face innumerable difficulties. It is imperative to pay attention to the condition of journalists in Punjab. Besides, I want to submit that one of the trustees of 'Ajit' daily is the Vice President of Punjab Pradesh Congress Committee. His name is Sardar Milbhad Singh. Another Trustee is also a Congressman and the son-in-law of Giani Zail Singh, Shri S. S. Viridi Sant Harcharan Singh Longowal was also one of the trustees. Apart from them, S. Virendra Singh of 'Tribune' had also been its editor for 7 years and so the policies of both the newspapers are alike. Shri H. S. Hanspal who is a Congress M.P. has urged to withdraw the case against 'Ajit'. He has further said that he will talk to the Governor in this regard. S. Beant Singh who is the President of Punjab P.C.C. also wanted the case against Ajit to be withdrawn. The President of Punjab faction of the Shiv Sena party, Shri Jagdish Tangri has said that the total policy of 'Ajit' is very much in the interests of the country and therefore, this

case should be withdrawn. The first secret meeting between S. Brijendra Singh, Sant Harcharan Singh Longowal and Shri Arjun Singh held in April, 1985, took place in his house. If a person has worked so much for the country and if he has published certain things under pressure, is it appropriate to disinform the hon. Prime Minister against him?

I say in this House that I have still faith in the wisdom of the Prime Minister and his approach towards 'Ajit' newspaper case. We, 26 Members of Parliament very humbly approached him and requested him to reconsider the issue in the national interest. Otherwise, I am afraid, the terrorists will get one more point and they would say that Shri Barnala, who was a great moderate was dismissed. If a case can be made out against Shri Bajender Singh, Editor of 'Ajit' also, who has since become a moderate just imagine how miserable the going has become for the moderates.

[English]

Do not give any talking points to extremists and journalists.

[Translation]

I say that it is a misuse of the law. I fully support the resolution brought forward by Shrimati Geeta Mukherjee and oppose this new amendment. Mr. Deputy Speaker, Sir, through you I emphatically urge the Government that it should withdraw this amendment and find a political solution to the Punjab problem. I further urge the Government to adopt a hard line and hard attitude against the newspaper 'Ajit' about which all political parties including the Congress have made a request. The case lodged against the newspaper may please be withdrawn in the interest of the country and also keeping in view the atmosphere that is being created in Punjab. I oppose the amendment brought forward by Shri Buta Singh.

SHRI R. L. BHATIA (Amritsar) : Mr. Deputy Speaker, Sir, I rise to support the National Security (Amendment) Bill. While participating in the discussion yesterday Shri Acharia and Shri Shahabuddin had said that there should be fundamental rights in the country, the people should enjoy rights and they be given freedom of speech. They

further said that since this Bill squeeze their freedom, it should not have been brought forward. In this connection, I would like to tell them that this argument holds good under a normal situation and we fully agree with it. Is the situation in Punjab normal? A Punjab-like situation never prevailed in any other part of the country and that is why such a Bill is being introduced for Punjab. I would also like to make a mention of the special situation prevailing in Punjab. The lives of the people have become totally unsafe, the way massacres are taking place in Punjab. If the terrorists kill someone, others get terrorised and do not report the matter to the police. Whoever reports gets killed. The policeman who annoys them or who writes the F.I.R. or goes for the enquiry is being killed. About 100 of our officers have been killed. When the case goes to the court the judges receive threatening letters. The judges of Jalandhar and Ludhiana, who delivered their verdicts against the terrorists were gunned down. Nobody can utter a word under the prevailing circumstances in Punjab. When the proprietor of the 'Punjab Kesari' Shri Rameshji wrote against terrorism, he was killed. Prior to him his father was killed. Now his brother or his sons who are writing against terrorists are also receiving threatening letters. Nobody knows whose turn it would be tomorrow. A sense of terror is reigning the minds of all people, the officers and judges.

**SHRI BALWANT SINGH RAMOO-
WALIA :** Including the journalists.

SHRI R.L. BHATIA : Yes, it is equally affecting the journalists and the political leaders. Whoever speaks against them is being killed. Please try to understand the situation prevailing in Punjab. Special laws will only be enforced under special circumstances. The second point that Shri Acharia raised is that the Congress Party organised a mass rally, but it was of no use because they march with the policemen by their side. In this connection I would like to tell them that it is not only the Congress (I) which organised the mass rally, the C.P.I. and C.P.M. also organised mass-rallies. You may ask what was the benefit of that mass rally and contact. We went to the villages. It instilled confidence in the people that there are still some people who bother for them in distress. The Congress Party went

to villages and instilled confidence in the people. The second point which we stressed before the people was that Hindus and Sikhs were brothers. There should be no breach in this amity. This relation has been there for years. Our appeals bore fruits. You will be surprised to know that Baba Ajit Singh, who is a Nihang, took in his lap a boy belonging to the minority community and told the terrorists who were about to gun down the bus passengers that he was his son and pleaded for his life. It is the result of the propaganda we made against terrorism. In another incident which took place in Hoshiarpur, Some terrorists attacked a 'Dera' where both Hindus and Sikhs were sitting. When the terrorists asked the Hindus and Sikhs to get apart, the flatly refused and offered themselves to be killed together. People from both the communities were killed together on that day. It is the result of the mass contact and our visit to villages to arouse the feeling of brotherhood among the people. Both the C.P.I. and the Congress (I) did it and it bore fruits. No one should raise an objection to this move. Thereafter an incident took place in Ludhiana. The terrorists intruded into the house of our General Secretary, Shri Arya in a bid to kill him. Shri Arjun Singh was sitting by his side in side the house. The terrorists asked Arjun Singh to get apart. But he refused to oblige them and preferred death alongwith Shri Arya. The terrorists killed both of them. This feeling of brotherhood among the two communities was the result of the climate built by the Congress (I). We instilled confidence in the people and told them that they have to live together. Shri Acharia also wanted to know as to what was our plan of action. Our plan of action has time and again been discussed here. We are sealing the border. We are trying to ensure that arms and ammunition do not enter the country from across the border. We are dealing with the terrorists and this is our plan of action. Shri Shahabuddin also said that political process should be initiated. Shri Rahman has said that political dialogue should commence. We also want the same. In fact, nobody wants that there should be no political dialogue. The Rajiv Gandhi-Longowal Accord was signed only after a dialogue. Even now we are prepared for a dialogue. But with whom we should hold a dialogue? If we hold talks with Shri Ramoowalia, they will call him a Government agent. With whomsoever

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we held talks, they described him a Government agent and condemned him. Presently there is hardly any leaders in Akali ranks who has not been declared a Government agent. I, therefore, suggest that let a favourable time come and let the situation improve, then the political process will be initiated. Whether it is the Assam Problem, the Mizo problem or Nagaland issue, the problem has to be solved through dialogue. This Bill has been brought forward to deal with a new situation created by the terrorists in Punjab. The terrorists have two motives. The first is to create discord between the Hindus and Sikhs. They want to create such feelings among the people whereby a sort of weakness in the political system could be visible. But they were not successful in their motive. I have already given instances of incidents at Ludhiana, Hoshiarpur and Ferozpur which show that the people of Punjab possess robust common sense. They have a history of their own. The people of Punjab made a lot of sacrifices during the freedom struggle. They fought numerous battles jointly on several fronts. They shed blood jointly in two wars Pakistan. Our bonds are so deep, so intense that they cannot be severed. First of all, the designs of Pakistan and other external forces that the Hindus and Sikhs should fight against each other and get divided have failed miserably. Despite all these killings, the people of Punjab are tied with one another in the bonds of love and harmony. A strong feeling of brotherhood continues to prevail among them. That is why their evil designs can never materialise in Punjab. They can never separate the Hindus and the Sikhs in Punjab. Their Prime intention is to form Khalistan in Punjab. But the question of forming Khalistan does not arise at all. The Hindus and Sikhs in Punjab have frustrated their ugly designs. Barring a handful of youths in Punjab, nobody in the state is in favour of forming a separate state of Khalistan. It is absolutely true. These youths are also our children who are misguided and are playing in the hands of foreign powers.

A number of speakers spoke here. But none of them made a mention of Pakistan or external powers, working behind it. Nobody uttered a word. Neither Shri Acharia nor any of the other colleagues did

say anything about the involvement of external forces in the Punjab tangle. I was thinking that they would certainly mention about it because this factor has worked as a major hurdle in the solution of the Punjab problem. It is certain that this is not the fight between the Hindus and the Sikhs or the Congress (I) and the Akali Dal in Punjab. It is a fight between the secessionist and nationalist forces. Therefore, we should go deep into the genesis of the Punjab problem. The foreign hands are playing a very important and major role in Punjab. It is they who are imparting training to some misguided youths, giving them money and teaching them the strategy. Their meetings are held in Lahore. People from India, Canada and U.S.A. come to Lahore hold meetings and prepare their plan of action. So long as foreign hand is there, they will keep making plans; it is a fact that they will not allow to arrive at a solution to Punjab problem. A number of suggestions have been made in this House that all parties should work unitedly to find a solution to this problem. I have been in favour of this since very beginning, I have reiterated this many times in this House. I have also met the various leaders, including that of Punjab. Being a representative of Amritsar, I have been striving for this since very beginning that all parties should find a solution to the Punjab problem unitedly. It is also correct that people of the Punjab should themselves find a solution but it should not be forgotten that so long as foreign hands have their say in Punjab, they will keep exploiting it in their own way, therefore all political parties, without having their prospects of elections in mind, will have to decide as to how the Punjab problem could be solved, only then there is a possibility of any solution. There is an imperative need to sit across the table to find an unanimous solution to this problem. There is a need to be honest. I am quite hopeful that if by raising above party affiliations all of us make a sincere effort to find a solution to the Punjab problem, which is affecting the entire country and the economy of whole of India and the foreign hand is exploiting it, some solution will definitely come out.

Lastly, I will like to submit only this much, specially, I request the Akali Dal that they should forget the past things, we have seen their role in this conflict, it is

not clear, sometimes they support and sometimes they oppose. They have their inner party rivalry also. They have recently divided even S.G.P.C. which is a religious body and is responsible for managing everything. First of all, they will have to make their role clear and state their stand to the people. People are confused at their role. I fail to understand what is wanted by them and whether they support or oppose terrorists because whenever people are killed by the terrorists, they never condemn them... (Interruptions)...Have they ever said anything against terrorists...

SHRI BALWANT SINGH RAMOO-WALIA : What you are saying is totally wrong, whenever innocent persons have been killed, we have condemned it in strongest terms, our stand in this respect is quite clear. Mr. Bhatia I want to tell you that whenever all parties meetings are held, we have condemned it from the very beginning, the stand of Akali Dal and Barnala Sahib is quite clear. We have been fighting against terrorism in the past, we are fighting it now and we will continue our fight against it in future also. When you treat all alike, you demoralise the forces which fight against terrorism.

SHRI R.L. BHATIA : This is not the point, let me tell them that when operation Black Thunder was about to take place, did their leaders not try to march to the Golden Temple? Who benefitted from this? Were terrorists not benefitted from that or did it benefit somebody else? For whose help they did this. They are confussing the people of Punjab.

SHRI BALWANT SINGH RAMOO-WALIA : Mr. Bhatia, we have done so to clear the position. Some of your own men helped the terrorists. We said that the sanctity of the Temple which was impaired by the acts of the Government and the terrorists should be restored. The stand taken by Barnalaji against the terrorists was stiffer than the stand taken by your party.

SHRI R.L. BHATIA : What I mean to say is that the role played by the Akali Dal causes confusion in the Punjab. I am not blaming them nor am I condemning them. I only want this that terrorism should be condemned and their role should be such which may give an impression that

they are with the nationalists forces and they are opposed to terrorism so that the confusion created among the people about them could be cleared. I have said only this much.

With these words I support the Bill and make special request to the Home Minister that a solution to the Punjab problem should be found. Rajivji had found solutions to the Assam problem, Nagaland problem, Mizoram problem, Gorakhaland Problem, T.N.V. problem, now it is the turn of Punjab problem. Be kind enough to solve the Punjab problem. Whatever measure you want to adopt. I realise, you may take co-operation from other colleagues also. Please take a big initiative so that Punjab problem could be solved for ever.

SHRI CHARANJIT SINGH WALIA (Patiala) : Mr. Deputy Speaker, Sir, I want to ask Mr. Bhatia what is being done about the 'Ajit' newspaper. The restrictions which have been imposed on the newspapers and ragging is going on, please speak something about it also?

SHRI R.L. BHATIA : I will talk to the Prime Minister about this.

[English]

SHRI INDRAJIT GUPTA (Basirhat) : Sir, I am thankful to you for giving me a few minutes. I am sorry that I was not able to be present here yesterday to move the Statutory Resolution which was standing in my name. Due to some indisposition, I was not able to reach Delhi in time.

I just want to add my voice to the strong protest which has already been expressed from this side of the House against this amending Bill. The trouble, Sir, is, for example, my old friend, Mr. Bhatia, makes a general omnibus speech about the Punjab situation. He does not say anything relevant to this amendment. We are here discussing this amendment. We are not discussing the entire Punjab situation. We can discuss it, for example, at a time...

SHRI R.L. BHATIA : You came late. In the beginning, I said, Punjab 'has special circumstances. Therefore, we need this.

SHRI INDRAJIT GUPTA : I was here. Whether Punjab has a special case or not, we have got here before us a certain

[Shri Indrajit Gupta]

amendment, a concrete, specific amendment. And the implications of that amendment have to be understood before we can either support it or oppose it.

Unfortunately, Mr. Bhatia never said a word about that amendment. The substance of the amendment, as you know, is that in the State of Punjab, if anybody is served with a detention order, he can be kept in detention for more than three months, up to six months, without referring his case—this is the purport of the amendment—to the Advisory Board. That means, for six months he can be kept in detention without trial, without any scrutiny of his case, his papers, charges against him, grounds of detention, by the Advisory Board.

SHRI ATAUR RAHMAN (Barpeta) :
After six months, again he can be arrested.

SHRI INDRAJIT GUPTA : That of course. You see, under the National Security Act, there is no safeguard for anybody except this Advisory Board, which has been given the power to scrutinise his case. It was originally three months; now, it will be after six months. It is not made clear that within what period of time the grounds of detention, at least, are to be supplied. That is not mentioned. Some of us on this side have all been victims of this legislation. It was not called National Security Act...(*Interruptions*)...What I am trying to say with our experience itself, is, originally in 1980 when this National Security Act was legislated here in this House, the Opposition had expressed a lot of misgivings and doubts as to whether it would be used really for safeguarding the security of the country or could be misused for other purposes against people and against activities which have nothing to do with the security of the country and particularly against leaders or workers of mass movements like trade union movements or peasant movements and so on. We were assured here—I was participating in that discussion—on the Floor of the House by the Home Minister that it will not be misused, there is no question of any misuse and that it is only meant to put down or put away behind the bars those elements who are to be considered to be guilty of acting in a

manner prejudicial to these things which are enumerated in Clause 14A(1) a, b, c, d and e, *i.e.*, the defence of India, the security of India, the security of the State, the maintenance of public order and the maintenance of supplies and services essential to the community. Sub-clause (e) is an omnibus clause which covers all trade unions and strikes. We were assured that it is not meant for that purpose. What I want to say is that the implementation of these sweeping powers after all is left in the hands of the administration and the police authorities. They are the people who execute all these orders and detentions. They are the people who are supposed to frame the charges, the grounds of detention and so on. Though the present amendment is limited only to Punjab, the experience we have had in other parts of the country shows how the mentality of the police works and how they operate. I am not talking about my own case. When I appeared before the Advisory Board, the Board had to recommend the release because the ground was palpably false and concocted. They were really an after thought. The grounds were not thought of before detaining the person. After first detaining him, put him in jail and then think what kinds of grounds you can prepare.

Now, I would like to say that the crux of the amendment is to do away with the only safeguard which exist and that is the review by the Advisory Board. This is a move, which my friend, Sh. Ramoowalia also said, which only give a further handle to the terrorists and such other forces in Punjab who are continuously alleging that it is the innocent people in Punjab, innocent youth who are being victimised and against whom violence is being used. I do not understand why the Government is so frightened about this Advisory Board. It is a creation of the Government. It is the Government which sets up the Advisory Board. It is they who select the personnel. Nobody else can do it. They include the eminent judicial people, retired people from the Bench and other people on whom the Government has confidence. Otherwise, they would not put them on the Advisory Board. So, what is the idea to remove even this little safeguard and giving the police the powers that for six months,

absolutely with no basis, one can be kept behind the bars without trial ?

In the case of Jodhpur detenees, I believe they are not held under the National Security Act. We have not been told anything, but there are some cases against them, but those are never heard in courts. Four years or more than four years have been allowed to pass like this. The Minister may explain the position; they are not held under the National Security Act. I can just mention briefly one or two cases which show the danger in such a situation because of the way the police thinks and behaves.

The first victim of the National Security Act after it was passed was a Member of this House, who used to sit there. He is not here now; he was Shri A.K. Roy from Dhanbad. He was the first man to be detained under the National Security Act. Of course, the grounds of his detention were not supplied to him because he was released before three months could be completed. Of course, there was a protest and agitation outside. Why was he removed for three months ? When he came to this House after his release, he stated in this chamber that there was a local election, Zila Parishad election going on in Dhanbad, and some opponents of his, the opposite camp, wanted him out of the way during the period of election. The National Security Act was used and he was removed from the scene. After the election was over, he was allowed to come back and resume his seat in this House. What was the threat to the national security ? Is this the wanton, reckless and indiscriminate way in which this law is going to be used ?

Then, there was the General Secretary of our Trade Union in Bombay of the Tata Oil Mills and allied industries workers union. It is a recognised union. The General Secretary of that union, Shri Michael D'Souza was engaged in negotiations with the Tata management over some issues and demands which were pending for a long time. They were not coming to an agreement. The management's point of view was not acceptable to the union and the union was resisting it and putting forward its own point of view, may be right, may be wrong. In the middle of the negotiations what were the grounds for

suddenly arresting Shri Michael D'Souza under the National Security Act and taking him off to Nasik jail and keeping him there for nearly three months in the company of common criminals ? It is not Defence of India, or security of the country, it is security of Mr. Tata and his companies. Is this the purpose this Act is meant for ? As it was not possible to justify his detention before the Advisory Board, Advisory Board would not tolerate his detention, just on the eve of that he was released. I myself represented his case to the Home Minister and I wrote to him and shortly afterwards he was released, but why was he arrested ?

I can give many more cases like this. Here is the case of a trade union leader in Ghaziabad, U.P., Shri Sukhbir Tyagi. These are not areas where terrorism is going on, or there is a situation akin to Punjab. In Ghaziabad, the whole lot of industries, not very big, but medium and small scale industries, are located and contract system of labour is being used. A lot of contractors are exploiting the workers. The contractors wanted this young man out of the way because he was organizing the workers and leading the workers against the abuses of the contract system. He was locked up under the National Security Act and detained without trial.

The same thing has happened in Shaktinagar of Mirzapur district of U.P. I know that personally. I know the person concerned, he is an old trade union worker of ours, Shri Dwarika Singh. He was arrested under the National Security Act and kept there for one year because the contractors wanted him out of the way. I wrote to the Chief Minister and the Home Minister, but they would not do anything. What were the grounds against him we wanted to but those were never mentioned.

I do not want to multiply these cases by mentioning them here, but I wish to say that there is sufficient evidence available to show that the National Security Act is fully capable of being misused, is being misused and has been misused. If it is misused in these States and areas where no such situation like Punjab exists, you can imagine what the Police will do in Punjab using their powers under this Act

[Shri Indrajit Gupta]

14.00 hrs.

You have had a National Security Act, Disturbed Areas Act and so many other Acts but they have not helped you to control the situation because you are not taking any political measure at the same time. All these people, Mr. Bhatia and others mockingly described as people who are confusing the public and not making it clear whether they support this side or that side, well it is for them to answer but I should say that all political leaders are not extremists—I am not talking about the extremist politicians—all political leaders who are available or were available with whom you could have a dialogue or start a discussion have been finished by you. They have just been pushed out of the picture by you. They do not count now. So, the only people left now are these terrorists and their patrons, whether it is patron in the garb of a high priest or whether it is a patron who is in the garb of a political leader, people who do not hide the fact that they support the fight of the terrorists; they are the people who are left and you have already tried once or twice to talk to them. You are not talking to others. You are talking to these people whether it is Jasbir Singh Rode or anybody else like him. It has misfired; it didn't work.

Now, you, don't need these things because if you are really going to release from jail these people who are patrons of the extremists and you want to come to a deal with them and put them in power in Punjab, well we can't do anything. We have become quite helpless and hopeless.

Everybody is saying that Mr. Mann must be released from the jail—I am not in favour of keeping him in jail indefinitely—because this theory has been put out that Mr. Sumerenjeet Singh Mann is the only man who can now deliver the goods; he is the only man to whom the terrorists and the youth will listen, therefore, he must be brought out for negotiations with the Government. Government does not say, yes or no. I don't know what they are planning to do. I am only apprehensive that ultimately the day will come when we will be landed ultimately with a Government in Punjab which for all practical purposes will be a Government

supporting the extremists and terrorists and that will be a very unfortunate day for our country. That is my view; some friends here may not agree with that.

So, I am saying that this kind of tinkering with this small amendment is just begging the main question and you will not be able to solve this question by these things. I would only say that as far as the amendment goes, it is thoroughly repressive, unjustified and it means the Advisory Board is just reduced to a big zero. They don't want to have any function performed by that Advisory Board which is their own creation. Why are you afraid of a review or scrutiny by them, I don't understand.

Sir, my experience is that it has a very salutary effect. If the police know that the case will go to the Advisory Board they will think ten times before they concoct even fake charges and grounds which have no basis at all. But if you give them an open door, clear green signal that you can do whatever you like because the Advisory Board is not there, is not going to act for 6 months well they will do whatever they like and create a havoc.

You have no control over the police. Is there any control over the police in Punjab? They are under no control, nobody has control over them. The situation has gone out of control long ago and everybody knows what is happening there.

So, with these words, Sir, I would request the Government seriously to think whether it is essential to bring the amendment and to allow the police a free hand, a free rein, to do away with this only small safeguard which exists, i.e. this Advisory Board. Therefore, on these grounds I wholeheartedly oppose this amendment.

14.05 hrs.

[SHRI ZAINUL BASHER *in the Chair*]

SHRI SRIBALLAV PANIGRAHI (Deogarh): I rise to support the National Security (Amendment) Bill, which is meant to replace the ordinance promulgated on 26th May 1988. At the same time, I oppose the Resolution moved in this connection by hon. member Shrimati Geeta Mukherjee.

Sir, this is not a new amendment. This Bill has come before us only for an exten-

sion of the period of operation of Section 14A which was newly inserted in the National Security Act, 1980. So, it has a very limited purpose. As you know, this will be applicable only in the disturbed areas of the State of Punjab and the Union Territory of Chandigarh. We all very well know what is happening in that part of the country. Of course, for the last few days, it appears that there has been some improvement in the matter of controlling violence. It has not been fully mitigated and a lot more has to be done in this direction. But certainly, the number of violent incidents and violent activities has come down. This brings great relief.

As you know, there is no pleasure on the part of the Government to come forward before the Parliament with such a legislation. Preventive detention is an exception to the principles of freedom and personal liberty which are enshrined in our Constitution. We also look forward to the day when there will be full play of personal freedom and liberty in the whole of our country without any need to take recourse to the law of preventive detention. But at times to create that sort of a situation and climate, some drastic measures are also needed. Particularly in the disturbed areas, such drastic measures are all the more necessary.

Sir, everybody knows that the situation is not at all normal in Punjab. It is rather very grave and in a grave situation, we cannot expect normal laws to operate and to bring any improvement in the situation. Therefore, a serious and grave situation calls for very stringent measures to be taken. As such, the Government has no alternative other than coming before this House for extension of such stringent provision. That is the reason why I welcome this Bill. I wonder how and why some friends from the other side are opposing this Bill.

In fact, the provision is already there and the Government is seeking just one more year's extension. Government is not asking for any new powers for operating this provision indefinitely. They want just one more year and that means that they are hopeful of the steps they are taking to control terrorism. Anything strengthening the hands of the Government to deal with this menace of terrorism should be support-

ed wholeheartedly. Again thanks to the founding fathers of the nation—the makers of the Constitution—for having provided for such a provision. It is not unconstitutional. Now with a little modification here or there in respect of time and place only, some Amendments are being proposed. It is engaging the attention of the Government for finding a lasting political solution. Was Rajiv-Longowal Pact not a part of that? But for different reasons, it did not work. Ramoowaliaji is not here, I wish he was here, he opposed this Bill. Were they not entrusted with the administration of the State? Is it not a fact that during their period of administration things went worse? The holy Golden Temple was a place for criminals. It used to harbour terrorists. Is it not a fact that their Chief Minister—whose moral duty was to protect or to maintain the sanctity of the Temple—also surrendered before the terrorists indirectly by appearing before the Priests and by doing the work of shoe polishing? How could things improve with those people in power? Is it not a fact that things have started improving now? Can anybody deny this? The Government is aware of all these things. At the same time we also caution the Government not to be contented with all that has been done. The Government knows this position. That is why they have come forward before the House with this Bill. We also know who are our enemies. Everybody knows here that a neighbouring country is aiding and abetting terrorism in our country and what game that country is playing. Just two days back, on the eve of Independence Day of that country, they have decided to honour one of our Leaders of this country with the title *Nishan-e-Pakistan*. What a cruel joke! Ten or eleven years after his Prime Ministership, his wonderful services towards the improvement of relationship between India and Pakistan are now being recognised at a time when we are fighting out terrorism in Punjab. As all of us know—we have convincing proof beyond doubt—that it is Pakistan which is aiding and abetting terrorism in India. Is it not a part of that game? Is it left to be understood that this is a part of a sinister game to destabilise India—by aiding and abetting terrorism which is aimed at weakening the integrity and solidarity? In this context should that title be accepted? Should people who claim to be top

[Shri Sriballav Panigrahi]

political leaders congratulate the recipient? I ask this question of those friends—is it in the interest of the national solidarity and integrity? Is it meant to strengthen our integrity and solidarity? So we have to understand this very simple question in its entirety.

There are some doubts expressed about the misuse of this provision by the administrative machinery. Yes; there does exist a doubt. So, Government should be particular to see that this provision is not invoked indiscriminately. As I told you, this situation is an abnormal one. The period of three months is being extended to six months, for the purpose of getting the opinion of the Board of Advisors set up under this Act.

Why is the Government doing this? We know the magnitude of the problem of disruptive and terrorist activities going on day in and day out in Punjab. The Police and the law and order administrations are very much burdened and hard-pressed. So, they have to spend a considerable time in doing this paper work, in order to effectively control and check the terrorist activities. It is applicable only to those who are terrorists, and not to others. Why should anyone have sympathy for the terrorists?

Now about misuse. We have a very capable Governor in Mr. S.S. Ray in Punjab; he was a top lawyer and a jurist. It is not a mindless Government indiscriminately operating or exercising its power under Section 14A. I can give you some figures. From the commencement of this Act in 1980 till 31st May 1987, the total number of people detained was 1312; out of this figure, 703 were released by the State Government itself, while looking at the papers. So, it is not the Police or the District Magistrate who is given the liberty to do things as he likes. About half the detenus were set free by the State Government itself; and the other 406 were released by the Board of Advisers. Only 45 were released by the Court. Further, Articles 21 and 226 of the Constitution are not suspended. If anybody feels aggrieved, he can move the court—the High Court—and also get a stay order. *Habeas Corpus* petitions can be presented before the competent courts.

This is a special type of situation. Everyone feels concerned about it, and it

should be the endeavour of all political parties to help in facing this problem. I know that even in the Akali Party, there are good, liberal elements. So, irrespective of party politics and political ideologies, what is of utmost importance is for all of us to strengthen our freedom, solidarity and integrity.

Thanks to the Government of India and thanks to our Prime Minister, insurgencies are coming to an end. We see an end to insurgency in the North-East, in Nagaland and Tripura in one State after the other.

Irrespective of the different political parties we may belong to, it is necessary for all of us to come together and be united so fight terrorism in a determined manner. With these words, I strongly support the Government's stand, and the Bill brought forward by the Home Minister.

SHRI N. TOMBI SINGH (Inner Manipur): Mr. Chairman, Sir, I support this Bill. The purpose of this Bill, as everybody has said, is very limited. But the objects and reasons stated as part of the Bill are very clear. The activities of the extremists and the terrorist elements are still continuing to cause concern to the Government and naturally to everybody in the State of Punjab and the Union Territory of Chandigarh.

This insurgency has not started in Punjab. I belong to a region where insurgency in India, after Independence, had started. It is the wearer who knows where the shoe pinches. We had suffered and we were reeling for decades under these insurgents activities in the north east region. Even now my State Manipur is not free from it. At the outset, I would like to congratulate the Prime Minister and the Home Minister, Mr. Buta Singh and the Congress Administration in Tripura for having brought a settlement to the TNV problem in Tripura, which is our neighbouring State. Wherever insurgency is taking place, it is the common people who suffer, it is the development of the State that suffers. Therefore, in the interest of the common people, in the interest of development of the people we would like to appreciate and congratulate the Prime Minister and the Home Minister who have taken measures to solve the problem of the TNV in Tripura.

Before I go to Punjab, I would like to say a word or two on how the Government of India and the State Government and the para military and police forces had the experience over a number of years in tackling the problems of insurgency in different forms and in different regions. I do not rule out the possibility of excesses. A mention has been made of possible excesses and possible misuse of these provisions, legal provisions. It is very natural that para military forces, military forces or security forces handling such situations, intentionally or unintentionally, may commit excesses. But from the past experience I must say that the government, particularly the security forces, while handling the Punjab situation, now are having the benefit of past experience in the other regions. So, I can visualise that the security forces under the present Presidents Rule, during the President's Rule, are exploring every possibility not to commit any excess and to avoid the misuse of provisions. The recent black thunder operation smacked of the best handling of a bad situation.

Now I would like to say a word or two on the north eastern region where insurgency has been solved to a great extent. The problem of Mizoram has been solved and the problem of TNV has been solved; and the position in Nagaland, more or less, compared to the position that was there three decades ago, is now much better and we can say that insurgency is nearly solved there. There are two kinds of insurgency in my State of Manipur. One is the insurgency that takes place where a total village, a total community looks involved. Second is the insurgency in the valley, in the urban area, known as urban insurgency, where only individuals are involved, not even a family. Such has been the experience of the security forces there. In both cases attacks have been just selective; in other words their targets have been selective. They avoided random indiscriminate attacks. Only a few days ago there were two explosions in the open market. I think nobody died in those incidents. Only a few people were injured. Now, if we look at this revival of insurgent activities in that area where we believe that peace has been restored, we will find that the effect and the character of the target and attack has been slightly changed in the sense that there is indiscriminate and ran-

dom attack in crowded market places. The government should do the necessary investigation on this so that further escalation of this kind of things will not happen in that very sensitive and border area. It has also to be ascertained whether the organisations involved are new comers to the region or not.

Coming to this particular Bill concerning the extension of the National Security Act and then its application to Punjab and Chandigarh, not much is needed to be said at this stage. But, coming to Punjab, we cannot think of the history of India without Punjab. From the ancient days of the *Vedas*, the *Mahabharata* and the *Ramayana*, Punjab, in an inseparable part of India. Today, Pakistan is just inspiring and helping materially and also in preparation of these attacks, arms-wise and money-wise, and in every respect they are helping the extremists to destroy our national security, weaken the unity and integrity of the country. In this context, it is quite understandable that the Government of India should adopt this limited measure to cope with the situation.

Speaking from my experience, Pakistan has been in the habit of interfering with its neighbouring countries. When Bangladesh was East Pakistan, it was East Pakistan which trained all the extremists in Nagaland, Manipur, and Mizoram and now the Government of India should know—I have no idea of the present relations with Bangladesh, I hope the relations are quite good and also that sufficient care is taken to see that Bangladesh does not inherit the habit of Pakistan provoking young men, training their angry young men of the neighbouring States in arms. China and Pakistan were responsible for the provocation of the anger of the young in the North East. We are now a little free at this moment.

Even now they will not leave this bad habit. Habits die hard. Pakistan continues to train our extremists and terrorists to do havoc in Punjab. Punjab with all its contribution in the field of agriculture, industry, sport, historical contribution in the fight for freedom and even now Punjab, the common people of Punjab do not feel separate, and as Mr. Bhatia has very rightly mentioned, among the common masses of Punjab there is no feeling of separation from the rest of India. But then a section of the people trained from outside, inspired from outside

[Shri N. Tombi Singh]

and helped from outside, they are trying to identify themselves not with the whole community rendering the whole community a suspect in the eyes of the country. This is very wrong. Now they are tampering with the sanctity of the temples, they are tampering with the sanctity of the educational institutions. This has to be stopped.

In this context, the necessity of such a measure is quite understandable. Therefore, oppose the statutory motion proposed by Shrimati Geeta Mukherjee and support wholeheartedly the bill brought forward by Shri Buta Singh for the approval of this House. I think without further debate such a measure should be adopted.

If we think of the other possibilities, that I had mentioned earlier, misuse, excesses, that is true. At one time we used to say, speaking from my experience at one time, "Excess thy name is" the Police, paramilitary forces and security forces, we used to say. In the beginning this can happen, but with more and more experience this notion will go. Such a view has nothing to do with the Congress Party or the Communist Party. In a situation involving common people and terrorists in such a situation, the police, naturally, has a serious problem, they have to act under compulsion.

SHRI HARISH RAWAT (Almora) : They have to act.

SHRI N. TOMBI SINGH : Yes. We can understand the limitation of the Police also. They are not sadists or sadhus. They have to act in such a way, and in certain circumstances ultimately possibility of excesses is there, without intention. Sometimes that is possible.

Sō, I appreciate the assurance given on the floor of the House on various occasions by the Home Minister that this Bill and similar measures will not be misused and care will be taken not to misuse such measures.

Along side with this, I would like to draw the attention of the Government to the need for preventive measures elsewhere. As Punjab is already in the grip of this tension, proper effective measures should be taken to restore peace and democracy in that State while preventive measures be taken at other places.

By the other places, I mean the North Eastern areas. The North Eastern areas are still exposed to this kind of climate. Luckily we have good relations with Burma. Even now, our young boys reportedly go to China. The possibility of our young boys being trained and armed by the neighbouring countries is not ruled out. In this context, I request the Government to take preventive measures. Our information sources, our Intelligence agencies attached to para military sources, police forces and the Army should be active so that we can prevent the return of insurgency in the North Eastern areas, which have suffered to long.

With these words, I support the Bill.

CHOUHDARY KHURSHID AHMED (Faridabad) : Sir, I have been listening to the arguments put forward by my friends of the other side. The limited purpose with which I have to present my view before the House is that the amendment as such refers to the extension of period from three months to six months even without telling the person who is being detained, whether he is a terrorist or otherwise, whosoever it is, without revealing any reason. Again, without giving any specific guarantee that after releasing him for one day, you may not put him for another six months.

Sir, liberty of an individual is very very precious thing and is guarded by fundamental rights and also by other Acts. In special circumstances, my friends have pleaded that such draconian measures can be justified. But there should be some guarantee where its misuse is not doubted. Rather, the use of it will itself is a misuse. There cannot be any justification for such an Act, We had already power to detain a person for three months and this House was assured that it would not be misused. Kindly have a look at what happened now. My friend Shri Indrajit Gupta referred to a few individual cases. Take all the cases collectively which have been put under this N.S.A. I think, most of them were made on 1st April, 1987. There were about 721 detentions. Then the number of detentions made during 1987-88 was 1,086. Out of this, 1,188 cases were presented before the Review Boards and they were either released or sent out. This shows that about two third of the total cases were such that it

was needed only to open the file before the Board or before the Court. So, in such cases, the history shows that it has been misused even when we had powers to detain a person for three months. When it comes to six months, for such a long period, keeping an individual depriving his liberty and not allowing him to pursue his profession without giving any reason and then one fine morning telling him to go home is not justified. My friends are trying to make that three months are good enough to explain any case. Police can prepare dossier within three hours and describe a man as one of the notorious character ever existing in the society. So, three months are enough and they can prepare the papers. In the preparation of the papers, he need not be very specific about the charge. What the police and other forces which deal with such cases, do that even if an innocent person is trapped, the papers are prepared afterwards. Three months is a good enough time. To extend it for six months is not justified, whatever may be the argument like foreign hand and all that. If a foreign hand is playing its role in Punjab then it is for the Government to control that foreign hand. We have no sympathy with anyone. If it is visible, discernible and you are sure that foreign hand is there, cut it off, mutilate it and throw it into the sea or wherever you like. But you should not invent a measure which you will use on your own people in your own State and without any justification. I think, looking at the history of misuse of these measures, it is not justified that it should be extended for six months because whosoever is put behind the bars, he needs to know the reasons for which he is behind the bars and he should be told about that. So this idea that we are depriving an individual for six months and without any guarantee that for another six months the same performance will not be repeated, is not good. So I only rise to tell the House that such a measure does not deserve the sympathy of anyone.

Without these measures, you have been able to solve the problem of insurgency. In Mizoram and Nagaland you did not have to invoke such a thing. In Punjab what we need is sympathy and understanding. You have tried your experiment with different governments. You have also tried the experiment of talking to different groups of people. I think, the same spirit can be

revived. All parties can be taken into confidence. The representatives of the people can be taken into confidence. We can enter into a dialogue and stop whatever is happening. There may be a large number of people who are indulging in extremism, but there are still larger number of people in Punjab who are sensible and understandable, are prepared to fight this menace and are already fighting it. It is not only the forces which are fighting but also the public of Punjab which is acting more forcefully against these terrorists than the Government forces. Taking into confidence the people of Punjab and reviving the spirit of amity, we should explore those ways rather than resorting to such measures. With these words, I fully support the Statutory Resolution moved from this side.

[*Translation*]

SHRI HARISH RAWAT (Almora) ;
Mr. Chairman, Sir, this Bill has been brought forward with an aim to achieve a limited purpose. Our friends from the other side, while opposing this Bill, tried to stress that the right to personal freedom and the right to free movement are being restricted through this Bill. Whether the members belong to this side or that side, all of us are supporters of right to personal freedom and I understand that our Hon. Home Minister does not lag behind any one in supporting personal freedom. But when the lives of the people are endangered due to the activities of some persons, in that situation, if is not wrong to restrict the personal freedom by law. The Government does want through this Bill to effectively deal with those people who are posing danger to the lives of people in a limited area and who cannot be effectively dealt with under ordinary laws. Our friend on the other side, specially Mr. Ramoowalia, has talked about certain things. He has mentioned about 'Ajit' newspaper that there was some difficulty with the newspaper and the newspaper had to face very tough situation. He has also stated that it is very necessary to understand about the state of affair under which the people of Punjab have to live. We may not agree to some of their views but there is a paramount need to appreciate this. The Government is ceased to the matter and it has brought this amending Bill keeping this thing in mind. So, it is justified to extend.

[Shri Harish Rawat]

the period of detention from 3 months to 6 months.

Our friend from Communist Party Shri Inderjit Gupta has expressed a doubt that this Act will be misused against the people of the opposition and against the people of trade unions and such thing has been done in the past also.

DR. DATTA SAMANT (Bombay South Central) : It is being used.

[English]

Four times I was detained under the National Security Act and the reason was that some Thane workers had resorted to strike. Several hundred charges were there and the High Court threw them away in one minute. And when I was released, immediately the Bombay Police Commissioner, Rebeiro passed an order and from that date I was again taken into custody.

[Translation]

SHRI HARISH RAWAT : Mr. Chairman, Sir, if this House is consulted whether it is in fitness of thing to detain Mr. Datta Samant, I understand the overwhelming majority will say that it is right to detain Mr. Datta Samant.

MR. VIJOY KUMAR YADAV (Nalanda) : If you detain a Congress member, they will not say it is wrong.

SHRI HARISH RAWAT : If the voters of Bombay are consulted, then they will also support it. Because they know the truth...*(Interruptions)*

[English]

PROF. MADHU DANDAVATE (Rajapur) : I and my wife are his voters.

DR. DATTA SAMANT : I was elected by one lakhs votes during your wave. My only offence is that Godrej is having good relations with the Prime Minister. That is my offence.

SHRI RAM SINGH YADAV : This is quite objectionable, Sir.

MR. CHAIRMAN : You please continue, Mr. Rawat.

[Translation]

SHRI HARISH RAWAT : I do not want to get myself involved in this argument. Only Shri Madhu Dandavate knows whether he casts his vote in his favour or not. However, had Shri Madhu Dandavate been given better choice, he would have opted for him. *(Interruptions)*

[English]

MR. CHAIRMAN : Mr. Datta Samant, you will have your own chance of rebuttal. You need not disturb him in the middle.

[Translation]

SHRI HARISH RAWAT : As far as the question of its misuse is concerned, nobody would justify it and I would also like to request the hon. Minister of Home Affairs to get such things examined and ensure that the power is not misused. But some of the hon. Members expressed this view in the context of Punjab which is not fair. Shri Ramoowalia said that the Government have not taken any political initiative in Punjab, it believes in police action only. The atmosphere prevailing in Punjab is such that there nobody says that police action is not required, on the other hand people are in favour of stronger police action. I am happy to note that the Government took Political Initiative earlier also and the process is still on under the leadership of the hon. Prime Minister and the hon. Home Minister.

Mr. Chairman, Sir, Punjab Accord is in itself a political initiative. That Accord is the result of political initiative. Had there been no political initiative, there would have been no Punjab Accord. The hon. Members of the opposition did not try to create congenial atmosphere for signing the Accord. The Prime Minister and the Government were anxious to sign Punjab Accord. However, it is painful to note that the Punjab Accord could not receive the support of the opposition and some political forces in Punjab. Unfortunately, even today there are some political parties and people in Punjab who are not whole heartedly supporting the steps taken by the Government there. Apprehensions are being expressed about the motives of the Government by certain elements. Shri Datta Samant and Communist Parties do not fall in that line. But I am referring to those people whom you know very well. These

are the forces which will never support any good work done by the Government. If the sanctity of a place of worship has been restored by means of Operation Black Thunder, they have not supported it unequivocal terms. But they always try to arouse communal feelings among the people of Punjab in case some lacuna is detected in police action or some mistake is committed even inadvertently. In Punjab, extremists are receiving help from the politicians and one should try to realise the danger ahead. The people of Akali Dal are also a party to this except Shri Ramoowalia, who is nowadays branded as the Government Akali not the real Akali. The people who are indulging in these activities to achieve narrow political ends must understand that they are playing with the fire.

In this august House some of our colleagues of Akali Dal have expressed doubts about the intentions of the Government. They allege that Jodhpur detenus are not being released, guilty persons of the 1984 riots are not being punished. As against this the reality is that Government have taken action against the persons found responsible for riots occurred in 1984 and taken steps to rehabilitate the riot victims and have also released a few Jodhpur detenus, but these people have not appreciated the good work done by the Government. Communal feelings are being aroused in Punjab and the sentiments are being exploited to fulfill the narrow partisam interests by raising the issue of persons who have not yet been released. Therefore my submission to them is to give up this path of glorifying the assaults by attending their 'Bhog' ceremonies as it arouse suspicion in the minds of the people that you support the wrong door. I would like to appeal to Shri Ramoowalia not to level allegation of lack of will on the part of the Government to take political initiative in Punjab. He should feel happy about the coming in power of the Akali Dal headed by Shri Barnala as a result of the political initiative of the Central Government. But it was their inefficiency owing to which they have been ousted and they belied the expectations of the whole of the country. The Central Government rendered every possible help asked for by Shri Barnala whether it was economic assistance, demand to rehabilitate some people or more police

force. Therefore I would like to urge the hon. Minister of Home Affairs to get whatever powers, the Government needs through this Bill from this august House. The Government have taken political initiative many times. We hope that this measure will improve the situation in Punjab and restore normalcy in the strife-torn state in the near future.

In the end I would like to say that the people of the Punjab deserves congratulations, be it Sikhs or Hindus, who have maintained communal harmony despite all type of provocations and have also not lost their patience. They have given maximum cooperation to the Para-military Forces and have supported them. In our neighbouring country Pakistan the Government is headed by a dictator and he is their so called leader. He is a cunning fellow. It is difficult to predict that how will he exploit the prevailing situation in his favour. The august House is well aware of the announcement of confering the highest Award of Pakistan on one of the leaders of our country. The Award is not being conferred to honour any Indian, just as we honoured Khan Abdul Gaffor Khan by conferring the award on him. Had it been in the same spirit then we would have appreciated the gesture. The award has been conferred to sabotage the political understanding about Punjab within the country. The Award has been announced with the political motive of creating an atmosphere of suspicion against one another in our country. I think, in the prevailing situation the hon. Members in the opposition will also advise him against accepting the Award, when Pakistan is training the extremists and is shawing all kinds of evil intentions. If Pakistan stops aiding the extremists in Punjab and declare openly that they havn nothing to do with the extremists and wile not help them in any way, then with the sole aim of expressing love and affection, they can confer Award to honour any Indian Leader.

With these words I conclude.

[English]

PROF. SAIFUDDIN SOZ (Baramulla) :
Mr. Chairman, Sir, I had also moved the Statutory Resolution. But its purpose was limited. My intention was that when the

[Prof. Saifuddin Soz]

Parliament was about to be in session there was no need of Ordinance. But as I now see the Bill before me, I am in a comfortable position to support this Bill. And I find, although the amendment is very brief, its implication is very wide. The only thing that comes by way of amendment is that in the absence of the Advisory Board, the defaulter will have to be taken into custody for six months and this measure is required to be in force till 8th June, 1989. I do not find anything wrong in the Bill because basically it is the question of national security, but then some of our hon. Members have tried to invite the attention of the Home Minister saying that the provisions of this Bill should not be misused. *(Interruptions)*. I feel that there is no need to advise the hon. Home Minister that the provisions of this Bill should not be misused. But I have something else in view. Mr. Khurshid Ahmed talks of the apprehension of the misuse of the Bill and he says that even in the North-East the Advisory Boards are allowed, but in Punjab the Board is not allowed. I think basically the circumstances are different. Even in Punjab we had some success recently. But so far as the question of misuse is concerned, I have one thing in view which the hon. Home Minister may consider. Our law enforcing authority, particularly the police force will have to be trained, trained in what way? They are trained in pulling the trigger. That they should do wherever they have to. But they should be trained on the philosophy of our social existence. I am not bringing in a situation in U.P. where the PAC played a very dirty role and we may not agree with the Amnesty International who produced another report. *(Interruptions)*. Kindly don't interrupt me, I am not yielding. Your angle is different, my angle is that of a nationalist.

(Interruptions)

PROF. MADHU DANDAVATE : His angle is acute and yours is obtuse.

PROF. SAIFUDDIN SOZ : My angle is neither acute nor obtuse but nationalist.

The point is, PAC played a very dirty role in U.P. but I am not going into that. Government is seized with that problem. But I raise a question which is in my mind. In Punjab we have to enforce these laws. We have many other laws also. While

enforcing them, we must make sure that the police personnel in whose hands gun is there, do not misuse those laws. If a family loses some innocent child due to abuse of police authority, a scar will be left in that family's mind. Though they may not become terrorists, they will have a grudge against the nation, against the Government. What are they to do, what future they will look, after the loss of the child? So, whosoever lives in Punjab must be a hardened believer in the capacity of the Central Government, in the capacity of the hon. Home Minister that they will tender justice. Therefore, while I am not worried on this account and I have no suspicion that this will be misused, the police personnel will have to be trained about the provisions of the Indian Constitution, about the philosophy of our social existence, on India's unity and integrity.

Now, I feel that terrorism will have to go. We are not prepared to put up with a kind of situation that we find in Punjab. Recently the Government of India had a success to its credit and the Home Minister also deserves appreciation for that. You have now ensured that the terrorists do not live in the Swarn Mandir. But this is a challenging task for the future. You will have to ensure it, whatever the cost may be. When you recently cleared the Swarn Mandir of terrorists, you received appreciation not only from other States but from the cross-sections of the Punjab society who are under trying circumstances. It is because whosoever speak the truth, receive punishment there. But there is appreciation even from Punjab—not only from Hindus but from the Sikhs also. It is because, everybody in Punjab is fed up with terrorism. So are we. So, you have cleared the Swarn Mandir of anti-nationals. Let this be a place of worship not only for the Sikhs but for others also. I had the privilege of going to Harmander Sahib a number of times; Hindus also go and worship there. Indians from all walks of life go there. Let that remain a place of worship for all people and you ensure henceforth that no terrorists, no such elements who do not believe in the unity and integrity of India, enter that Mandir, which we revere, irrespective of our religious denominations.

Finally, Mr. Chairman, I want the hon. Home Minister to ensure this. This is the

job of the Central Government. Throughout India, particularly in Punjab people should know that whatever they want to worship, we cannot raise any objection. This is their personal matter. They go to temples, they go to Gurudwaras; they go to mosques or churches. Recently, we have passed a legislation, Religious Institution Bill which ensures that religious institutions will not be misused. But the greatest thing is that we must ensure that all Indians accept the Constitution of India as the Bible, for our social existence. The hon. Home Minister may answer it, when he replies to the debate and assure us that he will try his utmost, particularly in Punjab to see that the Constitution of India will be accepted as the Bible for our social existence.

[Translation]

15.00 hrs.

SHRI RAM SINGH YADAV (Alwar) : Mr. Chairman, Sir, I support the National Security (Amendment) Bill, 1988 and thank the hon. Minister of Home Affairs for taking strong and timely steps through this amendment.

Sir, in view of the situation prevailing in Punjab it was necessary to make this amendment. Just now an hon. Member Shri Kurshid Ahmed from Faridabad said that it is not justified and necessary to bring this type of amendment for a single State of the country. But it is the responsibility of the State Governments as well as the of Central Government to maintain the security of the nation and the law and order in the country. It is the full responsibility of the hon. Minister of Home Affairs to take timely action for Punjab, where there is President's rule now.

Now arrangement, have been made to constitute a tribunal and provid 6 months time to those who will be arrested upto 8 June, 1989 under National Security Act. This is nothing new. Earlier also, this House has given one year's period and in that this House has experienced that the Government has used the provisions rightly and did not misuse them against any political leader or trade union leader. In this regard, I would like to say that the action taken by the Police and para-military forces at the time of need were very necessary for the security of the country.

It is the duty of the every hon. Member of this House to consider seriously the problem of Punjab. Punjab is a State of our country. It is historically famous for its bravery and natural resources. The situation in Punjab is continuously discussed in the House. So it is very necessary and it is the duty of all the hon. Members to understand the situation in Punjab properly and support the steps taken by the Central Government to solve the problem of Punjab.

Whatever my predecessor, an hon. Member of my party, said about the former Prime Minister was totally correct. Pakistan has decided to honour the former Prime Minister of this country with the highest award of his country. Does it behove of him to accept the honour who was once the leader of this House and Prime Minister of this country? I will say that it is not in favour of this country. Due to this reason, he should decide and say to Pakistan Government that such awards are not acceptable in today's situation. But I am sorry to say that the former Prime Minister is unable to gather that much of courage. For his own publicity and dignity, he is unable to deny this honour.

Besides, was it not necessary for the hon. Minister of Home Affairs to take such steps when Pakistan has got the capability of making a nuclear bomb and providing terrorists with money and imparting them training in the front line districts of Rajasthan as well as of Punjab. In my opinion the hon. Minister of Home Affairs should take more strong steps. Fencing should be done on the border and also in those sensitive areas in Rajasthan where terrorists have intruded and some encounters have taken place.

Not only India, but the whole world is appreciating the strong steps taken by the hon. Minister of Home Affairs to maintain the sanctity of the holy golden temple. Everyone is appreciating the action taken with bonafide intention. No one in this country wants that the sanctity of golden temple should not be maintained. Sikhs, Hindus, Muslims and Christians are equally interested in maintaining it. Everyone goes and bows his head there witu this belief. In such a place where the people from not only from India, but from all over the world

[Shri Ram Singh Yadav]

go with the hope that they will get peace, a direction to life and blessings to achieve their cherished goal and the resolve they have undertaken. It is the duty of each individual as well as of the Government to maintain the sanctity of that place. I will thank the Central Government and the hon. Minister of Home Affairs for making full efforts and for discharging his duty faithfully. We know that it is very difficult to work in the way and in the situations, our hon. Minister of Home Affairs is working. But it is his greatest quality that in any type of difficult situation he keeps his patience and has always solved the problems of law and order sincerely and seriously, whether it is in Punjab, Nagaland or T.N.V. or in any other state. We are happy that law and order situation in our country today is really appreciable. At various occasions the hon. Minister of Home Affairs has helped the State Governments in maintaining law and order. I hope that in future, there will be more improvement in the law and order situation of the country under the leadership of our Hon. Prime Minister Shri Rajiv Gandhi and hon. Minister of Home Affairs Shri Buta Singh. The Punjab problem has been solved in a way that the people of Punjab will be able to accept and maintain the law and order in a proper way.

I thank, particularly the people of Punjab who by organising rallies and public meetings gave a new environment to the country by propagating brotherhood and goodwill among the Hindus and Sikhs.

The constituent Assembly and also Mahatma Gandhi wanted that secularism in real sense, that all the religions are equal, should prevail in the country. On 3rd April, 1948, the Constituent Assembly passed a resolution and it was expected that secularism will be a base which will be accepted by the entire country. It is a matter of pride that Prof. Ranga who supported the resolution in Constituency Assembly is with us. He, who moved the resolution, later became the speaker of the Lok Sabha. Pandit Jawahar Lal Nehru had supported that resolution. All the people of other classes also supported it. We are happy that S. Buta Singh is implementing

that resolution in letter and spirit in the country. Through its implementation in a proper way the feeling of secularism can be propagated in the every corner, in every house, in every caste, in every religion, in every class and people will accept it as a way of life.

With these words, I support the Security (Amendment) Bill, 1988.

[*English*]

SHRI CHARANJIT SINGH WALIA (Patiala) : Mr. Chairman, Sir, I am standing here in support of the Statutory Resolution moved by Mrs. Geeta Mukherji and oppose the National Security (Amendment) Bill which has been moved in this House by our Hon. Home Minister.

Government has brought so many Bills in this House in the hope to bring peace in Punjab. There are so many Acts, there are so many provisions which the Government has already in its hands and this House has also provided and passed so many Bills giving wide powers to the Government such as, the 59th Amendment of the Constitution, the Terrorists and Disruptive Activities Act, Disturbed Areas Act and so on and so forth. But I am sorry to say that the Government is still not satisfied with the powers which have been given to them by this House and by the existing laws and rules of the country. I would request the Government to ponder over, and think about what is lacking. There must be something basically wrong with the policy of the Government that in spite of all these measures they have not been able to bring peace in that part of the country. (*Interruptions*)

PROF. N.G. RANGA (Guntur) : What about the mind of the people ?

SHRI CHARANJIT SINGH WALIA : You can have sufficient time to speak. You can speak at that time. We people won't disturb you. You should have patience to listen to what we speak. (*Interruptions*)

PROF. MADHU DANDAVATE (Rajapur) : Don't misunderstand him. He speaks with affection.

SHRI CHARANJIT SINGH WALIA : Thank you very much if you speak with affection.

There must be something basically working with the policy of the Government because the Government, as I feel, considers this Punjab problem as basically a law and order problem. You want to solve it through draconian laws, through the use of force by creating an awe and terror in the minds of the people. With one voice, they say they want to finish and remove terrorists from Punjab. That should be done through persuasion to know the sentiments of the people of Punjab, to know the feeling of the people of Punjab and not by the use of security force. They have deployed the security force in a large number in Punjab, They have used the measure of 'Operation Bluestar' and they are using every sort of teeth which has been given to them by the laws. But I feel and I think, the Government must solve this taking it as a political problem. They must take political initiatives, they must come out with concrete political steps so that peace can be brought to that troubled State which is experiencing such a situation for the last so many years.

Our Hon. responsible Members in the Government as well as in the Ruling Party say 'what should we do, to whom should we talk, there are so many factions and there are so many groups'. I think the Government is not sincere in solving this problem. Because this problem has been created by the Government itself, by the Ruling Party itself. They are not honest or sincere in solving this problem.

Everybody knows that the Akali Dal is the major political party in Punjab. Shri Simranjit Singh Mann is the President. Our Hon. Prime Minister said only yesterday that they are ready to talk to anybody who does not believe in violence and who wants to talk in the parametre of the Constitution of India. The Hon. Home Minister is sitting here. I can say with confidence and responsibility that the views of Akali Dal on both these issues are very clear. Akali Dal has never advocated violence. Akali Dal has never doubted or dishonoured the unity of this country. Sikhs have always fought and laid down their lives for the freedom of this country and to uphold the freedom of this country. Every Indian citizen knows that we have laid down our lives in defending the frontiers and the unity of this country in the last three wars. If we have done

it in the struggle for independence, if we have done it even after independence what else you want from us, what assurance the Government wants from us ?

The view of Akali Dal President Shri Simranjit Singh Mann are very clear. I said sometime back also that they have given in writing to the courts copies were sent to the Prime Minister and to the Home Minister. I have sent copies of that also. They were given in his own hand by his counsel Mr. Jethmalani. I can again provide—if the Hon. Home Minister has forgotten it or if he does not remember—those copies. His views on both these issues are very well known.

But instead of releasing them, he has been put in jail for the last four years. He is kept in solitary confinement. Is, for four years keeping a man in solitary confinement, not playing havoc with these people ?

Shri Prakash Singh Badal is very respected leader of Sikhs and Akali Dal. He has been sent to Coimbatore under this National Security Act. What for ? What was his fault ? He was the Chief Minister of the State for many terms.

Shri Gurucharan Singh Tora, the SGPC President is in jail for the last so many years in Jodhpur. These persons, who are the representatives of the people, are kept in jail. Other so many political senior leaders are also in jail. Jodhpur detenus about whom this House has been assured so many times that their cases are being screened they are also in jail for the last more than four years. Even International Amnesty has reported all these things. When you keep thousands of young people and representatives of the people in jail then how can you find a solution to Punjab problem. Those who matter and those who are the real representatives of the people you put them in jails and then you say to whom should we talk ? You make people irrelevant because of your narrow political considerations. You must keep the interest of the country above your narrow political considerations only then you can solved this problem of Punjab. Instead of winning the confidence of the minorities in general and Sikhs in particular you doubt their bonafides. No Akali Dal leader has preached secessionism but under one pretext or the other you

[Shri Charanjit Singh Walia]

doubt the bonafides of the whole Sikhs community. Having all these things in mind you want to curb religion. Our Prime Minister and also the Home Minister had said it so many times that want religion and politics should not go together. We want to separate it. I want to remind the Home Minister who has also been a member of the Akali Dal and Sikh community some time back that ever since Akali Dal was formed or ever since Sikhism is there 'Mir' and 'Pir' namely politics, and religion have been working and moving together. During freedom struggle all our morchas originated from various Gurudwaras. For example, Jaiton ka Morcha, Nankasahib ka Morcha were started from gurudwaras. When we started the Nankanasahib ka Morcha Mahatma Gandhi remarked that the first step of Indian independence has been won. When we used to start our agitations and morcha before Independence then the whole Congress party and their leadership used to appreciate it and lean their full support but now they want to separated religion from politics. They talk about Mahatma Gandhi and Jawahar Lal Nehru. May I quote what Jawahar Lal Nehru has written in his autobiography in Chapter 47 at page 379 where he endorses the views of Mahatma Gandhi :

"No man can live witeout religion" as Gandhiji has written somewhere. "There are some who in the egotism of the reason declare that they have nothing to do with religion but that is like a man saying that he breathes but that he has no nose."

Then further he says :

"My devotion to truth has drawn me into the field of politics."

"...And I can say without the slightest hesitation and yet in all humility that those who say that religion has nothing to do with politics, do not know what religion means."

This is what Mahatma Gandhi says, as quoted by Pandit Jawaharlal Nehru in his autobiography.

You can refer to the views of those great leaders. You always talk about their

principles. But I request you to follow them in practice. Do not push the Sikhs to a corner just because they are in minority. You can pass any legislation here. We can only protest. We cannot obstruct the passing of such Bills. We feel hurt. When Gandhiji says that religion and politics cannot be separated and should not be separated, you should not try to deviate from those principles which were enumerated by them.

Now, a beautification plan has been taken in hand by the Punjab Government. In the garp of that, everything is being demolished around the Golden Temple. They say, they want to beautify the place. May I remind the Government that there was a conference in Geneva in 1964 and it was decided that the cultural and religious heritage of minorities should be preserved and not destroyed. The Golden Temple complex is the cultural and religious heritage of the Sikhs. We adore it. We respect it. In the name of beautification, that should not be demolished. We should rather be helped to preserve all thees things.

The Amnesty International have also pointed out and detenus at Jodhpur and other places are being kept for years together. So, we should not allow such people to point out these things.

Our Government says and that will be correct also that Pakistan is interfering in the internal affairs of India. They are doing everything so that the trouble continues in Punjab. May I request our Government and the Home Minister, why should we provide them with such things ? We should keep our citizens satisfied. If we want anything which is unreasonable or illogical, well, you can tell us that such-and-such thing is not possible. We wanted more powers for the States. Our hon. Prime Minister also said yesterday that they want to decentralise powers. And they want to take those powers even to the Panchayats. When we say that more powers should be given to the States, why should you disagree on this point ? We demand more powers to strengthen the States. It is not to ruin the country. When there is development in the States, it would automatically strengthen the country. Much wider powers have been given to the States in the USA

and the USSR. They have got their own separate constitutions. They have also their own flags. But we don't want these things. We simply want that there should be decentralisation. The States should be given powers so that they are able to develop in a better way. And this would strengthen the country. So, what is irrational or illogical in this? Don't accept the demands which are not reasonable. But when we talk about reasonable demands, those should be accepted. We feel that proper share of river waters should be given to Punjab, proper share of Chandigarh should be given to Punjab because it was meant for Punjab and because it was the capital. So, why should it not be given? If Bombay can be given to Maharashtra, if Madras can be given to Tamil Nadu, if Hyderabad can be given to Andhra Pradesh, why not Chandigarh be given to Punjab? I think that Government must revise its present policy towards Punjab. They must, in the interest of the country, change and revise its policy and take some political decisions. You can take these things unilaterally also. Everybody, whether he is Sumranjit Singh Mann or Prakash Singh Badal or Tohra or detenus of Jodhpur or anybody who had been detained in various jails of the country should be released and then talk to them. What was wrong in it? Sometimes, the Government says that there are some problems where the interests of States are clashing. In what way the interests of States clash when it is demanded that punishment should be given to those who are guilty, whether they are political persons or anybody who is responsible for murder, arson, destruction of property, killing of thousands of people, butchering them in Delhi and other parts of the country? Why does the Government not take steps? We did not believe in what Mr. Rangnath Mishra said but whatever he did, the Government has not implemented it. Nobody should be spared, whether he is an important person or an ordinary person. Everybody is equal before law. You should win the confidence of people. Even the Congress says this and the Opposition says this. About four years have passed and nobody has been punished and nobody has been arrested. My friend, Shri Bhatia said that time has not come for political initiative. When will the time come? Will the time come when the whole

of Punjab will be destroyed, when it will be wiped off? I think the Government must awake from its long slumber. It must take steps. It must punish those people who are responsible for the 1984 riots. It must re-establish its credibility in the minds of the people and particularly in the minds of the Sikhs.

With all these views and observations, I support the Statutory Resolution moved by friends, Sh. Ramoowalia and Smt. Geeta Mukherjee and other and I oppose this amendment to the National Security Act. With these words, I thank you for giving me an opportunity to participate in the discussion.

PROF. N.G. RANGA (Guntur) : Mr. Chairman Sir, I wish to thank Mr. Rawat and Mr. Yadav for the appeal that they have made to all Members of Parliament to support the Government. I also wish to express my appreciation of the speech made by Mr. Soz. I am very glad that all the parties in our House are unanimously supporting the Government, in asking for the permission of this House to take necessary steps to ensure the security to Punjab within India. I do not quarrel with the opposition when they raise fears and suspicions and doubts that these powers might be misused. That is the function of the opposition, and we have to see and ensure that the administration and the police do behave properly and do not misuse the powers that Parliament would be giving to them. But this particular Bill and the earlier Constitutional Amendments and the earlier Act that we have passed, have made definite provisions in order to prevent such misuse of powers by the executive. In earlier legislations we did not take that trouble. But this time we did and at every stage, Government has got to come before Parliament and the Parliament would have to make itself responsible to the people as a whole for the approval that it gives to Government from time to time for every additional power that Government wishes to exercise and every additional opportunity that they utilise in order to work according to the new powers that are being given to the Government. But at the same time, we must be very clear about one thing and that is why I join issues with the Govern-

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ment also. I wonder why Government as well as the opposition parties till now have not made a clean breast of it and made it clear to the people as a whole that this is not going to be a short-lived crisis, it is going to be a long struggle and however long it may be, the nation as a whole would be united always in order to see that every inch of Punjab would be protected, the integrity of India would be maintained. However long the struggle might take, India is not going to make any kind of compromise with anybody. Akalis, Hindus or anybody for that matter, we have got to make it clear to the Sikhs abroad, to the Sikhs in India and to the other people also that we are not going to allow any mischief so far as Punjab is concerned.

We made a mistake; except Shri Vallabh Pant all the rest of us made that mistake for allowing Punjab to be carved out into a separate State without taking proper steps in order to see that this kind of trouble that we are having would not come at all. It was not taken into consideration that it is bound to be a problem State because it is a border State and it applies to Kashmir also as also Himachal Pradesh. Therefore, it was a mistake that we have made to have allowed this division of Himachal Pradesh, Punjab and Haryana. If necessary protective steps had to be taken in order to ensure special privileges or whatever they are for the Sikhs, we could have taken those steps in the same manner, as now through the wisdom of our Prime Minister and the Home Minister on this side and the Chief Minister of West Bengal on the other, we have taken special steps in regard to Darjeeling area. Similar steps could have been thought of at that time. Unfortunately, we did not think of it. We believed in linguistic provinces and then we aid to ourselves, let them have a separate State without thinking what it was going to be a border State. Anyhow, it is a past now and we are loaded with this trouble.

There was an agreement reached with Shri Longowal.

15.40 hrs.

[SHRI SOMNATH RATH *In the Chair*]

Due respect should have been given to

it. We all were agreed but then it was loaded with a condition. I tried to plead with my Hindu friends as well as friends in Haryana that what difference does it make if some parts are allowed to remain in Punjab. It will result in creating an inter-communal harmony, so let them remain there. But they were not reasonable. Why? Because they were affected by the Akali communalism. Who is the first and who is the second, we don't know. But both of them were wrong. I would request the Government to take active step to prepare the ground for the creation of an alternative capital for Haryana so that the Sikhs and other people in Punjab are assured that we will keep our word and thus in order to keep our promise we are taking necessary steps to create another capital. As soon as an agreement is reached in regard to the transfer of certain parts in Punjab, we are really bent upon leaving Chandigarh and going to another city. Why have they not thought of it, I don't know. I am not going to blame anyone. But it is high time that they should begin to think on those lines.

Earlier we had made an experiment with the Anglo-Indians. It is possible for the Congress to get some kind of majority, even by two or one, to form the Government. We can do this sort of experiment in the rest of India but not in the border area. In terms of the border State we should not think only in terms of the party politics. We should think in terms of a coalition Government, or at least a Government with consensus. Even if Congress were to be in power in Punjab, it should devise ways and means by which it can remain in constant touch with the other parties and it should behave in such a manner that all parties should begin to feel a sense of belonging to that Government and to that leadership. This experiment will have to be made.

Congress has made a very big experiment and for that it had to make a sacrifice also, by helping Barnala to gain majority and afterwards helping him to form the Government. It is true, but then we should follow it up. My friend who has just spoken was saying as to who is at fault and so on. I would say that we are all patriots, we are all loyalists but then the complaint is that Barnala Government was not suffi-

ciently firm in its opposition to the separatists, and to the terrorists. Of course, I don't say that it was the fault of Barnala. He had to move together as a team, and in that team there were two or three such kind of people. Ramoowalia is a very reasonable man and so also the others. These reasonable people should have talked to him. It resulted in disastrous consequences and the whole of Barnala ministry was to be dismissed. And according to me that was the fault. It is not as if nobody is at fault. The whole lot of them were at fault. Hindus were isolatey. (*Interruption*)

SHRI BALWANT SINGH RAMOOWALIA : Sir, the problem is that such an elderly man was not consulted before dismissing Barnala. This is the unfortunate thing. (*Interruptions*)

PROF. N.G. RANGA : Do you know the Barnala Ministry was allowed to be continued by whom? I would say by the communities who suffered in Punjab including the Hindus. You please remember that. Therefore, Barnala himself and the people like Ramoowalia should have made a proper response and should have controlled those mischievous Ministers. They did not do that. That is why they had gone. Now, what about my hon. friend, Badal Saheb. We were very good friends. But when Badal Saheb thinks of Prime Ministership, he is a different man. Because he was the Prime Minister once, he must be thinking of prime ministership all the time. He was not prepared to work with Mr. Barnala.

SHRI BALWANT SINGH RAMOOWALIA : He was Chief Minister Sir, not Prime Minister.

PROF. N.G. RANGA : That is right. He was the Chief Minister. But, my good friend, a time may come when a good enough Sardar may also come to be a Prime Minister. But not now.

SHRI BALWANT SINGH RAMOOWALIA : Sardar Buta Singh may become the Prime Minister.

PROF. N.G. RANGA : Mr. Chairman, I want my hon. friends to turn their attention to what might be happening with all those non-resident Indian Sikhs in other countries. Why is it they are supporting

this movement? If not all of them, so many of them are supporting. Why don't they want to go to our passport office, why don't they want to make themselves responsible to our income tax people here and why are they not willing to take various other troubles that every Indian has got to go through in order to make his millions there and get them transferred here? They would like to have their own State. That is how the bee has gone into their bonnet. And they are powerful, they are intelligent and they are organised and they influence the Governments of the countries in which they live. Those countries also play mischief. We have to deal with them too. It is not easy to deal with them. Therefore, they would go on inciting such of those young men who are ambitious politically and who are impatient socially and they would go on creating problems.

Then, we have our neighbour Pakistan. Everybody knows what Pakistan is doing and everyone in the world also knows how in international affairs it is not considered to be such a heinous thing to be lying. So they go on lying. Therefore, there is bound to be trouble. Government must get themselves ready to face all this. Parliament should make up its mind. There is no use saying, "Oh, you are going to extend this emergency!" Six months is nothing. How many years has it taken for us to fight insurgency in Nagaland? Have we completely succeeded? How many years have we taken in Mizoram which has such a small population of three or four lakhs or may be about six lakhs, with whom 600 millions are obliged to be patient for ten of years? Should we also not be prepared to be patient with our police and with our military? So far as Punjab is concerned, we have had to be patient all these five or six years, while all the time we have been saying to Parliament and to ourselves that it would take another six months, yet another six months and so on. This way, we have been deceiving ourselves. Let us get ready to give powers to the Government and to this Parliament through suitable amendments to the Constitution. We have to be patient with the people of Punjab and people all around in our own country in dealing with this Punjab problem, over a period of years. I cannot say how many years it may take. I do not want it to be

[Prof. N. G. Ranga]

long and we all like it to be as short as possible. Yet, we must all be ready. Otherwise, we should be deceiving ourselves.

Also, we should not blame the Government. On the other hand, I am all praise, as Shri Yadav has already said, for my hon. friend the Home Minister. People think that he is the Home Minister and he is in a very big position. I pity this poor man. He is in it and he cannot get out of it. He is with the Sikhs and he is with us all and he has got to put up with all this.

And there is the international wiseacre combine who think that they are in charge of civil liberties. They go on finding fault with our police here because some people are killed in encounters. But they do not hold themselves responsible for all those tens and tens of people who are being murdered in such a merciless manner by these terrorists. They take it for granted. It is the right of the terrorists to do it. But so far as the police, military, Governor and the Administration are concerned, they must be very-very careful to carry judges in one pocket, jurists in another pocket and then go along with the police and stand by the police and say "No, no. Don't shoot that man because he has not shot at you. He has not loaded his gun with the cartridges at all." Why? It is because he is still a peaceful man. But when he kills our policemen, they are silent. These are called encounters. I pity these people because they don't understand what they mean by it, when they say we do not know, how many hundreds of people are being killed in encounters. It is the terrorists who have got to kill. They think that they have got to kill. They have got the right to kill. Internationally speaking they are right in every way when they go on killing but to try to control these people and kill them is itself an encounter therefore they should be found fault with. I admire the Governor Mr. Ray. His grand father was an old leader of mine. As a young boy I drew inspiration from him. Even today, he is a real scion of my leader of those days. He is standing the trial again. He could easily have gone back to Bengal. He was earning Rs. 30,000 or Rs. 40,000, God only knows, how much. He has given up all that. Is it a better post for him? What

about Ribeiro? What about Mr. Gill? They are courageous people. They are standing the trial. We must be all praise for them. They would be pitying my hon. friend Shri Buta Singh. Shri Buta Singh would be pitying them. They should be embracing each other. They have every right to expect us to be grateful to them.

Then what about our Prime Minister? What about our own leaders? Quite a number of us are obliged to be protected by the Special Police. One of my friends here—Shri Bhatia—was shot at twice. Fortunately for us. God was kind and he was saved. He is with us. He is elected from Amritsar constituency wherefrom these people had played so much mischief. I admire these people.

Similarly, I admire quite a number of friends who are sitting on the other side, say the leader of the Communist Party and you also Mr. Acharia. Your people are going through hell there. They are facing terrible fire. Even Jan Singh or Janata people also. Only the Janata people are not so prominent. That is all. I suppose all of them are going to be Janata day after tomorrow. I admire these people.

PROF. MADHU DANDAVATE : We want only security guards !

PROF. N.G. RANGA : So let us be clear in our minds. We are going to be there in Punjab—Pakistan or no Pakistan, Pakistan allies or not Pakistan allies and nobody is going to make us even our one foot back from that area and let the people of Punjab—the Hindus, the Muslims as well as the Sikhs—be assured that India would be with them. India would be around them. India would go on claiming them as the part and parcel of themselves and they would be honoured also.

Some people are saying that you are not doing enough for our young people. Is it because enough is not being done for the Punjabi youths that this trouble is going on like that? Is it not a fact that there is less of unemployment there in Punjab than elsewhere? My own kith and kin, the kisans, are not more prosperous or less troubled than the kisans in other areas. Yet those people go mad this way. As long as

those mad people, such of them who are mad in this manner continue to be terrorists in this manner, India will continue to fight them; and India would survive them.

DR. G.S. DHILLON (Ferozpur) : I wanted just one minute after Mr. Ranga's speech. I have all respect for his knowledge. Prof. Ranga made a reference to some sort of an arrangement like the Gorkhaland etc. I must remind him that at the time of the re-organization of the States, Punjab was made an exception. In 1957, though Haryana was with us, as also Himachal, they were kept in touch with us, in full unity. Only two regional committees were made—one, the Haryana Regional Committee, and the other the Punjab Regional Committee. That arrangement did not work. That is what I wanted to tell him.

Now about Chandigarh. The site for their capital was selected by Sardar Patel because it was the centre of PEPSU, Punjab, Himachal and a part of Haryana—though the last one was not there as such at that time. But things turned the other way, and we simply could not help because the Haryanis themselves came claiming Haryana—not the Punjabis.

SHRI C. MADHAV REDDI (Adilabad): I rise to reciprocate some of the sentiments expressed by my predecessor, veteran Member Acharya N.G. Ranga, though I do not agree when he says that there should not have been a linguistic redistribution of this country. Having agreed in 1956, certainly the logical conclusion was the formation of a Punjabi-speaking *suba*. No discrimination—when Maharashtrians can have Maharashtra, when Andhras can have Andhra Pradesh, when Tamils can have Tamil Nadu. (*Interruptions*) The explanation given by Shri Dhillon Ji was that it was the Haryanis who wanted a Haryani *suba*. I do not want to enter into that controversy. But the fact remains that Punjabis must have a separate State for themselves, and they had it.

Having said that, I would like to agree with Ranga Ji when he says that we have not followed the experiment—what he called the Anglo-Indian experiment, whatever he meant—and not formed a coalition Government in Punjab. We have not followed many things—not only this. But

we have been signing Accords with all fanfare, and we have been repenting at leisure.

That apart, we have this Bill before us, and the Statutory Resolution. It is very difficult for me, for many Members in the Opposition, to oppose this Bill at the present juncture. We disagree with you on many other things; we disagree with the Government's assessment of the situation. But this Bill is only for the continuance of the *status quo*. Already, a situation existed, a situation which existed one year ago. The same situation exists today. There is no improvement; and certainly, Government has to take full responsibility for this. I will come to that later. But it does not mean that we should support any measure which curtails, or continues to curtail the civil liberties of the people.

16.00 hrs.

Prof. Ranga was in the House in 1952 when the Preventive Detention Bill was being discussed. At that time, I hope he remembers, Katju, the then Home Minister said about this, in reply to Shyama Prasad Mukherjee's speech. In 1950, for the first time, when the Preventive Detention Act was brought in the Provisional Parliament, it was thought that it was going to be only for six months; then it was extended for another six months; then it was extended for one year. Then in 1953 when this Bill was brought and Katju wanted this Bill to have a life of three years, till 1955, there was a lot of hue and cry in this House. Finally the Bill was passed. At that time, we thought that this was going to be a temporary measure. At that time, people were so sensitive, the members of this House, that they were not prepared to accept this particular Bill, detention without trial, this particular measure to exist in the Statute Book for all the time to come. We never thought it. But it was a very unfortunate situation when we got the freedom, several freedoms first; instead of fighting those freedoms, we got it and then we were going on giving those liberties which never happened in any other country. We were progressing in the reverse direction. I say this because Section 14 (A) was inserted first in 1984; then there was another amendment in 1985; then there was another amendment in 1987; then in 1987 amend-

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ment under which one important provision which existed in the Bill was to prevent the misuse of the Preventive Detention Act because the Advisory Board's opinion was necessary. If you want to detain a person for more than 3 months, you cannot do it; that has been taken away. For the first time, this section was inserted in the National Security Act. It was explained that it was difficult for the Advisory Boards to be constituted so soon. It was also difficult for the Advisory Board Members to act independently in a situation of terror and violence in the Punjab. For that reason, they thought that the government should have time for six months so that we may go within six months before the Advisory Board. But the point remains who prevented the government from having the Advisory Boards constituted in Delhi. I know the Punjab administration was so much tied up for several years in Delhi. The High Court was in Delhi. Your universities were in Delhi. If the judges were not working properly because they were under the fear of terror and the Members of the Advisory Boards could not give an unbiased opinion, then you could have a number of Advisory Boards in Delhi. Why did you want to refer all the cases of the people who were detained in Jodhpur Jail and several other jails to the Advisory Boards, when you could serve a ground for detention, a Magistrate or whoever is empowered to serve the ground of detention for detaining a particular person. On these grounds you were not going to detain anybody. When the grounds were there with you already, when a man was detained, then what was the difficulty in constituting Advisory Boards and placing the grounds of detention before them? We have amended an Act by stating that even these grounds, all of them, need not be correct. We have given them full power. If the House remembers, it was said that the High Court ruled that if the six grounds were shown as the grounds for detention and if out of six grounds only one ground was wrong, then all the five grounds were wrong; based on that, we have amended this Act stating that even if one ground is correct, his detention is correct. We have given you all these powers. We have given you all these powers and we have passed the Prevention

of Terrorist and Disruptive Practices Act. We have amended the Arms Act recently. Last year also we have amended it. This year we have amended. And we agreed with the Government to award capital punishment to people who are having in their possession unlicensed arms and who are using them for their cause. Capital punishment we have agreed that the courts can award death sentence! All these laws are with you. All these weapons are in your armoury. But what is it that you have done?

[*Translation*]

What did you gain from that? What did you achieve thereby? During the last four years we have given you all those laws you demanded from us. We passed the Acts according to your desires for we wanted that there should be peace in Punjab and terrorists activities should come to an end. But what you have done? The purpose with which we had given all the powers and laws to you, has not been achieved. The very purpose has been defeated. "Na khuda hi mila, na visala Sanam." What purpose it has served?

DR. G.S. DHILLON : What a fine Urdu you speak!

[*English*]

PROF. MADHU DANDAVATE (Rajapur) : The credit goes to your administration.

[*Translation*]

SHRI C. MADHAV REDDI : It looks nice to speak in Urdu when we are to speak on Punjab.

[*English*]

PROF. MADHU DANDAVATE : If you challenge him, he will speak in Punjabi also.

[*Translation*]

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : I will be very happy if you address the above Urdu "couplet" to prof, Saheb.

SHRI R.L. BHATIA (Amritsar) : But the "Couplet" is incomplete. Please complete it.

SHRI C. MADHAV REDDI : It's all right even if it is incomplete. I won't complete it.

[*English*]

What I mean to say is that all these powers were available with the Government and the Government has failed to control the threat. I entirely agree with Prof. Ranga when he says that we have to live with this terrorism and the Government and the Opposition must realise that this is the situation which we have to tackle for several decades to come.

[*Translation*]

Because this poison in the body will take quite a long time to vanish.

[*English*]

The Government claims that the terrorists are already on the run, after the Operation Black Thunder, they are already on the defensive. If that claim is correct, then where is the need for this? Why do you want an extension for another year?

One hon. Member said that the Opposition has not said anything about the complicity of Pakistan in this matter. Several members have said. I am telling that Pakistan is certainly there in the matter, and why should they not be there?

[*Translation*]

The people of Pakistan will try to exploit you for all your weaknesses. Why should they have sympathy for you? Their country is ruined and according to them we are responsible for it, though in fact we are not the least responsible for it. But that is their way of thinking.

[*English*]

Why should they have any sympathy with you? Whenever there is a problem whenever there is trouble on the border, they are certainly creating situation, they are going to aggravate the situation through which you are in soup, you are in hot water. What is wrong in it?

But I am very happy that for the first time the Prime Minister when he visited abroad lately had been telling about this,

time and again in all the countries which he visited, and certainly it has served its purpose. Because, he wanted to isolate that country, that they are involved in this and they are responsible for the terrorist activity in Punjab and many countries really appreciated it. But where is the follow up?

[*Translation*]

But where is the follow-up action? Though you have said a lot but in fact what you are going to do as a follow up—mere words will not do. The Hon. Prime Minister spoke about it quite emphatically even in his speech on 15th August. We were very attentively listening to him but nothing special was spoken. We were expecting some thing very particular from him in emphatic words about Pakistan which put a check on its nefarious designs.

It is my submission that policy of the Government on Punjab is not a good one. The Government should adopt such a policy as may produce some positive results.

[*English*]

I am happy that some of the detenus have been released on the Independence day. But the reason has been given as goodwill gesture. What is this 'goodwill gesture'?

[*Translation*]

It is a political matter. Is it a case of 'goodwill gesture'?

[*English*]

Certainly you must have a purpose. If you have released certain people, then it should be followed by certain political action.

[*Translation*]

It is alright that you had mercy for them and consequently released them on the Independence day. Is that the way a Government functions? Such a Policy should be adopted that...

[*English*]

You have to take certain initiatives, which you have been failing to take all these years. You are entirely depending

[Shri C. Madhav Reddi]

on police to maintain law and order. I am very sorry to say that in this policy, you have failed. Today you have failed in Punjab. It is because you have failed to have any political initiative in the matter. Whenever we have taken some initiative, we have not followed it up. Prof. Rangaji rightly pointed out this. I agree with him in this respect. Any policy taken has to be very relentlessly pursued and then we have to see that it reaches its logical conclusion.

[*T. anslation*]

Otherwise nobody is concerned with it.

[*English*]

Sir, I do not want to take much time of the House at this hour when we are already closing the debate on this Bill.

I would only urge upon the Government to take political initiative and that initiative could be immediately to held the elections. Nothing is going to happen. The heavens are not going to fall. Because of these terrorist activities, four or five people are being killed everyday. I am sure if the elections are going to be held, as you claim that the people are with us, with the country, certainly the people are going to assert themselves, in strength they will assert themselves, and finally they will give a verdict which is likely to create stability in that part of the country.

16 13 hrs.

STATEMENT RE: HARASSMENT
AND HUMILIATION OF A
GIRL STUDENT IN A
DTC BUS

[*English*]

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI RAJESH PILOT) : It is with a deep sense of pain and anguish that I rise to make a statement regarding the regrettable incident that took place on a DTC bus on Thursday, the 11th August 1988 when a young college student was subjected to humiliation and harassment by some staff of Delhi Transport Corporation. The DTC management got the first intimation about this incident when the Principal of the

College telephoned Chairman, DTC, at about 10 A.M. on Saturday, the 13th August to intimate that a student of the college had been subjected to the humiliating treatment. The Principal had also reported that the college student had bravely and valiently resisted the indecent approaches made by the staff on the bus and had jumped out of the bus. Thereafter she took a secooter, reached the college and the college staff then took her to Hospital for medical examination. It is a matter of great relief that she did not suffer any serious physical injuries as a result of the fall from the bus.

At the time of conveying the information to the DTC Chairman, the Principal of the college had requested for complete anonymity so far as the college and the student are concerned and also promised to send further details by Tuesday, the 16th August 1988 which was the next working day. On 16th August the DTC came to know more details of the incident and immediately set in motion their efforts to locate the miscreants and the bus in which the incident took place. As information about the Number and destination of the bus was not available, the DTC management had to gather the information from a number of depots and by questioning a large number of staff. The college student also cooperated with the enquiry and pointed out the spot where she boarded the bus and the spot where she jumped out of the bus. After checking the bus schedules in all the DTC depots and by a process of elimination, the DTC management identified 9 buses which could have been involved in the incident. The names and addresses of the conductors and drivers of the nine buses were collected and officers of the DTC along with police officers interrogated the 9 drivers, 9 conductors and one Assistant Traffic Inspector who were working in the 9 identified buses. As a result of the interrogation, the conductor and driver of the bus where the incident took place, have been identified as Shri Rohtas Singh and Shri Jai Chand, respectively and they have been placed under suspension. They have also been arrested by the police.

The investigation has revealed that the bus involved is DHP 3457 plying between Kingsway Camp and Seva Nagar, on route