

given to Scheduled Castes and Scheduled Tribes.

One thing I want to say is that, our country is governed by the Constitution, which is supreme not Sankaracharya or Manu or for that matter anybody else. There no need of burning this Manu or anything. Forget all these things. We are now in the modern age. After independence we are governed by our Constitution which is secular. It has given all the fundamental rights to everybody. There is no discrimination under our Constitution and the Government is committed to that.

SHRIMATI GEETA MUKHARJEE : During my intervention I drew the attention of the Minister for Home Affairs and the Minister for welfare giving very concrete facts about the Chakradatu Police Station...

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV) : I have taken note of it, I will take action.

[Translation]

SHRIMATI MEIRA KUMAR (Bijnor) : Mr. Chairman, Sir, just now the hon. Minister has said that there will be no dereservation. But I am seized of a very specific case of U. P. S. C. which gave an advertisement for a reserved post in which the qualifications required for the post was Ph. D. in economics and 10 years experience. 3 candidates of the reserved category applied for that post. All of them had the required qualifications and one of them had even some more qualifications. He had 19 years experience, but in spite of all this, they were rejected in the interview and that post was dereserved.

DR. RAJENDRA KUMARI BAJPAI : Mr. Chairman, Sir, to set right the faulty practice of the past and which happens to come down to this date, it has been decided that posts will not be dereserved. Whatever has happened earlier, will be recouped. I request the hon. Lady Member to give it in writing. I will look into it.

[English]

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : Let the hon. Member write to us. In case we have to reverse the decision. We will reverse the decision, if necessary

16.30 hrs.

**STATUTORY RESOLUTION RE :
DISAPPROVAL OF NATIONAL
SECURITY (AMENDMENT) ORDINANCE, 1988 AND NATIONAL
SECURITY (AMENDMENT) BILL**

[English]

MR. CHAIRMAN : Now we take up the next item. Shri Indrajit Gupta, Shri Ramoowalia, Shri Narayan Cheubey and Shri Ramashray Prasad Sing are not here.

Now Shrimati Geeta Mukherjee may move her resolution and speak on it.
(Interruptions)

SHRI BALWANT SINGH RAMOOWALIA (Sangrur) : Sir, I have now come back. I had gone to the lobby. All my baggage was here.

MR. CHAIRMAN : No, no. Mr. Ramoowalia, your baggage will not speak. The hon. Members will speak—not their baggage. Madam, you please proceed.

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, I beg to move :

“That this House disapproves of the National Security (Amendment) Ordinance, 1988 (Ordinance No. 4 of 1988) promulgated by the President on the 26th May, 1988.”

I also oppose the National Security (Amendment) Bill.

The reasons for opposing the Ordinance have been stated in this House during the last two debates

[Shrimati Geeta Mukherjee]

also. I do not want to repeat those figures etc. But this is really something which we cannot escape commenting on' or saying that Chandigarh is the heart of Punjab, in the sense that it is their capital city. It is said that though the National Security Act is in force for such a long time, without an ordinance it could not be taken to Chandigarh. It really and absolutely makes impossible the whole idea of passing Bills; because nobody would think that only yesterday you remembered that Chandigarh was in Punjab, or Chandigarh should belong to Punjab, or Chandigarh is the capital of Punjab. Then why this ordinance; why not this Bill? Why did you not think of it earlier? Therefore, I thoroughly oppose this idea of having ordinances all the time on such issues which are so time-worn that *ad nauseam* they have been discussed here. Therefore, that is my principal objection.

As far as the National Security Bill is concerned, the reasons for which we opposed the National Security Bill, from the very outset are very valid now, even in respect of Punjab and Chandigarh; so, we again oppose the National Security (Amendment) Bill, 1988. For that, no new reasons need be stated. So, we have considered NSA to be an anti-people Act a totally undemocratic, extremely autocratic Act, taking away the rights of all the people...

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV) : What about Darjeeling?

SHRIMATI GEETA MUKHERJEE : We are talking about Punjab. In Darjeeling, it was the Disturbed Areas Act and not NSA. (*Interruptions*) Therefore, we were thoroughly opposed to the National Security Act in its original form, and consequently also now in the amended form in which it is brought in now.

MR. CHAIRMAN : Motion moved :

“That this House disapproves of

the National Security (Amendment) Ordinance, 1988, (Ordinance No. 4 of 1988) promulgated by the President on the 26th May, 1988. Now the Minister may please move the Bill for consideration, and speak on it.

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

“That the Bill further to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh be taken into consideration.”

As the House is aware, the normal life of people in Punjab and Chandigarh has been under constant threat from terrorists. The terrorists made, innocent people their target, and peace of the State was in danger. Even the religious places, educational institutions and public places were not spared.

To deal effectively with such elements in these disturbed areas, the National Security Act, 1980 (No. 65 of 1980) in its application to the State of Punjab and the Union Territory of Chandigarh was amended in 1987 by the National Security (Amendment) Act, 1987. Section 14(A) as inserted by the said amendment Act specifies *inter alia* the circumstances under which, and classes of cases in which a person may be detained for a period longer than three months but not exceeding six months from the date of detention, without obtaining the opinion of the Advisory Board. Since the Parliament was not in session and there was absolute necessity to extend the life of the provisions made in the National Security Act, 1980 by the National Security (Amendment) Act, 1987 beyond 8th June 1988, the President promulgated the National Security (Amendment) Ordinance 1988 on 26th May, 1988. By this Ordinance the provisions made in the Act by the National Security (Amendment) Act, 1987 were extended upto 8th day of June, 1989.

The Bill seeks to replace the National Security (Amendment) Ordinance 1988.

The provisions of this Bill will be applicable only to the disturbed areas of Punjab and Chandigarh and to those detentions which are made on or before 8th June, 1989.

I may assure the Hon'ble Members that the Bill is mainly meant to facilitate the authorities to defeat the evil designs of terrorists in Punjab and Chandigarh.

We have separately advised the State Government and the Chandigarh Administration to invoke the provisions of this Ordinance with extreme care.

I would sincerely request the Hon'ble Members of this esteemed House to consider all these aspects and I hope and trust that this Bill will receive their support.

MR. CHAIRMAN : Motion moved :

"That the Bill further to amend the National Security Act, 1980, in its application to the State of Punjab and the Union Territory of Chandigarh, be taken into consideration."

SHRI BASUDEB ACHARIA (Bamkura) : I oppose this amendment. The amendment is not a simple one. Through this amendment, the government wants to extend the period. The Minister will clarify when the government reviewed the situation in Punjab and when the government realised that the situation in Punjab continued to be serious. Hence the extension of the period is ritual for one year.

During the Budget Session, he may clarify, whether this realisation or any review was made or not because we were told that an action plan was prepared but the details of an action plan were never divulged, never disclosed even in this House also. We wanted to know what is an action plan, what is the policy of the government towards Punjab because it was not clear. The Minister has admitted

that the situation is serious, hence there is a necessity for extension of a period for one year and that period has already expired in June; and through this amendment government will be able to detain a person for more than 3 months, maximum six months without referring to the Advisory Committee. Why is the Advisory Committee to be ignored? We opposed the Original Act also when it was passed in the year 1980, though the name was not the Security Act. We sensed that this Act was misused several times to curb the trade union activities; even trade union workers were arrested and detained by this Act. So, there is a provision for referring it to the Advisory Committee. Why do you want to avoid the Advisory Committee? Without referring to the Advisory Board you can detain a person for more than three months. We are always against detaining a person without trial. Nobody should be detained without trial. Trial should be held. If he is found guilty, he should be detained, he should be punished. And if he is not found guilty, he should be freed. So, nobody should be arrested, and nobody should be detained without trial.

Section 14A was inserted in the year 1987. At that time you intended to have power to detain a person for more than three months without trial and that too up to 8th June 1988, and now you want to extend it up to 8th June 1989. Why? You have many weapons in your armoury, not one. There are so many weapons in your armoury, but still in order to solve the Punjab problem, in order to tackle the Punjab situation, you want to strengthen yourself. Even the Constitution has been amended to have the power to impose an Emergency if there are internal disturbances. That also you did. In spite of all this you are not able to cope with the situation. You are not able to tackle the Punjab situation, the extremist problem is there. Killings are increasing. The President's Rule is there. When the President's Rule was imposed the reason put forward was that the Barnala Government was unable to face the situation or tackle the situation, that his Ministers were interfering and the President's Rule was necessary, and you imposed it. Act-

[Shri Basudeb Achariya]

ually the Barnala Government was dismissed and then the President's Rule was imposed.

SHRI PIYUS TIRAKY (Alipurduars): Why should not this Government be dismissed ?

SHRI BASUDEB ACHARIA : And since the President's Rule was imposed the killings have been increasing. Extremist activity has been increasing, migration of the people from Punjab has increased. Even the migrated workers from Bihar and Orissa were murdered during your President's Rule.

So, you have not been able to tackle the situation. You have totally failed. In this House, number of times, we have said it. Again we are compelled to repeat it.

You are not even listening to your own party. The Punjab PCC has rightly criticised your stand, the stand of the Central Government in the month of May. Bhatiaji will clarify.

SHRI R. L. BHATIA (Amritsar) : Yes.

SHRI BASUDEB ACHARIA : In the month of May they rightly criticised that the Congress Party and the Central Government are being gradually isolated because of the policy pursued by the Central Government towards Punjab, what to say of the people.

Five priests have been released. We do not know what was the reason. Why were they released? We do not know what was the reason and what prompted the Government to release five priests suddenly. Nobody was consulted. We were not consulted. The Opposition parties were not consulted. Who gave the Government this advise to release five priests, who declared Khalistan from the Golden Temple? Then, subsequently they were arrested. Again yesterday they were released. Whom you have consulted?

You are not consulting any vigilant political party, those who are fighting extremists with their blood, with their life, the two Communist parties. At least one hundred workers were killed. You are not consulting with saner element there. May be Susli Muni, may be some other Muni, we do not know—with whom you are consulting? Why are you not removing the irritants?

On 12th of this month, we saw hundreds of widows assembled in the Boat Club and were weeping. They do not want proper rehabilitation, but they want the culprits, the criminals, those who organised this riot should be punished and they should not be allowed to go scot-free.

Ranganath Mishra Commission Report was not discussed in this House. We demanded several times to allow us to have a discussion on the Report and we were not allowed. I do not know the result. Why we were not allowed to have a discussion on Ranganath Mishra Commission Report?

Then there was a Committee, Jain. Banerjee Committee, to identify the criminals—they may before to some political party. But, no action was taken. None was punished. Thousands were killed. Innocent persons are still languishing in Jodhpur jail. Though an assurance was given, they were not released. Only forty of them were released. Are those only innocent? Against the rest, are there cases of anti-national activities? Screening was not done. Why the innocent detenus were not released? These are the irritants. Without removing all these things, without trying to solve the problem without pursuing a correct policy, you want to solve the Punjab problem, you want to tackle Punjab situation and you want to cope up with extremism in disturbed areas with National Security Act. You still think that Punjab problem is only a law and order problem and you could tackle it with more and more arms, by amending the Constitution, by imposing Emergency, by amending the National Security Act and making the Act more

stringent. You are still pursuing narrow political opportunistic line. Why has the Punjab Accord not implemented? You may say that most of the articles in the Accord have been implemented. But major items have not been implemented like transfer of Chandigarh, transfer of territories, distribution of water. These are the main items in the Accord. What is your policy and action plan? You please tell the House why you are not able to cope with the situation there and why it has become necessary to extend the period by one more year, and to detain a person for more than three months without trial and without referring to the Advisory Board. Why is the situation becoming worse? You had got three and-a-half years time. Within this period, you were not able to tackle the situation there. And you want to make this Act more stringent. You want to take away the right of the people there. We do not know whom you are consulting. You are not consulting the opposition parties. This process was started earlier. Four or five joint rallies were held which thousands of people belonging to different sections attended. The political parties which are against secessionism, divisive forces, were part to it. Why was that stopped? Though an assurance was given that political campaign would be started again to isolate the extremists by holding joint rallies going to the people and meeting them nothing has happened. This mass contact is very much required—not the mass contact which your party is doing—mass contact with security people. You go to the masses surrounded with thousands of security men. In this way the Home Minister, Shri Buta Singh, addresses the people there. There should be real mass contact. Meet the people, isolate the extremists, start political campaign, remove the irritants, punish those who were responsible for organising riots in Delhi. Release the detenus of Jodhpur Jail who are innocent. If you do all these things, then it will not be necessary to make these Acts more stringent to detain the people without trial. So, I oppose this amendment. This is not a simple amendment. You want to make the law more stringent. You want to extend the period. You want to detain

the people without trial for more than three months. So, I oppose this amendment.

SHRI SHANTARAM NAIK (Panaji):
Sir, I stand here to wholeheartedly support the Bill proposed by the Government. As far as Punjab and other issues are concerned, I have seen the role of the Opposition in this House in the last more than three years. They are blaming the Government today as to what have they done in respect of Punjab. They are asking the Home Minister, they are asking the Government what is their policy. But I may remind them what has been their attitude with respect to all those measures which the Government has taken from time to time and placed before the House. Have they at a single time cooperated with respect to any single Bill introduced in this House? Do they mean to say that all the steps taken by the Government in this House by way of introduction of Bills were wrong, were misconceived and the entire wisdom was vested on y in them? What was their attitude when the Prime Minister had called several meetings to discuss various issues with respect to Punjab? Not a single time they cooperated with the Government with respect to all those proposals. And now they are asking what is the policy of the Government, what have they done, etc etc. Would they like to shirk the entire responsibility? Has the Opposition in this democratic country no role to play? What is the role they have played? They have played negative and destructive role. Not only in respect of Punjab but in respect of the entire issues which have come and cropped up before the country in the last three-four years, they have played an absolutely negative and destructive role.

Not only they are opposing this Bill but last time when the Arms (Amendment) Bill also came, they had opposed that. First they opposed why they had brought the Ordinance. Even when the situation was very clear that the Ordinance had to be brought, then also they questioned why the Ordinance was brought. When an Ordinance is brought, ultimately it

[Shri Shantaram Naik]

has to be replaced by a Bill. They have full opportunity to discuss the matter at that time. Yet they would question the Government on such sensitive matters that why an Ordinance was brought. This has been the attitude of the Opposition throughout.

As far as preventive laws are concerned, in every country, except in very sophisticated democratic countries like United States or some others, there are preventive detention laws. In all the countries where democracy is coming up, where development is taking place, to prevent the destruction of democracy, to prevent the destruction of developmental projects and programmes, these preventive laws have been found to be essential. No country has been able to do away with these preventive laws, and times have tested it.

Not only that. I would take the source of the preventive laws. Out of where have the Government been enacting the preventive laws? It is article 22 of the Constitution itself which provides for preventive laws. Had a preventive law not been a necessity, such a document like the Constitution would not have provided for the same. Article 22 of the Constitution says: "No person who is arrested shall be detained in custody without being informed, as soon as may be of the grounds for such arrest..." Now, this is a normal proposition as far as the detention etc. is concerned. And this very article makes a special mention with respect to preventive detention laws, which says:

"(3) Nothing in clauses (1) and (2) shall apply—

(a) to any person who for the time being is an enemy alien; or

(b) to any person who is arrested or detained under any law providing for preventive detention."

So, preventive detention has the source and sanction of our Constitution

of India and it is not that the Government is bringing preventive detention laws out of air or out of nothing.

12 hrs.

Secondly, I would like to submit that whenever issues of Punjab crop up, and last time it was very well mentioned, when they were blaming the Government for not taking steps, the Prime Minister had intervened and said that what was mentioned in the letter written by certain Opposition Members is that the Prime Minister is not taking any action against the newspaper publication which has propagated sedition and the Prime Minister disclosed this aspect. Then some of my revered colleagues, Mr. Ramoowalia and Prof Madhu Dandavate were taken aback. They were surprised and they were exposed because they had written a clear-cut letter asking the Prime Minister to withdraw cases of sedition against Ajiit publication. Now, is this the way you are going to cooperate with the Government with respect to this charge of sedition? Therefore, whenever the Government indicates any stringent measure with respect to terrorism, it is the bounden duty of the Opposition parties to cooperate with the Government and whenever the preventive detention laws are enforced, the Advisory Body comes into the picture. The Advisory Body scrutinises the cases and there are instances in this country where not only under the National Security Act, but under Preventive Detention laws also, if proper procedure was not followed, then the detenus were released forthwith. The only question is that instead of three months, the matter will be placed before the Advisory Board after six months. That is the only difference. Therefore, the Bill has to be supported.

SHRI AZIZ QURESHI (Satna): Mr. Chairman, Sir, I rise to support this Bill. While supporting this Bill, I have before me the pages of Indian history which speak that from the very beginning, we have opposed terrorism in all its forms. I recall the days when an attempt was made to blow up the train of the British Viceroy. On it a censure motion, drafted by

Mahatma Gandhi himself, was presented in the meeting of the Congress working Committee, condemning the Incident. There is no place of terrorism in the traditions, history, civilization and culture of India, even if it was intended to favour India. We have always condemned it, rejected it and our history is the evident proof of it. Not only terrorism, but even when there was any activity of violence, the people and the leaders of India have always condemned it. They never supported it.

Just now, some of our opposition friends spoke against the Bill. Although our friends say many things inside and outside this House, but the fact remains that they are the biggest hinderance, the main obstacle in creating a good atmosphere in the country because they exploit the situations to their own political ends. They talk here differently and outside, they mislead the public by saying something else. Only to serve their political interests, they have created such an atmosphere against the Government in the entire country that it goes against the interests of the country and is prejudicial to the unity and integrity of our country. I condemn their activities.

So far as the question of control on terrorist activities in Punjab is concerned, while I fully support the Bill, which has been introduced by the hon. Minister of Home Affairs in this House, I would also like to ask him a question. We all know that recently our Hon. Prime Minister has said that our neighbouring country Pakistan is behind all the on going activities in Punjab. A few days back, it has also come to our knowledge that some terrorist camps had been organised in the Pakistani territory near the Indian border where the terrorists were being imparted training. Such training camps were organised in a large number. I want to ask the hon. Minister of Home Affairs that when we know that our neighbouring country is trying to destabilise our country by casting off all the human considerations and etiquettes, then what are the reasons that the people and the armed forces of India are unable to go into any action against them and consequently washout

and eliminate such camps. You may say that it is a question of crossing over the international border, but my contention is that when the neighbouring country is making its allout attempts to destabilise the country, it is the most appropriate thing to take action against and eliminate such training camps by intruding into their territory and if it is needed, the government should get the camps bombarded with the help of Air force. Only then you can get rid of this problem fully. I have already said these things to the hon. Minister of Defence while speaking on the demands of the Ministry of Defence, but no attention has been paid to it. So, I am again repeating it. Besides, I would like to submit that you can make any number of laws or bring any ordinance, but will you be able to ensure total national security in the country. Complete national security cannot be ensured until every citizen of India have the feeling that he has his equal participation in maintaining the national security and when he feels it, then only complete national security can be maintained. The Government should take note of it.

17.07 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, Sir, just now mention has been made to detenus and Delhi riots here in this august House. As regards the Jodhpur detenus and November riots, I would like to State that recently a committee to study the problems of minorities was set up by the Madhya Pradesh Government. I was appointed Chairman of the committee which was set up to study the grievances of the minorities. The places visited I was told everywhere that till date police has not been able to bring the guilty of November riots to the book who indulged in looting of property and murders. Police has neither been able to recover even one per cent of the looted property nor to prosecute the guilty or challan them. I would like to say that my head bowed down in shame as I was not able to reply

[Shri Aziz Qureshi]

even one of their queries. This is a very important issue and I would like the Government to look into the matter and take stringent action against those who are found to be involved and the guilty. I say this without any fear or hesitation,

Mr. Deputy Speaker, Sir, I would like to say the same thing about the Jodhpur detenus. The people against whom there are serious allegations and evidences of antinational activities, should be detained, while the cases of other should to be reviewed afresh and innocent released immediately for creating a congenial atmosphere. The Sikh community may also extend its help in creating healthy atmosphere in the country. Today the Sikh minority which has the history of big sacrifices for the country behind it can come forward for maintaining security, for wiping out terrorism & in strengthening unity and integrity of the country. They will not hesitate even in shedding their blood for maintaining the unity and the integrity of the country if such a situation arises.

Mr. Deputy Speaker, Sir, I have got nothing more to say on the subject at present. I would like to quote few couplets of Faiz Ahmed Faiz in the service of the hon. Minister of Home Affairs. All the ordinances and the laws brought forward by the Government will be ineffective till the hearts of the people are not changed and the feeling of love and brotherhood is not there. The English version of the couplet is as follows :

(English)

Come let us also lift our hands,

We who do not remember the custom
of prayer,

We who except for the burning fire of
love,

Do not remember any idol, any
God,

Come let us present a petition that life
our beloved,

Will pour tomorrow's sweetness into
today's poison,

That for those who have not strength
for the burden of the days,

May it make night and day (weight)
light on their eye-lashes,

For those whose eyes have not strength
for (seeing) the face of dawn,

May it light some candle in their
nights.

[Translation]

With these words, I support this Bill.

[English]

SHRI SYED SHAHABUDDIN
(Kishanganj): Mr. Deputy-Speaker, Sir,
I rise to support this Statutory Resolution
and to oppose the Bill before the House.

Sir, right from the First Lok Sabha, we have debated the question of preventive detention. The House reverberates with the echoes down the corridor of time with the points that have been made here on the floor of this House against the restriction of personal liberty, against the detraction from the fundamental rights. My friend has referred to article 22. Indeed article 22 has a clause, but that is a restrictive clause. It does uphold the principle of personal liberty and that no citizen shall be put behind bars without going through the judicial process. Sir, when we are dealing with the current situation, we must keep this in view that the fundamental rights are the very spirit of our Constitution and that we as a nation are wedded to the Universal Declaration of Human Rights; that we have signed the International covenants and that today, for the first time we have come to a situation where our record on human rights is being criticised for the first time in the history of this Republic, by the comity of nations.

Mr. Deputy-Speaker, Sir, I would like to draw your attention and the attention of the Home Minister to the report which

has been just released by the Amnesty International on this point. It is a matter of shame for all of us. That is why, when we take up this Bill, we have to be extra cautious, extra vigilant in the cause of liberty, whether you call it by the name of Preventive Detention Act or the Maintenance of Internal Security Act or the National Security Act or the Prevention of Terrorists and Disruptive Activities Act, all of them have this common element that citizens are sought to be deprived of their liberty by the Executive without the judicial process for a prescribed period of time. I have yet not come across any rationale or justification by the Government why this period of time should be extended from 3 months to six months. I can well appreciate, there can be a situation in which preventive detention might become necessary. But then, if mind is properly applied by the Executive, when it decides to tamper with the personal liberty of a citizen, when the political Executive deliberates upon it and reviews the case, either at the States level or at the Central level, there can be no reason to think why three months should not be adequate for bringing the case before the review board. Why must it take six months? This I cannot follow. If there is a *prima facie* case, if there was some justification at the time when a person was deprived of his liberty, why is three months not adequate for bringing the case before the review board. This point, I demand, Mr. Deputy-Speaker, should be explained by the hon. Minister. Therefore, while in extraordinary and exceptional circumstances normal laws of the land are not found to be effective a State does take recourse to prevention detention and I grant that—it has to take recourse to sometimes in exceptional circumstances. And yet I expect an agree of caution from a State which professes the democratic principles and which swears by the Constitution of India Sir, I find that this National Security Act is being used against political adversaries, being used against trade union movement, being used on a very large scale against the minorities and the weaker sections. We do not have the data. I would like the Home Minister to take the House into confidence and to tell us whether it is a fact that a large number of trade

unionists have been put behind the bars and have been deprived of their liberties and their legitimate activities under this NSA.

The other point that I would like to make is the way the Ordinance was promulgated. After all, there were just a few weeks left before the House was reconvened. I would like hon. Minister to tell us what were the compelling circumstances and what was the absolute necessity that he is talking about and in how many cases has this Ordinance been invoked from 8th June, 1988 up to 27th July, 1988 when the House was convened and when the House was called into order.

I have tried to place before you an analysis of the way this Act has been used but I must admit that I find that there has been a drop in the number of detenus between 1-4-87 and 1-4-88. The number on 1-4-1987 was 721 and the number on 1-4-1988 was 619. This I welcome. But even then one cannot be happy about this, 600 and odd people being deprived of their personal liberties and their cases not being placed before the people of India. I wish the law had a provision that in every case of preventive detention under the National Security Act a summary of the case would be placed before the Parliament. That would be a way of compelling the executive to be very cautious in applying such a draconian law.

I find, however that there are four States in which this law has been used to the maximum extent. In fact, the four States account for 90% of detention. It is not only Punjab. In Punjab, the detentions are made under various circumstances. But what about Maharashtra? What about U.P.? What about Madhya Pradesh? I do not understand why 90% of the detentions come from just these four States in the country. There must be special reasons. I would like the hon. Minister to take the House into confidence and to tell us why this has happened.

I would like to say a word about the Punjab situation. Indeed, when we look at the Punjab situation, it is a matter

[Shri Syed Shahabuddin]

of shame and anguish for all of us that the situation has shown no improvement. Indeed, it has shown signs of deterioration. In fact, this Ordinance and this Bill are themselves confessions of failure on the part of the Government. Why was the deadline 8th June, 1988 introduced in the original Act? It was introduced because the Government was perhaps optimistic that by 8th June, 1988, the situation there shall come to normal and no further use of this Draconian law would be necessary. Now he comes back to us and wants its extension. Is that not a confession of failure on the part of the Government, I would like to know,

Every day we open the newspapers and we have our daily diet of violence of blood and tears. I know that terrorism is like a hydra-headed monster. I would like to tell the hon. Minister that it cannot be eliminated without a political solution and I find that not a single step has been taken towards a political solution. We have mentioned in this House time and again, the question of punishment of the culprits of the 1984 disturbance. We have mentioned here time and again about the Jodhpur detenus about whose release and whose review, a promise was made many a time. We have talked here time and again about the rehabilitation of the victims of disturbances. We have talked here about the management of the Golden Temple being placed on a good footing and we have talked about the progress in the implementation of the Punjab Accord. So far, I see no sign of it. The Government says "First we shall ensure absolute peace. Then only we shall talk." Our question is "Why can't you do both? At the same time, simultaneously take the people into confidence, invoke their inner sense of peace, their desire for harmony, their longing for peaceful environment and you shall find that the people of Punjab will respond to you." There is no doubt in my mind.

But you have created deliberately a vacuum of leadership. You tinkered with the democratic process. You, in a sense, eliminated the political process. You say;

With whom shall we negotiate? One-by-one, you eliminate the Sikh leadership. When you eliminate the moderates, you forgot that the next crop of moderates will be more extreme than the last. Therefore, this is an unending cycle. That is why I take this opportunity, Mr. Deputy-Speaker, to plead once again with the Government with the Home Minister that whilst he should exercise every possible effective measure to counter-act terrorism, he must also, with a sense of compassion and responsibility, try to bring about peace in Punjab and engage himself in the quest for a peaceful political solution. Otherwise, the nation is in a blind alley.

The hon. Minister has presented this Bill to us for effectively dealing with terrorism. We know what the Government has done in one year. Therefore, I am not very hopeful about this. In fact, perhaps he may again come back to us to extend this time-limit. What we want is some solid guarantees that he shall initiate a process which hopefully, within the foreseeable future before our patience gives way, should bring us to a point of peace, to a point of understanding. I would, once again, like to suggest to you that you should invoke the inner patriotism of the people; call the representatives of the Sikh community, political or otherwise; start a dialogue and take the people of India into confidence and then you shall see that some way can be found.

Sir, one point has been made here about the process of consultation with the Opposition. Consultation must be in good faith. Consultation cannot be one-sided endorsement of the wrong policies of the Government. Consultation cannot be a mechanism for pulling their chestnuts out of the fire for trying to find a way out of the difficulties that the Government have created for themselves and for the country. The Opposition, with a sense of responsibility before history and before the people of India, cannot act as a rubber-stamp for the Government. Yes, we are with you in the quest for peace. We are together with you in this great national venture for creating a society in which all regions, all peoples and all communities share a feeling of participation.

We are with you in this process. But we cannot endorse your wrong policies which finally end up with your coming back to us to renew your mandate of draconian measures time and again. That is why, again, I oppose this Bill.

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : You have to be positive. I hope you will concede. If I understand your suggestion 'by consultation' you may not like to pull out the chestnuts of any party but have to be, in the national interest, positive. Is it not so? Kindly if you review the stand taken by your party, by no standard can it be termed as positive. It has been, unfortunately, negative right from the beginning.

SHRI SYED SHAHABUDDIN : As far as my party's policies are concerned, our record is before the world and before the people of India... (*Interruptions*) Therefore, I would like to have another five minutes to reply to this point. But I am not taking here on party-line. I am saying that consultations may be necessary and where it is necessary consultations are welcome but not merely for the purpose of rubber-stamping or endorsing whatever policies you have first decided. Thank you, Sir, for giving this opportunity.

S. BUTA SINGH : Now, your party is going to dissolve itself. It is no use discussing here. But your stand in Punjab and here in Delhi has been quite negative.

[*Translation*]

SHRI K. D. SULTANPURI (Simla) : Mr. Deputy Speaker, Sir, I rise to support the National Security (Amendment) Bill presented by S. Buta Singh with the objective of wiping out terrorism from Punjab and Chandigarh.

First thing is that terrorism is mainly confined to Punjab and Chandigarh, and it is the result of the training given, by organising camps to the students studying in colleges there by the Sikh Community and others. Initially this training programme was started by the Pakistan. The

training camps were organised in the entire border area and these trained personnel caused, maximum destruction in Punjab later on. It must have come to the notice of the Government that as a result of terrorists activities in the holy city of Amritsar people were killed and buried in the premises of the pious place. Now as the digging operation is progressing the skeletons of the persons killed are being unearthed. These acts of terrorists have spoiled the atmosphere in Punjab. Earlier we were the residents of PEPSU which was a part of Punjab and people of all communities lived there in perfect harmony. Nowadays this thing is not seen there and love and affection is also slowly fading away. Every now and then terrorism is discussed in this August House, big promises are made and allegations levelled about not taking opposition into confidence by the Government or this issue the opposition is requested to think seriously about the situation prevailing in Punjab and to look at the aim of the Bill which provides for raising the period of preventive detention from three months to six months. They are not aware of the situation prevailing in Punjab. Nobody from the opposition has ever visited Punjab and in this August House they indulge in loud talks. They have neither visited Amritsar nor any other place in Punjab and are also not aware of the things going on there. The leaders hailing from Punjab only explain the theory in this House. The biggest thing about Punjab is that terrorism is to be done way with from there at every cost. I want to state that Haryana, Himachal Pradesh and Jammu and Kashmir border Punjab and the people hailing from these States know of the things happening there. Few days back a bus going to Kinnaur via Punjab was attacked and some people were killed by the terrorists in the incident and in similar thing happened in Panchkula five where persons were killed recently. Members from the opposition are not aware of the conditions prevailing in Punjab and how the terrorism is on the rise there. I would like to request Shri Buta Singh to bear all the expenses of the forces posted in my state to counter terrorism. Himachal Pradesh is not in a position to bear full expenses of the security forces posted for the protection

[Shri K. D. Sultanpuri]

f the State against terrorist attacks, errorists mingle with the people of unjab running industries in the industrial eas of my state.

Two buses in Pathankot and in Indara id Chamba bound two buses bombs re planted in a bid to blow them up. any persons were killed in the incident hen I was coming from Chamba, I alised how terrorism had assumed :fious dimension. Even then they oppose e Bill) by saying that it is unwarranted d it will take away the liberty of the ople. I would like to ask them as to w they propose to solve the problem d whether they have any constructive ggestion to offer so as to solve this oblem and counter the challenge of ns and ammunitions being received m outside. I think that no one in a sition to meet their challenge. There- e, I support this amending Bill, because has been brought forward in the erest of the country and it uld not be in the interest the nation to unnecessarily pose the amendment. I believe that gtiations with the administration of njab and Chandigarh are also essential the development of Punjab Measures uld be taken to release only innocent enues but not all of them for which as have been made here that they uld be let off unpunished and no osecution be launched against them It uld mean the exploitation of the poor. ould like to urge the Central Govern- nt to sanction at least one platoon lice force comprising one thousand n, for Himachal Pradesh and Jammu a in Jammu and Kashmir and so that least one security guard could be ovided in each bus. At present, terrori- sneaked into the buses and escaped er committing crimes. They have no y even for children and women. They lieve in senseless killing. They have eelings for the country well-beings. ey plant bombs in the buses surreptiti- ally and sneaked away. They have itten a number of threatening letters to rious leaders including S. Buta Singh d the Hon. Prime Minister about which ntion was made in this House also

and which were written in Gurmukhi script. A situation is being created in the country in which terrorism is likely to flourish. The Bill seeks to root out this menace and there is no other way out. The amendment provides for extension of detention period from three months to six months, But the real achievement lies in the proper implementation of the Act being enacted through the Bill.

Often, issue of Chandigarh is raised. Himachal Pradesh was also one of its sharers. Himachal Pradesh constructed Panchayat Bhawan there I had been the Chairman of the District Council from 1963 to 1972. We have also contributed in it. Kangra area of Punjab has been included in Himachal Pradesh. But this area did not ever witness the situation as is prevalent in Punjab today.

I would also like to appeal to the Member of opposition, in whom there are a number of good orators and wise men who could advance good arguments in this regard. A large number of persons belonging to our party as well as some of the opposition parties have been killed in Punjab. But there are some such political parties which are totally ignorant of the actual situation in Punjab because not even a single worker belonging to such parties has been killed in Punjab. Shri Longowal was killed there. Our Hon. Prime Minister had made an accord with him. The Government still abide by the accord and has made utmost efforts to implement it. But the Government can do nothing when nobody is there on their part to ensure implementation of the accord Nobody is there who could take a final decision of his own. So much so that the so called religious leaders commanded Shri Barnala to clean the shoes in gurudwara. He was punished and made to sit there. Those persons who can punish even a person of Chief Minister stature cannot instill confidence in the minds of the people of the State. The Government allowed the democratic process to play a free hand by holding elections there and providing opportunity to them to form the Government. Even then they oppose us. So where is the Government at fault ?

Now seven political parties have formed an united front. The Members belonging to these parties sitting here have made no sacrifice, whereas persons belonging to our Congress Party have made a lot of sacrifices. Our party has brought forward a good legislative proposal. I condemn those who oppose it. Shri Shahabuddin has opposed the Bill in strong terms. The Government does not intend to detain any person unnecessarily. With these words I support the Bill.

[English]

SHRI ATAUR RAHMAN (Barpeta):
Mr. Deputy-Speaker, Sir. I stand here to oppose the Bill as I feel that Acts, Ordinances and more legal powers are not going to solve our problem.

We have had enough of these draconian laws in the country and because of the currency of these laws, we are facing criticism from various quarters— Even the Amnesty International has come in a very hard way against our country. We are proud of our democracy, we are proud of our heritage and we should not go in for laws which are always being condemned in the past in this very House by people of standing.

This means that we are helpless. The law and order authorities in Punjab are helpless and that is why they want more and more power. What difference would it make if it is extended from three months to six months? As the previous speakers have said, after a year they will probably try to extend it to one year. That is not the solution.

The Punjab problem, as we can see is a political problem. Just as various Insurrections we have faced in the north east—for example Naga problem which took ten years to solve, the Mizo problem which took 20 years to solve and detentions were there but detentions could not solve the problem. Our leaders had to go and talk to the people who had been detained. That shows that Punjab problem is a political problem and it has to be solved politically. Again we talk of detentions. When Congressmen in the

past were detained did it solve the problem or when the Communists were detained did it solve the problem? The Punjab problem has to be solved as a political problem. England fought France and Germany. Japan fought China but after all the fighting they had to come to terms with the opposite side. Can we not take a more practical view if we think that Pakistan is helping—which they are from the evidence available why can't we come to some sort of working arrangement with them? I feel bold to say this because all our troubles are originating from Pakistan. Sikh problem would not have arisen but for the help coming from Pakistan. So if Pakistan is helping Punjab extremists then what are we doing? Are we successful in our diplomatic moves? No. Our High Commissioner there or the Ministry of External Affairs have not been able to do much in this direction. I suggest that we should start some dialogue with the opposite parties here in Punjab, that is, at the students and the popular leaders' levels. Prime Minister yesterday in his speech from the Red Fort said that now people of Punjab are cooperating. If they are cooperating then why don't you have a dialogue with them. Dialogue in Punjab is not going to serve any purpose unless we talk to their contacts in U.K., Canada and USA. What are our diplomatic missions doing in this direction? I very sincerely mean that we should break the ground here as well as outside so that once we come to an understanding with these people I think we can certainly act hard on Pakistan. The sources of arms supply are certainly there. Now the arms which are being used in Afghanistan will be coming through these routes to India. You cannot seal all the borders. You may be able to seal the Punjab border but what about Rajasthan and Kashmir borders. It is not possible to seal all the borders. I would, therefore, very strongly urge that some sort of dialogue with the people of Punjab should be started and then only we can go ahead otherwise there is no chance of solution of Punjab problem. It will go on. Even Naga problem went on for ten years. The Mizo problem went on for 20 years. It will go on for 20 to 30 years more. We can't wait for so long. The dialogue must be started.

[Translation]

SHRI VIRDHI CHANDER JAIN (Barmer) : I support the National Security Act (Amendment) Bill, 1988 which has been introduced in the House. The texts of the amendment in clause 2 of section read as 14 (A) read as under [English] for the figures, letters and words "8th day of June, 1988" the figures letters and words "8th day of June, 1989" shall be substituted. [Translation] The Government felt the need to bring an amendment to the section 14 A which was passed earlier to extend the term by one year. This has necessitated because the Government has not been able to improve the situation to the desired level conducive to peace. The law and order is not good there. The Government has yet not been able to control the terrorist activities completely. Now the problem before us is as to how we can bring the terrorist activities under control. The Central Government is making utmost efforts in this regard. Just recently a number of Bill such as Arms Amendment Bill and Misuse of Religious Places for political purposes Bill have been passed with a view to controlling the activities of terrorists in Punjab and bringing peace. Just now, an hon. Member opined that we should attack on training centres in Pakistan where terrorists are being trained. We should not make such mistake. For, it would mean a direct war with Pakistan which should be avoided at any cost. But we should tell the world that the activities carried out by Pakistan against India are not good. Indirectly she is creating a war like situation and we have to initiate a dialogue with Pakistan in this regard. In fact, we have already started dialogue with it but no fruitful result has come so far. We should continue our efforts to solve the problem. Enactment of Laws relating to preventing detention for national security has been provided under section 2 B of article 22 of the Constitution which is quite essential. It becomes very difficult for a democratic country to thwart the danger posed to its unity and integrity and bringing the law and order situation under control without resorting to National Security Act. The State Governments of Maharashtra, Uttar Pradesh and Madhya Pradesh

have also resorted to this Act, as it has been pointed out some opposition members. Resorting to this Act for political motives by the States where the situation does not demand is not desirable because it is an attack on their liberty. No body liberty should be curtailed or snatched away. Government should also ensure that this law will not be misused for political purposes. The Government has already given a similar assurance. So, through you, I would like to urge the Ministry of Home Affairs to prevent those States which resort to these laws for their own political purposes from misusing an Important Act like National Security Act. The Central Government has been making efforts to solve the Punjab problem since long. many terrorists have been arrested. many have been shot dead in encounters with police. But still the situation in Punjab cannot be considered to be favourable to install a democratic Government. Now problem arises as to with whom a dialogue is started. The Central Government had already tried to install a Government there in a democratic manner and those efforts are still going on, but there is not even a single leader in Punjab who could be help for to solve the problem through discussion. That situation has not yet been attained when the situation in Punjab improves to that extent...

SHRI HARISH RAWAT (Almora) : Mr. Deputy Speaker, Sir, Shri Ramoowalia is not seen anywhere in the House.

SHRI VIRDHI CHANDER JAIN : Shri Ramoowalia does not hold the command to find a solution to this problem through mutual discussion.

Shri Ramoowalia does not himself command that such influence in Punjab nor his leader. They do not yield any such power.

SHRI BALWANT SINGH RAMOOWALIA : Had it been in my power, everything would have been settled by now.

SHRI HARISH RAWAT : You have completely surrendered.

SHRI VIRDHI CHANDER JAIN :

Under these circumstances we have no other alternative except to eliminate the terrorists and apply our full force to achieve this object. I know that our Government has applied its full force in this task and I am fully confident that very soon some way to establish peace will be found out and our Government will be able to solve this problem through dialogue. Thereafter a Government will be formed in a democratic manner in Punjab. Just as we have solved the Assam problem, Mizo problem and the Dargeeling problem, we are confident that the Punjab problem will also be solved before 8 June, 1989 the date set for this purpose. Thereafter peace will be restored in Punjab and Government will be formed through democratic methods

[English]

SHRI PIYUS TIRAKY (Alipurduars):

Sir, I oppose this amendment to the National Security Act, 1988. The Government has already failed to get in confidence the people of Punjab. A weak man or a weak Government is sick for many powers. Already emergency and all the other laws and the police power are there. Who will implement these things? We know already that a section of police have raped the tribal women in Tripura. There was a section of police. There will be great exploitation towards the law abiding people. The door is locked for the friends and not for the thieves and dacoits. So, this amendment which you are seeking to the National Security Act, is not for the people those who are active in it or those who are terrorists in reality. They are the friends of the big bosses. They will be given shelter somewhere. That is why so many months have passed, so many years are also going to pass, and though you have been adopting all sorts of laws, still terrorism is increasing and there is a greater exploitation. How can we have faith in the police who are themselves responsible for committing so many crimes and atrocities. Even under this amendment, you are going to give more powers to police. The law abiding people will be exploited more. If somebody has a relation in the police, he will exploit the innocent people. If I happen to be

the *jawal* or *sala* of some policeman or officer, I will exploit the people and exhort money, because people will be afraid of me. That is what is happening in Punjab. For God's sake, do not harass the brave people of Punjab in this way. A person who have got some connections with the police will say: "If you do not pay me this much money, tomorrow you will find yourself in jail." Thus, the law abiding people will fall prey to such harassment because of the fear psychosis. The *badmash* people will be given shelter by the police and those *badmash* people will exploit the law abiding people.

Please think over it. Punjab is not a State as you think. There are brave people there. They are not afraid. They must be taken into confidence and only then this problem will get solved, not by any number of law. It is only the people of Punjab, who can solve this problem and nobody else. Any number of ordinances, amendment and all sorts of Act will not work at all. That would be useless. It is just to befool the people that you are bringing this amendment. Elections are coming and you want to politicalise the whole thing. I tell you, it will not work. You are resorting to such tactics in States like Bihar also. You want to pressurise the people to remain in your folds. If the Muslims abandon you, they will be killed, if the tribals do that, atrocities will be committed on them. If the scheduled castes and scheduled tribes abandon you they will be harassed. If all these people continue to remain in your fold, it is O. K. everybody understands that what the Congress Government is up to. This amending Bill will not work in the interest of the country. But will serve your interests alone.

[Translation]

SHRI YOGESHWAR PRASAD YOGESH (Chatra) : Mr. Deputy Speaker, Sir, I support the National Security (Amendment) Bill, 1988. In the absence of proper legal grip on the terrorists this amendment Bill will prove very effective and facilitate apprehending the terrorists and exerting pressure on them at the appropriate level.

[Shri Yogeshwar Prasad Yogesh]

Mr. Deputy Speaker, Sir, not only in Punjab, but also in other parts of the country the extremist get inspiration and get encouraged by the terrorism in Punjab. It is, therefore, necessary to solve the Punjab problem very tactfully. The hon. Members of opposition opposed this Bill expressing their utter disappointment. I can very well say that they are spreading terrorism in the country indirectly, creating or atmosphere of unrest and playing a significant role in providing strength to secessionist elements. They are trying to complicate the issue some how or the other. As and when an amendment was brought or a resolution was moved with good intentions, the opposition opposed the same in strongest terms when the matter gets complicated then they offer their cooperation and blame us that they are not being taken into confidence.

Just now Shri Basudeb Acharia was talking high of the Barnala Government. In this connection I would like to bring to his notice that the Barnala Government was fully dependent on the Congress party. I would like to ask them as to why did not they apprehend the assassins of Sant Longowal when their Government was in power? Do not they mark any difference between that time and the present time. Since the day President's rule was imposed in Punjab, many hard-core terrorists.....(Interruptions)

SHRI BALWANT SINGH RAMOO-WALIA : You do not have full information about it. You are a good orator. I would like to tell you that they were arrested and the day the assaults of Shri Longowal were arrested, the Barnala Government was dismissed.

SHRI YOGESHWAR PRASAD YOGESH : Did he not encourage the terrorists again by cleaning shoes in the Golden Temple. The credit of providing shelter to them goes to him. The hard-core terrorists who used to drag the passengers from buses and massacre them are now indulging in criminal activities like thieves. Now they do not dare doing like that. All the hard-core terrorists have

been killed. The police killed them and condemned their action publicly. The present atmosphere in Punjab is totally in favour of the Government. The Government received a lot of co operation from the people in the course of its fight against terrorism. Now-a-days the Government and the leaders are fighting the terrorists collectively. I would like to say in this connection that people of the State also killed them. There has been a great change in the State now. The opposition must focus its attention on the achievements of Government.

Riots among Hindus and Muslims have taken place thousands times in this country. Earlier external forces have been engineering riots with the connivance of Pakistan. They had expected that Hindus and Muslims will create terror in the country and consequently a Pakistan-like situation will be created here. But it is a matter of gratitude that despite clashes among Hindus and Muslims thousand times, the situation did not lead to division of the country. The Hindus and Muslims faced this challenge firmly. They created such an atmosphere and defeated the ugly designs of these external forces. In 1965 when Pakistan faced a defeat, General Ayub Khan had announced that the Sikhs did not get proper place in India and they are being denied on honourable position. This incident did not occur all of a sudden. Pakistan and capitalist power U.S.A. are behind the prevailing situation in Punjab. Pakistan misguided our youth and encouraged them to go in for smuggling. They were allowed free movement in the border area. It provided strength to them. I want to say that common man is in no way involved in it.

I would like to tell the C.P.M. who are in the habit of boasting that it is our leader, Shri Rajiv Gandhi who got an agreement signed in Tripura and brought about an atmosphere of peace in the State. Again it is our leader alone who made an achievement in Nagaland. Despite all these, you opposed it and indulged in leg pulling. Similarly the atmosphere created by him in Punjab and agreement signed in Nagaland is also a welcome step. The role played by our Home Minister also

deserves appreciation. Despite all these achievements the opposition parties indulge in leg pulling of the Congress. The Congress Party has many more achievements at its credit. Just now some of our colleagues complained that the opposition is not taken into confidence. But whenever we propose to take the opposition into confidence, they turn their face to some other direction. They always leave the ground on one pretext or the other. They are afraid that if they will co-operate in respect of the achievements of the Congress and if peace and prosperity will be maintained in the country, they will never be able to defeat the congress.

The achievements which we have made so far are due to our own efforts and no other party has contributed to them. If you want to co-operate, we will accept your co-operation. Our Government will

accept your co-operation. If you will co-operate with us, we will also co-operate with you.

[English]

17.59½ hrs.

BUSINESS ADVISORY COMMITTEE

Fifty Seventh Report

[English]

THE DEPUTY MINISTER IN THE MINISTRY OF SURFACE TRANSPORT AND DEPUTY MINISTER IN THE MINISTRY OF PARLIAMEN-TARY AFFAIRS (SHRI P. NAMGYAL) : On behalf of Shri H.K.L. Bhagat, I beg to present the Fifty-Seventh Report of Business Advisory Committee.

18.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 17, 1988/Sravana 26, 1910 (Saha)