

*Clause 1, Enacting Formula and Title
were added to the Bill.*

SHRI JANARDHANA POOJARY : I
beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The
question is :

"That the Bill be passed."

The Motion was adopted.

15.36 hrs.

STATUTORY RESOLUTION RE :
TERRORIST AND DISRUPTIVE ACTIVITIES
(PREVENTION) AMENDMENT
ORDINANCE, 1985 (ORDINANCE NO. 4
OF 1985)

AND
TERRORIST AND DISRUPTIVE
ACTIVITIES (PREVENTION)
AMENDMENT BILL

[English]

MR. DEPUTY SPEAKER : Now we
take up items 10 and 11 together. Two
hours have been allotted to it already. Shri
C. Janga Reddy.

SHRI C. JANGA REDDY (Hanam-
konda) : I beg to move the following
Resolution :

"This House disapproves of the
Terrorist and Disruptive Activities
(Prevention) Amendment Ordinance,
1985 (Ordinance No. 4 of 1985) pro-
mulgated by the President on 5th
June, 1985."

15.37 hrs.

[Shri Zainul Basher *in the Chair*]

[Translation]

The President had promulgated Terrorist
and Disruptive Activities (Prevention)
Amendment Ordinance, 1985 a month
ago. When this was brought in this
House in the form of a Bill earlier,
I mentioned in my speech in this
respect...*(Interruptions)*. I had advocated
then this Bill should also be extended to

Jammu and Kashmir State. After a month,
the Bill is being discussed in this House
again. The Members of the Lok Sabha
know it very well that Article 370 of the
Constitution stands in the way of extending
this Bill to Jammu and Kashmir. We should
amend the Constitution in order to remove
this hurdle. It will be made applicable to
every State of the country but it cannot be
applied to Jammu and Kashmir. Who is
supporting the Shah Government in Jammu
and Kashmir? The House was going to
meet within only a month. Then what was
the need for the promulgation of the
ordinance by the President? This could
have been brought here in the form of a
Bill. Who are the persons behind the Shah
Government in Jammu and Kashmir? They
belong to Congress...*(In eruptions)*.
Whichever party may be ruling the State,
Article 370 should be deleted from the
Constitution. This is our demand. But you
are trying to pass the Bill in the Lok Sabha
today on getting the concurrence of the
Shah Government. The Shah Government
consists of defectors. The Central Govern-
ment is allowing the Government of
defectors to continue in office despite the
passage of Anti-Defection Bill in Lok
Sabha. They are running the Government
in the State with the induction of some
Members and with the support of the
Congress MLAs. I have been reading in the
newspapers for the last three days about it.
The Congress MLAs are critical of the
Shah Government in the Legislative
Assembly. But Rajiv Gandhi and other
Congress Members do not want the down-
fall of Shah Ministry. If elections are held
there, the Shah Government will be defeated
and Farooq will be able to form the
Government there. That is why you are
trying to save the State Government. How
long can you maintain the Government of
Jammu and Kashmir in office? I am unable
to understand why are you hesitating to
delete Article 370 from the Constitution.
Of course, some people ask as to what the
Janata Government did in this matter? You
have been ruling the country for the last
35 years. We had brought a Bill to this
effect during the Janata rule but that could
not be got through due to some reasons.
Why have you been hesitating to delete this
Article from the Constitution all these
years? You are not able to clarify this...

(Interruptions)...Had we been in power for another two and half years, we would have repealed it...(Interruptions)...It might be Jai Prakashji or anybody else, but this is being brought for the second time. The Members of the Lok Sabha will have to think that at least...

SHRI PRIYA RANJAN DAS MUNSI (Howrah) : What is the opinion of Nanaji ?

SHRI C. JANGA REDDY : Irrespective of the opinion of Nanaji or yours, Article 370 should be deleted from the Constitution of India.

SHRI HARISH RAWAT : The opinion of 'Dadaji' was in its favour but what is the opinion of Nanaji...(Interruption)

MR. CHAIRMAN : Please address the Chair...(Interruptions)

SHRI C. JANGA REDDY : We support this Bill but it should have been brought forward earlier. Some days back an accord was reached between the Prime Minister, Shri Rajiv Gandhi and Sant Longowal. What is the necessity of this Bill after the accord has been reached. By going through this Bill, it becomes apparent that there was no need for bringing this Bill when a number of Acts have already been enacted to combat the terrorists, namely.

[English]

Punjab Disturbed Areas Act, 1983; Chandigarh Disturbed Areas Act, 1983; National Security Amendment Act, 1984; The Armed Forces (Punjab and Chandigarh) Special Powers Act, 1983; Code of Criminal Procedure (Punjab Amendment) Act, 1983; Terrorist-Affected Areas (Special Courts) Act, 1984; Arms Act (Amendment) 1984; and I.P.C. Section 121, 130, 503 to 507.

[Translation]

A few days back an hon. Member of this House Shri Lalit Maken was assassinated and the assassins fled away after committing the crime. There was a police station at a distance of only 50 to 100 yards from the scene of murder. When they

were approached, the Police refused to action the plea that the crime had not taken place in the jurisdictions of their police station. If such is the attitude of the Police, nothing concrete will come out even if they are given more powers after getting such legislations passed by the Lok Sabha. The Police lack morale and restraint. Whatever powers the Police might be given, if they lack morale they will not be able to do anything. The assassins of Shri Lalit Maken came on that scooter which they had stolen the day before. They were chewing pan there, even then the Police could not arrest them. What was the reason? The only reason is that our Police lacks morale. They are not prepared to stake their lives for the safety of the lives of other people. The result is : the terrorists are thriving and law and order situation in our country is deteriorating. While supporting the objects behind this Bill I would like to submit that the morale of the Police needs to be boosted.

Various types of courts have been set up in Punjab. Even then cases are not being disposed of. Even today there are 3,270 cases pending in courts. Not even in a single case, trial has been started and judgement delivered. What is the reason behind it? The Hon. Minister should clarify why not even a single case has yet been finalised.

There is every likelihood of this law being misused. While passing the National Security Act and the Preventive Detention Act you had promised that they would not be used against political workers, trade union leaders and social workers. But in spite of this you arrested these very persons under these laws. So there is every likelihood of this law also being misused. That is why I oppose this Bill.

I would like to plead with the hon. Home Minister that after the accord in regard to Punjab has been reached, there is hardly any necessity to take recourse to this Bill....

SHRI PRIYA RANJAN DAS MUNSI : Unless compromise is reached with you, things will go on like this.

SHRI C. JANGA REDDY : What to

talk of compromise with us. Law and order problem is your own creation. You yourself set the house on fire and then extinguish the fire with water. Your job is to set things on fire and then call the Fire Brigade. After this accord you are going to declare elections in Punjab so that you may win the elections on the basis of the good points in the accord. So you try to take advantage of both the situations: by first letting the law and order situation deteriorate and then by bringing normalcy. This policy is responsible for the situation prevailing in the country of present.

With these words, I oppose this Bill.

[English]

THE MINISTER OF HOME AFFAIRS
(SHRI S.B. CHAVAN) : I beg to move :

“That the Bill to amend the Terrorist and Disruptive Activities (Prevention) Act, 1985, be taken into consideration.”

Sir, I do not propose to go into the details about the main Act. It is a very simple proposition as far as this amendment is concerned. I do not know whether I should reply to the points raised by Shri Janga Reddy now or at the end of the consideration of the Bill. Any-way, I will just say a few words now. After all the hon. Members have spoken on the subject, at the end, I will try to give my reply.

Sir, the Terrorist and Disruptive Activities (Prevention) Act, 1985 was enacted by Parliament to make special provision for the prevention of and for coping with terrorist and disruptive activities. As hon. Members are aware, this Act was legislated in the immediate background of escalation of terrorist activities in many parts of the country in May, 1985. In spite of pressing need for making the provisions of the Act applicable *in toto* to the State of Jammu and Kashmir also, a provision had to be included in the Act for qualified application of the provisions of the Act to that State in view of the limitations on the competence of Parliament under the Constitution (Application to

J and K) Order, 1954 as then in force. When this provision was considered in Parliament, there was a demand that the Act should be made applicable *in toto* to the State of Jammu and Kashmir. Some hon. Members brought even amendment in this connection. An assurance had been given by the Law Minister on behalf of the Government that steps would be taken for securing the application of the Act *in toto* to that State as early as possible. Accordingly, soon after the passing of the Act, the matter was taken up with the Government of J and K and with the concurrence of that Government, a Presidential Order making the necessary amendments to the Constitution (Application to J and K) Order, 1954 was issued on 4th June, 1985. In view of the urgency of the matter, the President promulgated on the 5th June, 1985, the Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1985 to secure the full application of the Terrorist and Disruptive activities (Prevention) Act, 1985 to State of Jammu and Kashmir. The Bill is to replace the Ordinance to secure the full application of the Terrorist and Disruptive Activities (Prevention) Act, 1985 to the State of Jammu and Kashmir.

I commend the Bill to the hon. House.

MR CHAIRMAN : Motion moved :

“That the Bill to amend the Terrorist and Disruptive Activities (Prevention) Act, 1985, be taken into consideration.”

SHRI V. SOBHANADREESWARA
RAO (Vijayawada) : Mr. Chairman, Sir, the hon. Minister has explained as to in what circumstances this Amendment has been brought before the House. I need not go into the details of the circumstances in which the main Bill itself was brought in this House during the closure of the Budget Session, especially in the background when a large number of innocent people were killed in Delhi and other parts of the country by the terrorist activities and thereby huge loss occurred to the nation. Very recently due to the fall of Air India plane *Kanishka* into the sea, more than 326 people have lost their lives and properties worth hundreds of crores of rupees were damaged.

Sir, I welcome this amendment in extending this Terrorist and Disruptive (Prevention) Act to the State of Jammu and Kashmir because, it is also a part and parcel of this country and wherever any terrorists or disruptionists behave to the detriment of the common people and the nation, certainly we should take them to task. No mercy should be shown to him and he should be punished using all the provisions that have been incorporated in the Act. I only suggest that it should be implemented in a good spirit; it should not be misused.

Through you, Sir, I want to bring to the notice of the Government that there are some instances when the people who are expected to be the custodians of the Constitution have erred, have taken wrong decisions. You know, the duly elected Government of Andhra Pradesh of Shri N.T. Rama Rao was thrown out by the then Governor who installed a puppet Government. It was proved on the floor of the House that Shri N.T. Rama Rao enjoyed the support of the majority Members and again he was brought back. But, meanwhile, how many people died? How much of damage was done to the public property and how many sacrifices had the people to make to get back the people's Government? Similarly, you know, in the State of Jammu and Kashmir also, the Government headed by Shri Farooq Abdullah was thrown out by a person who is expected to be the custodian of the Constitution, and unfortunately with his help, defections were engineered. The defectionists were called and kept in the Governor's bungalow. Mr. Farooq Abdullah was dismissed and the puppet Government of Shri G.M. Shah was installed... (Interruptions) It is a shame on the part of the Government... (Interruptions) I would like to say that every deflectionist MLA was made a Minister and was sent back to his house in a new car. That was the position. Similar misuse of powers should not take place. That is our submission. These provisions of the Act should not be misused. A knife is very useful for some good purposes. But at the same time it can also be used for taking out the life of people. Similarly, if the provisions are implemented in good spirit, certainly nobody will have

any objection and everybody will welcome it. We only warn the Government that this should not be misused for suppressing the voice of the Opposition, for suppressing the voice of the people who are having different ideas or different views in contrast to Government's views. That is my submission. If such misuse takes place, then people will not tolerate it. And you have the previous experiences of the Emergency and also other circumstances when people did not tolerate; they have given their clearer verdict against any authoritarian behaviour on the part of the powers whoever they may be.

Unfortunately, these terrorist activities are on the increase at each and every place. During the elections also, several people throw bombs; they do not allow the people to come and vote freely in the elections. In many States these things are on the increase. Unfortunately, there are hundreds of factories which are producing unlicensed weapons, revolvers, pistols, country-made bombs, etc. I would like to bring to your notice that, in U.P., in 1981, 251 unauthorised factories were unearthed, in the year 1982, the number was 177 and in 1983 it was 124. In Bihar, in 1981, 82 unauthorised factories were unearthed, in 1982 it was 53 and in 1983 it was 29. In some other States also, such factories have been unearthed. I want the Government, especially the Home Minister, to deploy a special task force to unearth these factories which are producing unlicensed weapons and are making them available freely, just like cigarettes, to the terrorists and anti-social elements who are in need of these things. Very recently we lost our comrade Shri Lalit Maken and also his wife, and those people could come and do it in a very thickly populated area like Kirti Nagar in New Delhi.

16.00 hrs.

The thing is that we should prevent the availability of these arms and at the same time, if the Government really wants to find out who are the persons in villages or towns who are having the unlicensed arms, it can certainly be checked out. I request the Government to take necessary action to identify who are the people who are having

unlicensed arms. They should be confiscated and those people be should taken into task and penalised and punished under this Act.

Similarly, Sir, as far as the Jammu and Kashmir Government is concerned, I think, to prevent the terrorist and disruptionist activities, there should be a popular Government and the present Government headed by Shri G.M. Shah is not a popular Government. It does not enjoy the people's support and the very Governor who has been instrumental in bringing into power...

(Interruptions)

The Government should bring President's rule in the State. Let the Government hold elections and give an opportunity for the people to the elect the Government they want...*(Interruptions)*

MR. CHAIRMAN : You continue your speech.

SHRI V. SOBHANADREESWARA RAO : We want that the people should be given an opportunity to elect a Government they desire and that popular Government will certainly be able to control these terrorist and disruptionist activities.

Unfortunately, Sir, in Jammu and Kashmir there are people who are loyal to Pakistan, who are against the interests of this nation and who are compelled to do some mischief, terrorist and disruptionist activities, so as to divide the people of this country into different parts. Only a popular Government can effectively check all these disruptionist activities. So, the people should be given an opportunity to instal a Government they want.

SHRI GHULAM NABI AZAD : His general knowledge is very weak, Sir.

SHRI V. SOBHANADREESWARA RAO : Your own Governor recommended the dismissal of the Farooq Abdullah Government. *(Interruptions)*

Lastly, Sir, through you I make an appeal to the Government that for political purposes, let no party encourage the terrorists. Unfortunately it is your patronage, your pampering of Bhindranwale that brought this country the greatest loss in the

loss of Mrs. Indira Gandhi, in the loss of hundreds of crores worth of property. Several thousand innocent people lost their lives, who are in no way connected with the Punjab agitation or the issues concerned therewith.

Sir, unfortunately it is the Ruling Party which, during 1980 utilised Bhindranwale for political support and it is they who helped him to become a hero of this country...*(Interruptions)*

So, with all this bitter experience, let us not encourage this kind of terrorist activities. That is all my humble suggestions Sir.

16.04 hrs.

[Shri Vakkom Purshothaman *in the Chair*]

[*Translation*]

SHRI RAJ KUMAR RAI (Ghosi) : Mr. Chairman, Sir I rise to support the Terrorist and Disruptive Activities (Prevention) Amendment Bill. This is a welcome amendment. Sir, the goal of the public representatives, whether they be in the Treasury Benches or in the Opposition, is to ensure peace and tranquillity in the country and all political actions of the ruling party and the opposition are motivated and will continue to be motivated by this very tenet.

Mr. Chairman, we have already had an Act to deal with terrorists but Article 370 of the Constitution was a hurdle in extending this Act to Jammu and Kashmir. The hon. Home Minister has now by introducing this amending Bill extended this Act to Jammu and Kashmir also. The hon. Members had demanded its extension to Jammu and Kashmir then also.

Sir, Jammu and Kashmir enjoys a special status politically and geographically. It shares borders with Pakistan and Afghanistan and other countries from where terrorists freely infiltrate into Jammu and Kashmir State. They receive training openly there. The terrorists can carry on their activities there with any let or hindrance. Any Government would like to maintain law and order and enforce the

law of the land and could not exclude any part of its territory in its efforts of dealing with such terrorists. So, it was imperative to bring Jammu and Kashmir also under its orbit. Nobody is unaware of the activities of terrorists in the country. This august House is well aware of certain activities carried on in the world which are not permissible in society and they have a wider network in this country. When we talk of terrorism we make a mistake by linking it with Punjab. Terrorism had a base in Punjab and Punjab was one of such instances. What has not happened in Jammu and Kashmir? Pakistani flags were unfurled there. Terrorists infiltrate there from across the borders also. If you make a surmise of the situation in other parts of the country you will find that even Uttar Pradesh and Bihar are not free from terrorist activities. Even Petty contracts could not be awarded by ignoring the terrorists. Contracts for supply of fruits and other small items for patient in hospitals and PWD and RES contracts are awarded at gun point. The way terrorism and extermism is infiltrating into our political life in its entirety, I am afraid, the day is not far off when the lives of the people sitting inside Parliament, Legislative Assemblies and Councils will be in danger. I shall like to draw your attention to Eastern Uttar Pradesh. The mafia gangs in adjoining Western Bihar have spread to a point of no return. We daily find reports of murders, dacoities and robberies in the newspapers and in the absence of effective law or its proper enforcement we have become helpless. The enforcement of law is also deceptive. We are not taking as effective steps as we should. Today scores of such persons have been returned to Legislative Assemblies against whom dozens of cases of murder, dacoity, assassination, loot had been pending. If we permit this, I would like to caution this august House about our future. We have our borders with Nepal and China on the northern frontier. Such activities take place in North India through Nepal border. I would request the hon. Home Minister to look into this. Hashish, ganja, bhang (hemp) and opium are being smuggled openly through this border and the people charged with checking this smuggling make these things more costly by paying more money. Hundreds of

thousands of people are engaged in this racket and the peace loving citizens are suffering today. My experience is that the MLAs and MPs from North India are not granted arms licences and no attention is paid towards their recommendation and if they raise their voice against any terrorist or hoodlum or anti-social element they are threatened with murder. They are not allowed to walk on the streets. It is of no use to talk about granting arms licences to law-abiding people. I would like to draw the hon. Home Minister's attention to last month's press reports wherein the D.G. Uttar Pradesh, Shir J.N. Chaturvedi is reported to have stated in most categorical terms in a meeting of Members of Parliament and DIGs that issue of arms or arms licences should be stopped forthwith and that these licences should be issued sparingly in most pressing cases. I would like to know from the hon. Home Minister why the law-abiding people's representatives, who are responsible for establishing peace in the country and in the States, in whom the country and the States have reposed confidence for maintaining peace, who want the law of the land to prevail, who want peace in society, have been denied the right to get arms licences for self-defence while the anti-social elements roam freely wielding arms licensed or unlicensed and they are able to obtain, not one but two or three licences, if not in their own names, in the names of others; if not in Uttar Pradesh, they can get them from Bihar, if the District Magistrate is known to them. If such a statement is made by such a responsible officer having direct obligation for the safety of eleven crores citizens and if he gives such direction to his officers then, Sir, who is going to take the responsibility for our safety?

Therefore, I would request the hon. Home Minister to issue instructions to the D.G. of Uttar Pradesh to issue arms licenses in genuine cases to the persons who believe in the rule of law and need them for self-defence. They should not be denied their right to possess licensed arms for self-defence. This will be a second pious act on your part, the first being the introduction of this Bill.

Sir, at a time when activities of extremists and terrorists are increasing in our

[Shri Raj Kumar Rai]

country, the opposition should also prove their bonafides and think over the issue in the context of creating peaceful atmosphere in the country. Nobody would subscribe to the concept of terrorist activities in any part of the country. If these things are happening in Kashmir which is an integral part of India, then there is nothing strange if a Bill is brought here for curbing such terrorist activities there :

The hon Home Minister has done a very commendable job by bringing this Bill. I shall request him to bring some amending legislation so that effective and stringent steps can be taken to restore peace in and ensure security of the northern region.

SHRI SHANTI DHARIWAL (Kota) :
Mr. Chairman, Sir, I welcome the Introduction of this Bill in the House by the hon. Home Minister, I congratulate him for extending this Bill to Jammu and Kashmir where it was needed the most after Punjab.

Sir, the extremists engaged in terrorist activities in our country had been trained in the USA, they were being trained in Jammu and Kashmir also. We had been reading in the newspapers that these terrorists after committing crimes in Punjab, used to get shelter in Jammu and Kashmir. Shri Farooq made ten visits to Punjab during the period the terrorists had stepped up their activities on the plea of creating ground for agreement between the Government of India and the Punjabis, the Akalis and Longowal. However, under the cover of forging an agreement he used to help and aid the terrorists. The terrorists used to get training in and arms from Pakistan. They were given five-star hotel facilities. All these factors have necessitated the enactment of this legislation. I, therefore, welcome this Bill once again.

At the same time I would like to urge the leaders of the Opposition sitting here who are opposing extension of this legislation to Jammu and Kashmir to have self-introspection. These were the people who had made Bhindranwale their hero in the last three years. They never uttered a word against his anti-national utterances. Only three month ago, the national flag of

India was burnt in Jammu and Kashmir. The news was widely reported in the press but Farooq Abdullah who claims himself, to be a nationalist, a patriot and who has reiterated that Kashmir's accession to India is final, did not say even a word in condemnation of it. During a cricket match played in J and K when Farooq Abdullah was the Chief Minister there, anti-India slogans were raised, but no case was registered against those persons, nor were they arrested. So in a State where such subversive and disruptive forces are at work, which are bent upon undermining the prestige of the country, which want to retard the progress of this country, the hon. Home Minister thought it fit to extend this Bill to that State. I congratulate him for this, but at the same time my submission is that it will not help to rest content with framing the law alone. You will have to strengthen the police force, the B.S.F., the CRP and other security forces, you will have to make radical changes in their set-up and raise their morale. Than alone shall we be able to contain terrorism. Unless we take up these steps we shall not be able to implement the provisions of this Bill in better and spirit to protect the citizens from extremist forces. Therefore, my submission is that the administrative structure, particularly the set-up of the police, should be overhauled and the forces that are bent upon destroying the country, that are posing a danger to the integrity of the country should be dealt with firmly. With these words, I conclude.

[English]

SHRI V.S. KRISHNA IYER :
(Bongalore South) : Mr. Chairman, Sir, this is an Act enacted at a time when the very existence of our country was at stake. Now, I am sure that all the hon. Members will agree that now the situation is very much changed, particularly after the Punjab accord. It is really unfortunate that the Government was forced to bring forward such a legislation, particularly in this country which is a land of Mahatma Gandhi, and that we should enact such a legislation itself shows that there is something wrong somewhere. Under the leadership of Mahatmaji, we drove away the Britishers using non-violence as a weapon,

But now the whole country is pervaded with violent atmosphere. I am very sorry to say that the Government is bringing forward this legislation. But at the same time I also appreciate the necessity of having it at the time when you brought forward this legislation.

In this connection, I would like to make one or two suggestions. First of all, at the very outset, I welcome this amendment because this was brought forward on the suggestions made by our leader, Prof. Madhu Dandavate and other Members of this House. It is very good that it applies to the whole country because we all believe that we are all one and in the interest of the country, for the integrity and unity of the country, such laws must apply to the whole country. I welcome it. But only one point which I would like to bring to the notice of the hon. Home Minister is that more than this Terrorist Act or any other law which you have, what is to be noted is that the police and intelligence have miserably failed during those two years, that is, since the activities of the terrorists started in Punjab.

Very recently, we expressed our sorrow and shock in this House on the day-light dastardly murder of one our very able and trusted colleague in Delhi. But till today, the police has not been able to trace the culprits. That is how our intelligence is working. Similarly in the matter of Delhi explosions, our police has completely failed. I would request the Home Minister to pay special attention for giving proper training to our police and intelligence. How it should be done, it is for the Minister to think over. But, as I said, these agencies have completely failed. Even now I feel ashamed that our quarters are being guarded by the security men. We are all free citizens. During the British time, such security measures were not considered necessary, but today it is difficult for some of us even to move out freely without security men. Such an atmosphere should not be there in our country.

There is another point. Though you have taken certain steps to deal with the terrorists within the country and you have brought this legislation, which applies to

the whole of the country, and we welcome it, but what about the terrorists outside the country? It is on account of the terrorists outside that the terrorists in our country were encouraged and there were incidents of arson and looting. You have not dealt with the terrorists outside. We have friendly relations with all the countries but what have you done about the training being given to the terrorists in the United States? Merely writing to them will not be sufficient. They have arrested certain people in connection with the alleged plot to murder our Prime Minister and the Chief Minister of Haryana, but that is a different matter. Terrorist are getting shelter there and they are not being dealt with properly. Even now, terrorists outside are roaming about freely day in and day out. They are indulging in all sorts of activities. I would request the Home Minister to take up this matter with the respective Governments and tell them that the Government of India will not tolerate this and if it continues, we will be forced to break our relations. That is very important. The terrorist activities had not started in India, but on foreign lands, particularly in our neighbouring country Pakistan etc. I would request the Home Minister to view this matter very seriously.

Lastly, I do hope and trust that there will be no occasion for the Government to use this Act, because the atmosphere will change. That is my hope. This Act has been extended to the State of Jammu and Kashmir. Shri Rao mentioned about the State of Jammu and Kashmir. I would request my friends to see to the real situation. There is no stable Government there. The Government there has been formed with the help of defectors much against the spirit of the Anti-Defection Act. I am raising this topic, because it was mentioned by my friend, Shri Rao. I earnestly hope and appeal to you to see that a duly elected Government is installed there by holding fresh elections immediately. This Act is being extended to the State of Jammu and Kashmir. There is a likelihood of its being misused, if we do not have a stable and duly elected Government there. It will not be misused, if we have got a duly elected Government. What Shri Rao has said should be viewed from this angle.

[Shri V.S. Krishna Iyer]

That is my honest feeling, and I say it objectively.

With these words, I support this amendment and I hope that beyond the period of two years, there will be no occasion for extension of this measure.

PROF. N.G. RANGA (Guntur):
Mr. Chairman, Sir, I have a very few words to say on this occasion. Like all the other members, I am whole-heartedly in favour of this Bill and I wish to congratulate and thank the Government of Jammu and Kashmir for having agreed to the extension of this Act to Jammu and Kashmir. This Bill has been brought forward with their consent and I also wish to congratulate and thank all the leaders and members of the opposition, for they have cooperated in getting the main Bill passed originally.

What is essentially important is to create an atmosphere against terrorism all over India. Political parties in India, whether they are on this side or on that, should be willing to allow a party—whatever party it may be—which comes to be elected and enjoys majority in its own State to function. It is the duty of the parties in opposition to support it while criticising certain individual policies or programmes of that party. If, on the other hand, these parties take to politics of the streets, politics of obstruction, which would lead to violence or induce people to take to violence, then democracy cannot function. This unfortunately was what happened in Gujarat sometime ago, earlier in Assam and we all know the result and how our country suffered when it happened in Punjab also. Therefore, I would like to appeal, through this Parliament, to the leaders of the opposition and the parties outside, to play their role in our democracy in such a manner that only an atmosphere of peace and compliance with the general tenets of democracy are respected in every possible manner and that we do not take to politics of the street. Unfortunately, that atmosphere has not yet been developed and I make this appeal, once again, that unless we continue to develop that atmosphere

and sustain it, democracy in this country would not succeed and terrorism cannot be fought.

I would like to have one small elucidation from my hon. friend the Home Minister. In your application of this Bill and the original Act also, what do you mean by 'terrorism'? Is it to be confined only to those individuals and their groups which are interested in killing people outright, without any cause at all, without any other objective but to terrorise people in inhuman manner or is it to be made applicable even to those dacoits about whom we read from time to time, who are now playing their mischief in the inter-statal border areas in various parts of the country, especially in Central India? I would like my hon. friend, the Minister, to enlighten the House and also give an assurance that the State Governments which would be concerned in this matter would be entitled to use this Act, to extend the provisions of this Act and through this Act strengthen their police forces in their States, where these dacoits play their mischief. Only recently, we have heard that the notorious dacoit leader, Man Singh, who came to die in a disturbance for which he, himself, was responsible, had terrorised villages after villages and region after region on the borders of Uttar Pradesh, Rajasthan and Madhya Pradesh also. Now, such dacoities have been taking place for a very long time and those people also have to be tackled in a very effective manner.

Now, I would like to have another elucidation. There are some organisations in our country which have been carrying on para-military training camps in different parts of the country under one garb or other. Now, unless they are brought properly within the four corners of the law and they give the necessary assurance to the Government that they do not intend, they do not propose, they do not try to train these people in such a manner, train these people physically as well as mentally, in such a manner that they easily over-step the demands of peace and take to terrorism the moment of soonafter they come into possession of arms, unless that is ensured this legislation cannot be effective. So, these organisations and training camps

should be brought within the purview of this law, if they don't agree to carry on their activities strictly in a peaceful manner.

Lastly, my hon. friend went into the politics of Jammu and Kashmir. He is welcome to hold his views. We do not hold their views. I have gone through the way in which the present Government has been functioning. If this present Government had not been there, let him also look at it from that point of view, and if our old friend who happened to be a Member along with us, but who later on became the Chief Minister and pursued his own politics, if they had their own way, would it have been possible for the Jammu and Kashmir Government, if it had continued to be headed by that gentleman, to agree to this Bill being extended to Jammu and Kashmir? Several Members already bear witness to the fact that it was under his leadership knowingly or unknowingly, training camps were carried on by Punjab terrorists. And on such situations, is it not in the interest of India that this present Government continues to be there? So long as it continues, I do not know, how long it continues, it is a different matter, is it not in the interest of India that this present Government is there? Fortunately, for us we are able to place this Bill below the House and we will have the opportunity to get this Bill passed.

[Translation]

SHRI P. NAMGYAL (Ladakh) : Many of our friends have expressed their views on the Terrorist and Disruptive Activities (Prevention) Amendment Bill introduced by the hon. Minister. I would also like to mention a few things in regard to this Bill. I thank Mr. Chavan that he has accepted our demand. When this Bill was brought in this House, Members from both sides of the House had advocated that Jammu and Kashmir should also be brought under the purview of this Bill. The hon. Home Minister had also given an assurance that this amendment would be brought with the concurrence of the State Government. So, today he has brought this Bill for which I congratulate him. Some Members from the other side particularly Mr. Soz and Mr. Janga Reddy have moved a resolution

for its disapproval. I fail to understand why they have chosen to do so. So far as prevention of terrorist activities is concerned, on previous occasions, every section of the House welcomed the steps taken by Government in this regard and I feel that Government's stand should be welcomed this time also. Mr. Janga Reddy has specifically demanded abrogation of Article 370. It is a point of debate. Everybody has his own views. I do not want to comment on it. Had there not been Article 370, there would have been no need for this amendment and the resolution seeking its disapproval today. I mean to say that abrogation of Article 370 and moving the resolution seeking its disapproval are self-contradictory.

So far as this concerned, we read in national dailies that arms and ammunition are being unearthed in Jammu and Kashmir. We happen to read such news almost daily. This clearly shows that such activities have not come to an end and arms and ammunition are being brought from cut side with a motive. During the Farooq regime, arms and ammunition in large quantities were smuggled via Jammu and Kashmir and they found their way to Darbar Sahib in Amritsar. The reports appearing in the newspapers now-a-days also give an indication the moves are still on to keep the atmosphere tense.

Some of the friends have questioned the dismissal of the Farooq Government and say that the present government is illegal. Prof. Ranga has rightly stated that Mr. Farooq was the only person who had encouraged terrorism in Jammu and Kashmir and had been instrumental in imparting training to terrorists. He was in league with Bhindranwale and Maulana Farooq who even now does not accept the accession of Jammu and Kashmir to India. Dr. Abdullah has connections with Jamait-e-Islami and Jamait-e-Tulba. What do these elements aim at? Sometimes, they talk of independent Kashmir or even of plebiscite. Their aim is that this Act should not be made applicable to Jammu and Kashmir so that they can carry on their anti-national activities freely. On every Friday they give a call for strike. Slogans of 'Pakistan Zindabad' are raised openly there. What

[Shri P. Namayal]

happened in the cricket match there during the Farooq regime? We could not allow its repetition. Under the circumstances it is necessary to extend this Bill to Jammu and Kashmir State.

In addition, my request is that you issue instructions to present Government of Jammu and Kashmir that this law after its extension to the State should be implemented vigorously. The implementing authorities should be put on alert. If the law is not implemented, then what is the use of enacting it. I would like to point out one thing more. The present D.G. Police of Jammu and Kashmir is doing very good work. Such officers should be encouraged and other agencies should also be toned up.

I would like to draw your attention towards one thing more. Previously, such activities were not witnessed in my constituency, but now they can be witnessed there also. It is a sensitive border area. You are requested, to keep a watch over such activities there. We suspect involvement of some local people also in it. It has come to my notice that explosions have taken place there also. Of late we have come to know that an amount of Rs. 36 Lakhs was received in our district through some foreign agency on behalf of some religious body. Petro-dollars in large quantities are finding their way into Kashmir particularly. It is said that petrodollars have got some link with export and import of carpets. It is said that if goods are purchased worth Rs. ten thousand, the bill will be of the order of Rs. 30,000 to 50,000. The amount of Rs. ten thousand goes to the original owner and the rest of the amount goes to other agencies. We have not been able to detect it. You should keep a watch on this also.

With these words, I congratulate you have fulfilled our long standing demand by bringing this Bill. I whole-heartedly support this Bill.

[English]

SHRIMATI GEETA MUKHERJEE
(Panskura): Whenever any such Bill is

brought, whether the Terrorists or Disruptive Activities Amendment Bill like this or the original one or the earlier Areas Affected by Terrorists Bill, etc., we always apprehend that the wide powers that are taken by these Bills would be misused, are we often have been vindictive through our experience.

While my party and for that matter the entire left movement including all the left parties are firmly against terrorism and disruptive activities like communal disturbances or any other disturbances, and we fight it politically through our own efforts as much as we can, we are always apprehensive of this kind of Bill.

Now, as far as extension of the earlier Act to Kashmir is concerned, I do not know, apart from the situation prevailing there whether, for the special status of Kashmir, it is good enough to consult only the Government of Jammu and Kashmir and not the Jammu and Kashmir Assembly. I think that is a special point in regard to Kashmir. But, in any case, if you have decided to consult the present Government to whom you are giving all these powers, very wide powers—I may be excused by the other side; if they shout I will also try to shout—I do not agree that this propped up Shah's Government has been the best government to counteract disruptive and terrorist activities; our experience is different. Our party office in Kashmir was twice attacked by this Jamaite Islami people with the connivance of the Shah Government. Everybody knows Jamaite Islami people are anti Indians and they are being given shelter from this propped up government. (*Interruptions*) Firstly, this defective government should remain like this now. (*Interruption*) This is the record of this government. (*Interruptions*) I do not think that there is any necessity for giving such wide powers. As far as dealing with the terrorists and the other disruptive activities is concerned, we are of the firm opinion that the first and foremost need of the hour is for reaching a political settlement. Unless it is dealt with politically, no special powers can really put an end to that phenomenon.

May I ask one the question? After

this Bill was passed you arrested many people in Punjab. Now, when the political solution has been reached people arrested under this very Act have been released. So, am I to understand that at that time there were such people who should have been arrested under this Act and it was very necessary to arrest them, and today the very same people are being released saying that they had committed only minor offences? This may or not be the place to discuss it, but in a particular atmosphere terrorism breeds. So, that has to be taken into account. Therefore, I personally—neither earlier nor—am in favour of this Bill.

I will try to raise one point in this discussion. Even administratively no such wide powers are necessary. They are not necessary to deal with the terrorist activities.

The other day, I read a news item in the newspapers. It concerned the case of our departed colleague Shri Lalit Maken. When that case was being investigated, it transpired that it took an unusual time for the Police to supply the fingerprints study to the intelligence agency and as these fingerprint studies were not available even within two days to the intelligence agency—it is said—they could not proceed very much on that count.

Now, for dealing with all these terrorists wide power are being given. Why were such things not found out earlier? Why were these things not done earlier, quickly? My contention is that the powers that are there, even the ordinary laws of the land are sufficient if the Police really tries to catch the culprits and not just try together anybody who may be, for the time being, called terrorists. The Government could have dealt with them much better even within the earlier laws. Therefore, I think that the creation of the proper is more important, so that the necessity for such laws is not called for. I thought that Government would come forward with a proposal for repealing the Act in some parts of the country, instead of extending it to Jammu and Kashmir.

Now, in Kashmir if you want to deal

with the terrorist activities, remove your support to the Shah Government and come to a political settlement. That alone will help in really putting down the terrorist activities there. It will also create the proper atmosphere in the country as a whole.

[*Translation*]

SHRI HARISH RAWAT (Almora):
Sir, I rise to support this Bill. Keeping in view the circumstances under which this Bill was introduced in this House, the Opposition had also welcomed its statement of objects and reasons. I feel that with the initiative taken by our hon. Prime Minister and our Government, the political atmosphere has certainly changed but not to the desired extent. Shrimati Geeta Mukherjee says that instead of bringing this Bill, a Bill should have been brought to repeal the original Act. I take it as a challenge and Government and every political party should take it as a challenge that we have to create an atmosphere of harmony and peace in our country so that the need to introduce such a legislation in the country in future does not arise. But even to-day such elements are there in our country which want to take advantage of the situation and vitiate the atmosphere in the country. There are also elements which encourage them. In the discussion that took place a few days ago in this House the matter regarding imparting training to terrorists in the U.S.A. was raised and the U.S. Government had said openly that they were unable to stop it legally. The matter regarding imparting training to terrorist in Pakistan has been raised in this House more than once by the Members of the ruling party as well as of the Opposition parties. Under these circumstances, we cannot exclude the border State of Jammu and Kashmir from the provisions of this Bill. I feel that the hon. Home Minister have taken a very commendable step by widening the scope of the original Act in deference to the feelings of hon. Members of this august House.

The Opposition has tried to term it as politically motivated. It would have been better if they had tried to understand the spirit behind this Bill and in the case of

[Shri Harish Rawat]

finding any shortcomings in it, they should have criticised it. Perhaps they have done it due to non-availability of facts with them. A Telugu Desam Member raised the issue of dismissal of the then Telugu Desam Government during the discussion on this Bill. Some of our friends tried to link Jammu and Kashmir issue with this Bill. I feel that there is no need to recall all those things as they would vitiate the atmosphere. Since the Opposition has raised the issue, I would like to clarify. It has been stated in this House more than once that training camps were set up in the State during Farooq Abdullah's regime. Proofs to this effect were presented in this House. Various types of arms were being smuggled into the country from across Pakistan and these arms were being given to terrorists in Punjab. I feel that if Mr. Farooq Abdullah makes an analysis of what he has done, he would definitely repent on his past actions. Everybody knows how his Government was functioning at that time. Some people took advantage of his innocence and political inexperience and tried to create such circumstances in Jammu and Kashmir. Our friend from Leh has rightly stated that some anti-national elements have concentrated at some place in J and K for the opportune moment. They are subdued at the moment but Jamait-e-Tulba and Jamait-e-Islami elements are still there and these elements are always ready to take help from Pakistan. I, therefore, feel that nobody should oppose this Bill. I desire that it should be passed unanimously. Besides, I would like to point out to the hon. Home Minister that there are many laws in the country through which we can deal with the activities of terrorists and extremists. It is our misfortune that in the country of Gandhi and Nehru and in a great democratic country, terrorist forces have been raising their head sometimes in the North-East and sometimes in other parts of the country since independence. We should make every effort to identify the circumstances which compel these extremist and mischievous elements to take advantage of these forces. We should create an atmosphere in our country in which such elements may not be able to raise their

head and we may not be required to bring such legislations again and again in this House.

With these words, I support this Bill.

*KUMARI MAMATA BANERJEE (Jadhavpur): Mr. Chairman, Sir, while supporting this Bill I want to say a few important things. I hope that all the parties will rise above politics and support this Bill unanimously. We are passing through a very complex situation in the country today. The developments of the recent past are very alarming. After the assassination of Smt. Indira Gandhi and the mass killings that followed that, we all hoped that such things will not happen again, and that was the end of the chapter of violence. But Sir, a few days ago when we were in Moscow in connection with the international youth festival, we were shocked to hear that Shri Lalit. Maken and his wife have been brutally murdered. Sir, we and the youth power of today are feeling very much depressed because if such assassinations take place one after another, if the rising youth power is eliminated in this manner one after another, if there is such repeated failure of the Home Ministry and the intelligence department and intelligence agencies, than the terrorist activities can never be identified and the terrorists can never be isolated. Therefore, I think that our intelligence will have to be strengthened and improved considerably in the first instance. They will have to be much more active. Even after the assassination of Smt. Gandhi did not the Home Department wake up and become alert? Shri Lalit Maken received some threatening letters before his murder. This was known to the intelligence department, this was known to the high police officials but in spite of that why adequate protection was not arranged for Shri Maken? Why was Shri Maken and his wife killed. This is a very shameful episode for us. I do not want that anybody else, any other youth power be murdered in this manner. A feeling of disappointment and depression has arisen among the people and it is most important to provide adequate to protection to them. We do not

*The Speech was originally delivered in Bengali,

want protection for ourselves, we do not want the intelligence branch to provide protection for us. It is much more important to protect the people. Our security depends on the security of the people. The intelligence branch should not remain in deep slumber. They will have to be much more active and alert. It is not enough to say after some tragic killing that 'we will be more active or we will do this and that.' It is no use getting wise after the event. Why should they not be active and alert beforehand, why should they not be able to prevent such killings? I want to know the answer from the hon. Minister.

Secondly Sir, why are the police officers and intelligence officers not being given training in modern methods. Why are you not adopting modern methods and acquiring modern equipment? When we bring some incident to the notice of the police officers, they say "yes we are seeing or we will see what can be done. What can we do we do not have modern equipment or modern methods" etc. This is a very disappointing state of affairs. I will urge upon the hon. Minister to pay immediate attention to this aspect with all seriousness. Sir, I think that we have also some responsibility in this matter. We, who belong to different political parties should come forward and work together with due responsibility to create public opinion. While we are supporting this Bill and welcoming it and want it to be made into a law at the earliest, side by side there is also a need to create a public opinion and to inspire hope among the people so that in the coming days they may be able to identify and isolate the terrorists to prevent the recurrence of such incidents of violence. This is our joint responsibility that of the ruling party as well as the opposition parties. I am inviting all the parties and I will also request the hon. Minister that if he chalks out any programme for creating public opinion or for giving publicity, he should go ahead with the cooperation of all. This will be an effective step in identifying the terrorists.

Sir, I will like to mention something about security checks. When such incidents are taking place, there should not be any

discrimination regarding security checks of the general public or MPs, MLAs and Ministers. Everybody must be subjected to the same kind of security checks, so long as normal conditions do not return to the country.

Sir, I want to draw your attention to another serious matter. Many infiltrators and unauthorised persons are entering West Bengal and other States of the country across the Bangladesh and Pakistan borders. Why are our border checks not strong enough? How can the infiltrators come into West Bengal from Bangladesh unchecked? A few days ago I read in the newspapers that 10,000 illegal immigrants have come into West Bengal. There is no security at the borders. There is no checking at the borders. Many types of foreign arms are being smuggled in West Bengal. I have information that the West Bengal Government is giving total shelter and all help to the terrorists. After the assassination of Smt. Indira Gandhi the DIG tried to arrest S.S. Mann. Shri Jyoti Basu appeared in a photograph with the same S.S. Mann and he also garlanded him.

Lastly Sir, while supporting this Bill, I want to pray that there may not be any more killings. No more young life may be cut short in the prime. We, the members of Parliament have much responsibility towards the people and towards our mother India. We will have able opportunity to dabble in politics or to make political parties. If we fail to save the country and the nation today from this crisis, we will not be ever able to talk about politics. We will not ever be able to say 'Bande Mataram' or Inqilab or to talk about the people. I am inviting all to join in this task. I want to say that opposition must oppose, but it should be constructive. With that Sir, I conclude.

17.00 hrs.

[English]

MR. CHAIRMAN : Prof. Saifuddin Soz. Who is speaking? Any one of you can speak. Either you or Shri Abdul Rashid Kabulj.

PROF. SAIFUDDIN SOZ : Let him speak, but I want to make my position clear that I should also be given an opportunity to speak.

SHRI ABDUL RASHID KABULI : He should also be allowed to speak.

MR. CHAIRMAN : No. We do not have any time.

PROF. MADHU DANDAVATE : There can be a compromise. He will speak on behalf of Jammu and he will speak on behalf of Kashmir.

SHRI P. NAMGYAL : I also represent Jammu and Kashmir, Sir.

[*Translation*]

SHRI ABDUL RASHID KABULI (Srinagar) : Mr. Chairman, Sir, I vehemently oppose this Bill which has been introduced in the House on behalf of Government because I feel that this Bill is against the basic democratic aspirations and tenets and in particular it is an assault on the rights of the people of J and K which have been given to them by the Constitution through Article 370. It is a great injustice to the people of J and K. I think that enacting this legislation in a hurry and without taking the people of the State into confidence would prove disastrous. I feel that through this Bill only those elements are being encouraged which want to weaken the relations of the State with the rest of the country. The statement of objects and reasons of the Terrorist and Disruptive Activities Prevention (Amendment) Bill, 1985 states :

[*English*]

“as originally enacted provides for qualified application of the Act to Jammu and Kashmir.”

17.03 hrs.

[*Mr. Deputy Speaker in the Chair*]

[*Translation*]

But within a short period, when the

House was not in session, without consulting us and the Parliament but taking into confidence the puppet Government of Jammu and Kashmir, the amendment was made in the Constitution which, as I have already stated, is not only an injustice to the people of the State but also damaging to Article 370 which is the only link between the State and the rest of the country. It is very sad that this Bill is being brought. This Bill will not serve any purpose. The Congress (I) is committed to the sanctity of Article 370. Either the Congress (I) should categorically state that Article 370 is no more required, then it is a different matter, or the Hon. Members of Parliament from Jammu and Kashmir, Shri Namgyal, Shri Janak Raj Gupta and Shri Dogra should openly express their disagreement with Article 370.

Then the Congress...(*Interruptions*)

SHRI P. NRMGYAL : The delay was caused due to Article 370...(*Interruptions*).

SHRI ABDUL RASHID KABULI : The stand of the Congress in Jammu and Kashmir is that Article 370 should remain. It strongly propagates there that if there is any party which wants to retain Article 370, it is the Congress. But today the Constitution Amendment is being brought by taking the** Government into confidence and with the help of 26 Congress MLAs...(*Interruptions*) I would like to submit that...(*Interruptions*)

[*English*]

MR. DEPUTY SPEAKER : There is no point if you go on telling like that.

SHRI ABDUL RASHID KABULI : Have patience with me, Sir.

MR. DEPUTY SPEAKER : Mr. Kabuli, you are bringing another point. When you are finishing, you want to create certain problems.

SHRI ABDUL RASHID KABULI : You please go through the record and see what the congress MPs have said.

**Not recorded,

MR. DEPUTY SPEAKER : You cannot accuse that Government here. You write to me whatever you want, I accept.

(Interruptions)

[Translation]

SHRI ABDUL RASHID KABULI : In case you wanted to get this Bill passed

(Interruptions)**

Today even Congress is opposing that Government.**

(Interruptions)

[English]

MR. DEPUTY SPEAKER : Nothing will go on record.

SHRI ABDUL RASHID KABULI : **

SHRI P. NAMGYAL : I rise on a point of order.

MR. DEPUTY SPEAKER : I have told you, nothing will go on record. Pleased sit down.

SHRI ABDUL RASHID KABULI : Why nothing will go on record ? ** You don't allow me to speak.

MR. DEPUTY SPEAKER : You are accusing the other Government unnecessarily here. According to the rules you can speak; I will allow you.

SHRI ABDUL RASHID KABULI : What rules ? Tell me the rules.

MR. DEPUTY SPEAKER : You cannot accuse the State Government. State Government cannot be criticised here.

SHRI ABDUL RASHID KABULI : Explain to me the rule.

SHRI P. NAMGYAL : You want to encourage terrorism in Jammu and Kashmir. That is why you are opposing this Bill.

(Interruptions)**

MR. DEPUTY SPEAKER : What is this ? (Interruptions)

SHRI ABDUL RASHID KABULI : What is the purpose of my speaking, Sir ?

SHRI P. NAMGYAL : The Central Government wants to curb those elements; that is why this Bill has been brought in.

[Translation]

SHRI ABDUL RASHID KABULI : It is strange on your part.

[English]

What is the reason ? Tell me; explain to me.

MR. DEPUTY SPEAKER : Whatever is relevant you speak. I will allow you.

SHRI ABDUL RASHID KABULI : It is not unparliamentary. I did not say anything objectionable.

MR. DEPUTY SPEAKER : You go on criticising State Government. That I cannot allow

(Interruptions)

MR. DEPUTY SPEAKER : If it is objectionable I will remove it.

SHRI ABDUL RASHID KABULI : **

(Interruptions)

[Translation]

I would request the hon. Minister that he had to introduce this Bill he should not have taken the assistance of 26 Congress (I) MLAs and the defector State Government. The Bill should have been routed through the State Assembly. When you speak of the people of Jammu and Kashmir, you do not have any right to bring a Constitutional Amendment with the help of defector Government... (Interruptions)

[English]

MR. DEPUTY SPEAKER : Time is

[Mr. Deputy Speaker]

over. Please sit down. Now, Shri Ayyapu Reddy. Mr. Kabuli, 10 minutes you have already taken.

SHRI ABDUL RASHID KABULI : You did not allow me sufficient time. They have disrupted me.

MR. DEPUTY SPEAKER : 10 minutes I allowed you. I want to know one thing from you. Can I allow you hours together to speak ?

SHRI ABDUL RASHID KABULI : You allowed everybody without interruptions.

MR. DEPUTY SPEAKER : I am following the rule. Each party gets time according to the rule. 10 minutes for you. You have exhausted.

SHRI ABDUL RASHID KABULI : You have not given enough time.

MR. DEPUTY SPEAKER : One minute I will allow. Please conclude.

[Translation]

SHRI ABDUL RASHID KABULI : I have one more submission to make. You have yourself constituted the Sarkaria Commission to define the rights and responsibilities of the Centre and the States. But with the help of this measure the rights of the State are being curtailed. It is an assault on the internal autonomy of the State. I would say that through this Bill G.M. Shah is being empowered to crush the movement for restoration of democracy in the State... (Interruptions)...and the kind of propaganda that Shri Namgyal is making... (Interruptions), whether, is Jamaiti-e-Islami or... (Interruptions). they are also a part of it... (Interruptions). In spite of the Jamait-e-Islami people and this propaganda in Jammu and Kashmir we are proud that the National Conference conducted the movement for restoration of democracy in a peaceful way and it has remained peaceful throughout. The kind of terrorist activities that you are talking about, are not taking place in Jammu and Kashmir. And if anything of this sort has occurred, your Government is very much there and it is

empowered through various laws to deal with such a situation and take action. But I would like to tell the Centre through you that by perpetuating the rule of the Shah Ministry in the State the image of democracy in the country is being tarnished and the Centre is earning a bad name. By curbing our rights, which have been provided to us, under Article 370 and under Centre-State relations, the Government is creating uneasiness among the people of Jammu and Kashmir and people like Shri Namgyal for whom the Muslims voted in large numbers... (Interruptions), who got many Muslim votes...

(Interruptions)

SHRI P. NAMGYAL (Ladakh) : The question of Hindu and Muslim does not arise here. It is a secular State.

(Interruptions)

SHRI ABDUL RASHID KABULI : All such types of pro-Pakistani elements which are there... (Interruptions)

SHRI P. NAMGYAL : I am proud that Muslims have also voted for me there.

[English]

SHRI PRIYA RANJAN DAS MUNSI : Sir, I am on a point of order. There is a serious allegation against Mr. Namgyal. I hope this will not go on record.

(Interruptions)

MR. DEPUTY SPEAKER : I want to each one of you, not like that.

SHRI P. NAMGYAL : I feel proud that Muslims have voted for me.

(Interruptions)

SHRI G.L. DOGRA : Sir, there is an allegation against Mr. Namgyal.

(Interruptions)

[Translation]

SHRI ABDUL RASHID KABULI : With these words, I oppose the Bill.

[English]

MR. DEPUTY SPEAKER : What is your point of order ?

SHRI PRIYA RANJAN DAS MUNSI : Without prior notice and intimation to the Speaker or Chairman, no sitting Member of the House can make any allegation by name calling another Member of the House and that too to the effect that Mr. Namgyal is opposed to the Muslims of Kashmir.

SHRI ABDUL RASHID KABULI : I have not said that.

SHRI PRIYA RANJAN DAS MUNSI : Please go through the record and expunge this remark.

MR. DEPUTY SPEAKER : I will see to it. If it is upparliamentary, I will see.

(Interruptions)

SHRI G.L. DOGRA : I do not know why they are discussing like this and why you are allowing them.

PROF. MADHU DANDAVATE : In anti-terrorism Bill applicable to House, Sir ?

MR. DEPUTY SPEAKER : Yes, yes.

(Interruptions)

SHRI E. AYYAPU REDDY (Kurnool) : Mr. Deputy-Speaker, Sir, the object of the Bill is to prevent terroristic activities in the State of Jammu and Kashmir. To that extent we have certainly no objection. But the main question is whether you are going to achieve your object by merely passing a Bill without the political settlement in Kashmir. Kindly consider over it dispassionately.

Now, the feather in the cap of Rajiv Gandhi for having effected a settlement in Punjab will shine better and brighter if there is also a political settlement in Kashmir. It is very heartening that Farooq Abdullah has very recently stated, and today's papers have reported, that he is prepared to meet the Prime Minister and is

prepared to cooperate with him. His offer of cooperation must be accepted and statesmanship must be displayed. Recently, not more than a month ago, we had occasion to go and visit some of the villagers in Kashmir. I and some other Members of Parliament went into a remote village in Kashmir to study the effect of his anti-poverty programmes in Kashmir State. When we went there, there was no response from the villagers. It is after great difficulty that we could establish communion with them. Then, Sir, the village elders invited us to have tea or coffee with them. When I went there, I requested the hon. Minister to listen to me. When we went there, he rushed and tried to remove the photo of Farooq Abdullah, trying to hide it, thinking that we were all Congressmen. I told him, "You need not hide your feelings and loyalty". Then, we could see the hold Dr. Farooq Abdullah has got over the masses in the Kashmir valley, which you have also seen. The fact remains that he is a force. The fact remains that he is a factor in Kashmir. To think of a political settlement in Kashmir without Dr. Farooq Abdullah will be playing the drama *Hamlet* without the Prince of Denmark. You have to come to a settlement with him. Without having a settlement with him, this type of Government which we are having and which is artificial there will not be able to deliver the goods.

Now, what is alarming is, pro-Pakistani forces and divisive forces are getting encouraged. A nationalistic government and a government representing people's democracy has to function there.

I may also tell the hon. Home Minister who had occasions to speak to some of the hardened Congress-I people there. One Congress-I gentleman spoke to me and told me : "We are carrying a dead body on our head. No doubt, it is stinking but we do not know how to bury it, when to bury it and where to bury it". These are the exact words. These are not my inventions. These are the exact wording of a Congress-I gentleman.

PROF. SAIFUDDIN SOZ : I think, the Treasury Bench must take notice of this.

SHRI E. AYYAPU REDDY : We had recently passed the Anti-Defection Bill. You have to implement in Kashmir the morality behind it—the clean politics which we want to usher in, the clean government which we want to have—and the spirit of the Anti-Defection Act. The J and K Government has already declared that the Anti-Defection Act of the Kashmir State Government is effective and the present gentlemen who are now occupying the Cabinet posts there come within the four corners of that Act. Everybody knows that the Government there in Kashmir is artificial now. This artificiality will not go longer and sooner this artificiality is ended by a political settlement, the better it is and there may not be any necessity for you to establish special courts to implement this Act.

PROF. SAIFUDDIN SOZ : I want just two minutes to speak before the hon. Minister starts replying.

MR. DEPUTY-SPEAKER : No.

PROF. SAIFUDDIN SOZ : I want clarifications.

MR. DEPUTY-SPEAKER : The Minister is replying and you will have the clarifications.

(Interruptions)

MR. DEPUTY-SPEAKER : The Minister is replying. The Minister may carry on.

(Interruptions)

PROF. SAIFUDDIN SOZ : Please sit down. When you are not able to understand, then you can ask. He is replying. You first listed to him.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN) : Mr Deputy-Speaker, Sir, I think, we have had enough of discussion on this Bill. *(Interruptions)*

MR. DEPUTY-SPEAKER : I would not allow anyone. Please sit down. The Minister is replying. Please sit down. Let him finish his speech.

SHRI S.B. CHAVAN : Sir, I thank all the hon. Members who have participated in the discussion. My impression is, barring two Members, rest of the Members of this House who spoke on this Bill have un-animously supported the Amendment which has been brought before the House.

PROF. SAIFUDDIN SOZ : You are misunderstanding me.

MR. DEPUTY-SPEAKER : Please sit down.

SHRI S.B. CHAVAN : Two hon. Members have opposed this Bill. One has opposed because of the Ordinance and the other has opposed vehemently, if I understand correctly Mr. Kabuli. He has said that he is vehemently opposed to this because it cuts at the very root of the powers which Jammu and Kashmir has been enjoying so far; this goes against the spirit of article 370. This is what he has said, if I have understood him correctly. Barring these two hon. Members....

PROF. SAIFUDDIN SOZ : Who are the two Members ?

SHRI S.B. CHAVAN : It is not necessary for me to name them. The hon. Members who spoke against were only two hon. Members, and the rest of the hon. Members who spoke had their own point of view to put forth, but at the same time they have supported this....

SHRIMATI GEETA MUKHERJEE : I did not support it; let it be very clear.

SHRI S.B. CHAVAN : Then this is the third Member who seems to have opposed. I would like to clarify the position...

PROF. MADHU DANDAVATE : Give Prof. Soz two minutes, and there would be the fourth Member who is opposed to it.

SHRI S.B. CHAVAN : He is already there. I presume it. Mr. Kabuli having opposed it, I do not think that he can have a different line. I can well understand that.

PROF. SAIFUDDIN SOZ : I have to say something very important.

SHRI S B CHAVAN : You can see me later on. This is not the way. You talk all the time about democratic process and about democratic functioning. Is this the way how we should function ? I am very sorry that I have to remind you that this is not the way in which we are supposed to conduct ourselves in the House ?

I think, the objections of the hon. Member who moved for disapproval of the Ordinance were two. One was that we were going to meet in a month's time and where was the necessity for issuing an Ordinance, and the second was that there was a possibility of misuse of the powers which have been given under this Bill. If there can be any occasion on which the powers of the President for promulgation of Ordinance can be possibly invoked, I think this was the fittest occasion when his powers could be invoked. We took the concurrence of the Jammu and Kashmir Government, and on the very next day—because these are matters which cannot possibly wait for one month...

(Interruptions)

PROF. SAIFUDDIN SOZ : Sir, I have a point of order to raise.

AN HON. MEMBER : Under what rule ?

PROF. SAIFUDDIN SOZ : It is under many rules apart from 376.

MR. DEPUTY-SPEAKER : What is the point of order ? Which rule has been infringed ?

PROF. SAIFUDDIN SOZ : The point is this. As I had said earlier also, the people of Jammu and Kashmir State have already expressed their opinion...

(Interruptions)

MR. DEPUTY-SPEAKER : Not like this. Ruled out.

PROF. SAIFUDDIN SOZ : There is

no popular Government. It is a defector Government...*(Interruptions)*

MR. DEPUTY-SPEAKER : Your point of order has been ruled out. Nothing will go on record.

*(Interruptions)***

SHRI S.B. Chavan : I am not surprised that a large number of people deserted you. The way you are conducting yourself in this House clearly shows that there is something basically wrong. That is why, Mr. Farooq Abdullah...*(Interruptions)* I am coming to that point later on. You are trying to apply two yardsticks in two different places...

PROF. SAIFUDDIN SOZ : That is what you are doing.

SHRI S.B. CHAVAN : I will come to that point later on. Instead of getting excited on this issue, I think we should try to understand and appreciate the reasoning behind extending the provisions of the Act to Jammu and Kashmir. How it cuts at the root of the powers which the Jammu and Kashmir people have been enjoying is something which in fact I have tried my level best to understand from Kabuli, but I am not able to understand. Even it does not go against the spirit of Article 370. The procedures which have been laid down have been fully followed in so far as the application of provisions of this Act is concerned. I don't think that it is contradictory to the letter and spirit of Article 370. It is a totally different matter and this is not the occasion to discuss as to whether Article 370 is relevant, whether it needs to be removed or retained. It will require a separate debate. I don't think that this is an occasion of a debate on Article 370's retention or removal.

Sir, there are serious apprehensions in the minds of some Hon'ble Members that the powers which have been given to the State Governments can possibly be mis-used. Wide powers have been given under the Act. Hon'ble Members will remember that wide powers had been given to the

**Not recorded.

[Shri S.B. Chavan]

State Governments under the National Security Act. I have seen that in most of the cases where powers of detention have been used almost entirely by the State Government and not a single case Hon'ble Members will be able to point out where the Central Government has taken action under NSA. Hon'ble Members might be aware of the fact that when detention is being ordered at the instance of the police authorities, the case goes to the Advisory Board, which is presided over either by a sitting or a retired judge of the Supreme Court. There are three or four people to assist him. After the whole thing is cleared by the Advisory Board, it comes to the Central Government. This is the entire procedure that is being followed. I cannot possibly give a guarantee that there cannot be even a stray case where powers are mis-used, unless it is brought to our notice. Our instructions are very clear that the entire thing needs to be gone into full details and the powers under this National Security Act should not be mis-used. There should be no curtailment of the normal political activity and the trade union activity indulged by the Hon'ble Members or by the members outside the House. These are very clear instructions given by us.

Under this Act also, we have given guidelines and requested the State Governments that these powers have got to be used very sparingly where they feel quite confident that here is a genuine case which needs to be brought under the provisions of Anti Terrorist and Disruptionist Prevention Act. Only genuine cases should be tried and the Hon'ble Members may be surprised to know that inspite of the fact that two months have passed, I find that there are hardly nine State Governments who have been able to constitute the designated courts, 4 have been created in Haryana, only 1 case has been registered, 4 have been created in Punjab, 12 cases have been registered, Uttar Pradesh, 3 courts—3 cases, Himachal Pradesh 2 courts—1 case, Sikkim 1 court—no case, Chandigarh 1 court—2 cases, Delhi 3 courts—no case, Rajasthan 4 cases, Gujarat 10 cases. So, in all 33 cases have been registered in 18 designated

courts. This clearly shows that the powers which have been given to them are being sparingly used. I don't think that Hon'ble Members can possibly expect any kind of a special treatment if they were to surpass the limits, which infact, is laid down even for a political activity. If you surpass the limits and go within the circle of the terrorist or disruptionist activities, I don't think that you are immune from any of the provisions of the Act. I don't think that any Hon'ble Member will expect that there should be a discrimination between an ordinary member of the public and the Hon'ble Member of this House. The Act is applicable in the case of everybody and there can be no distinction on this basis so long as you attract the provisions of the present Act. But I can assure the hon. Members that we have given very clear guidelines to all State Governments to see that the powers under this should not be misused to curb any political or trade union activity.

Hon. Member, Mr. Rao mentioned it and I believe another hon. Member has also mentioned about Centre—State relations and the creation of Sarkaria Commission and that a large number of issues have been referred to them. The hon. Member wanted a special task force to be employed to see that all unlicensed and illegal arms factories are unearthed by this task force. As far as my information goes, this is supposed to be the responsibility of the State Governments. If the hon. Member feels that these are cases wherein the State Governments, are prepared to surrender their powers to the Central Government, by all means we are prepared to take up responsibility provided we get such a proposal from the State Government concerned. I do not think that any of the State Governments have so far requested the Central Government that in spite of the fact that powers are with them, they would like to surrender those powers and give them to the Central Government so that on our behalf we should be in a position to exercise all these powers. Ultimately the Centre and the State are both together interested in maintaining peace and creating a proper atmosphere of good relationship and putting an end to this kind of an abnormal situation of terrorism and disruptive activity.

Hon. Member, Prof. Rangaji was pleased to ask me as to whether some of the people who are indulging in some kind of an activity which in fact is very undesirable would be covered. I think if our hon. senior Member refers to the definition—this is clause (3) which say :

“whoever with intent to overawe the government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people to adversely affects the harmony among the different sections of the people...”

So it is wide enough. So, if the State Governments, after properly weighing the pros and cons were to come to this conclusion that here is a terrorist activity indulged in by a section of the people with these determined views, certainly they attract the provisions of this Act. I think they can have the legal opinion from their Advocates-General also and find out. But at least *Prima facie* I feel that these sections definitely can be covered under those.

There were other issues which were raised to some of the hon. Members. I do not think that I should go into the details and give reply to all the points which were made by the hon. Members on different issue. Of the different points which were made, one was about the misuse of the powers and the next point which was made was about giving special training to the police officers, the para-military force and the intelligence agencies. Unless proper training is given and proper equipments are given into their hands, even the provisions of the Act will not become effective. This is one issue on which many members spoke. I have made myself very clear while replying to the debate on the Demands of the Home Ministry that we are now thinking in terms of having a new re-orientation course. New type of training will have to be given. Totally different kind of orientation will have to be given in the training itself. In the initial period inservice training will have to be provided for. There has been a lot of change in the nature of crimes being committed earlier and now. So, a totally different kind of approach will be

necessary. I have told the police officers concerned. They are preparing the plans for the same.

Similarly on the issue of giving training to Intelligence agencies, unfortunately, everytime on some occasion or the other, most of the hon. Members point their fingers on the Intelligence agencies having failed. Unfortunately, we had a very bad accident in Delhi wherein one of our very esteemed colleague—he and his wife—were killed. One of the lady members referred to a threatening letter which was received by him. It was on 27th of the month that he had received the letter. Unfortunately, this letter was handed over to the police on the day the accident happened and that too after the killing took place. On 31st the police officers got the information. I cannot possibly say that even if on 27th they had got the information whether they would have taken or not taken steps which in fact were required to give proper protection to him. It is a totally different matter. But so far as record is concerned, I think, the record should be put straight that the information is not correct that the police officers got the information and they slept over it. This information was given to them after the incident took place and that is why they could not act on it. But I do not want to defend the Intelligence agencies either. They will have to be given proper training and some of their problems will have to be looked into. We are going into the details. I cannot possibly give all the details at this stage.

Sir, I think these were the different issues which were raised by hon. Members. I do not think that I need to refer to any other point which was raised. Shri Namgyal referred to petro dollars and some disquieting situation on the border. We are aware of the fact about the carpet industry and the way carpet industry is functioning there. In fact, the carpet industry in functioning very well but certainly if he has any such information that in the name of running a carpet industry petro-dollars are being brought by some interested people and some foreign elements seem to be interested in passing on this kind of financial aid for disruptive activities, if the hon.

[Shri S.B. Chavan]

Member has any such information with him instead of talking here he can possibly pass on that information and if we can possibly make use of it and act on the same, we will be happy to do it. Not only Mr. Namgyal but if any other hon. Member has any information they are welcome to pass on that information rather making than mention of it on the Floor of the House.

Sir, much has been said about the Jammu and Kashmir Government. I do not know everybody seems—since Telugu Desam also is on the other side, I can well appreciate that they are not trying to make distinction between one Government and the other—I think there is a definite smile between the two—You wanted N T Rama Rao to come back since he had the majority.

PROF. MADHU DANDAVATE :
People wanted him to come back.

SHRI S.B. CHAVAN : Telugu Desam party also wanted. Do you mean to say Telugu Desam party was not interested. Tolugu Desam party was also equally interested in seeing that N.T. Rama Rao is brought back so that he could test his majority on the Floor of the House.

PROF. SAIFUDDIN SOZ : The drama in Jammu and Kashmir was different.

(Interruptions)

SHRI S.B. CHAVAN : If Mr. Abdullah falls that he enjoys the majority of the Assembly certainly he is most welcome. He can give 'no confidence motion' against the present Government and test their strength and his own strength. Instead of doing that everytime there is some discussion or the other everybody would like to take advantage of the situation and say this is a puppet government.

PROF. SAIFUDDIN SOZ : People of India say that is a puppet government.

SOME HON. MEMBERS : No.

PROF. SAIFUDDIN SOZ : The whole of India says. *(Interruptions)* The people of

India say that there is a...Government there. *(Interruptions)*

SHRI S.B. CHAVAN : If you can't command the majority, this is the only thing that you can possibly say. I don't think that I need say anything more on this. *(Interruptions)*

SHRI P. NAMGYAL : The State Assembly has already passed the budget grant there and later they elected the Speaker. At that time you could not do anything. Now, again, the State Assembly is meeting on 17th and you can bring No Confidence motion against the Government. *(Interruptions)*

MR. DEPUTY-SPEAKER : No further discussion is allowed.

(Interruptions)

PROF. SAIFUDDIN SOZ : You are forgetting this fact. The entire country knows about it. *(Interruptions)*

SHRI S.B. CHAVAN : In the end, I will merely repudiate another charge that the Congress Party and the Government have been encouraging the terrorists is a total falsehood and I do not like that an hon. Member who spoke on this did not take care to go into the detail before making such a serious charge. I totally repudiate it.

PROF. SAIFUDDIN SOZ : Mr. Deputy-Speaker, Sir, I have a point of order. This resolution was moved by Mr. Janga Reddy and my name was second in the list. He is not present here and so the debate must be closed.

MR. DEPUTY-SPEAKER : You have not moved the resolution. Mr. Janga Reddy has moved the resolution. So you have no right to say on this.

PROF. SAIFUDDIN SOZ : Kindly give me two or three minutes now to conclude the debate.

(Interruptions)

MR. DEPUTY-SPEAKER : I am not allowing you. Please sit down.

(Interruptions)

MR. DEPUTY-SPEAKER : I find that Mr. Janga Reddy is not present in the House. I shall now put his resolution to the vote of the House.

The question is :

"This House disapproves of the Terrorist and Disruptive Activities (Prevention) Amendment Ordinance, 1985 (Ordinance No. 4 of 1985) promulgated by the President on the 5th June, 1985."

The motion was negatived.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to amend the Terrorist and Disruptive Activities (Prevention) Act, 1985, be taken into consideration."

The motion was adopted.

Clauses

MR. DEPUTY-SPEAKER : We will now take up clause by clause consideration of the Bill.

The question is :

"That Clauses 2 and 3 stand part of the Bill".

The motion was adopted.

Clauses 2 and 3 were added to the Bill; Clause 1, Enacting Formula and the Title were added to the Bill.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN) : I beg to move :

"That the Bill be passed".

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

17.42 hrs.

EMPLOYMENT OF CHILDREN (AMENDMENT) BILL

[English]

MR. DEPUTY-SPEAKER : Now, we will take up the next item of the List of *Business of the House*. Shri T. Anjiah, the Minister of State of the Ministry of Labour, may please move his Bill.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI T. ANJIAH) : Sir I beg to move :

"That the Bill further to amend the Employment of Children Act, 1938, be taken into consideration."

Sir, the employment of Children Act, 1938, prohibits children from being engaged in certain specified occupations considered hazardous. However, it has been observed that in case where prosecutions have been launched and convictions obtained, the punishment has been usually very light.

We have, therefore, considered it necessary to amend Section 4 of the Employment of Children Act to enhance the penalty so that it has a deterrent effect on employers who violate the provisions of the Act.

The existing penalty provides for simple imprisonment which may extend upto one month or with fine which may extend up to five hundred rupees, or with both. This is proposed to be enhanced for the first offence to simple imprisonment which shall not be less than three months and may extend upto one year or with fine which shall not be less than five hundred rupees but may extend so two thousand rupees or with both. A minimum penalty has been provided to that inordinately light sentences are not given. It is proposed to have a stiffer penalty for second and subsequent offences. The imprisonment shall be for a term not less than six months and may extend to two years. The court can, however, for special and adequate reasons, to be recorded in writing, impose a prison sentence of less