

introduce it tomorrow. I have already suggested that it should be expeditiously decided.

SHRI SAIFUDDIN CHOUDHURY (Katwa): Let us appeal to the Standing Committee to do it quickly.

SHRI H.R. BHARDWAJ: Standing Committee belongs to both the Houses of Parliament and I am bound by the views of the Standing Committee.

12.39 hrs.

POLICE FIRING IN HUBLI
(KARNATAKA)

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, whatever has taken place in Hubli on 15th August is a matter of concern for the whole nation. It's reflection in this House is not only natural but imperative also. 15th August is our independence day, a festive and rejoicing day. It can not be a day of rejoicing for us if in any part of our country an incident of firing takes place, the innocent persons are killed and mournful situation is created.

On 15th August, we pay our tribute to those martyrs who had tried to unfurl the tricolour during the British rule and felt a victims to their bullets. Today, we remember them as martyrs. It is very unfortunate that on the anniversary of our independence, innocent people are killed or firing is resorted to for stopping the people to unfurl the tricolour or our National Flag. Whatever has happened in Hubli is nothing but a massa-

cre. You will say that it is a State subject. Mr. Speaker Sir, that is why I have submitted in the very beginning that it is not a State subject only. On the occasion of unfurling National Flag, the use of Rapid Action Force is not understood. The Chief Minister of Karnataka paid a visit to Delhi on 15th August and he met the hon. Minister of Home Affairs. I would like to know the guidelines/instructions he received from him. Whether it is a fact that the hon. Home Minister asked him to stop them with iron hands. The site of unfurling the National Flag is a separate issue of discussion but the way the police has behaved matters much. The firing incident took place in Deshpande Nagar and there was no justification of firing there. The firing was resorted to take revenge and to teach them a lesson. Has the Rapid Action Force been set up for this purpose only. The firing took place on the way to hospital when the injured persons were being taken there and one person died there also.

On 19th August when the people were making protest and mourning their death, the firing was resorted to. The driver opened fire. The police officers claim that it was an over action. The driver of the Police vehicle opens fire and kills a lady, an innocent lady, which had no connection with the agitation. She is the mother of four children. She was shot dead on 19th. Was it not possible to bring the situation under control by issuing minimum force? Whether it is a fact that the firing was resorted to kill the people and not to disperse the crowd? It is alright that the Government of Karnataka has set up a judicial inquiry in it but we would like to know about the role of Centre on it. What transpired between the hon. Home Minister asked for a report from the Karnataka Government even after such a big massacre?

Even now there is tension. It is being tried to give it a communal colour. It is not a communal issue. Mr. Speaker, Sir, I intended to go there but I could not go, an hon. Member of this House Kumari Mamata Banerjee was present there on that day, the House should listen to her. This issue should be discussed.

[*English*]

SHRI LOKANATH CHOUDHURY (Jagatsinghpur): Mr. Speaker Sir, what has happened in Hubli is really unfortunate. It is true that some unfortunate people died in the police firing. It is definitely unfortunate. But now, the question is, who is responsible for it.

That is the question that the whole nation should know. The Idgah is a very small place and a disputed place also. There was an attempt to hoist the National Flag and under the cover of giving honour to the National Flag an attempt was made to promote communalism. That was the intention behind hoisting the National Flag. Unfortunately, as a precautionary measure, firing had to be resorted to. Papers were coming out with the headings that 'Kumari Uma Bharti snaked in that area to hoist the Flag'. There are so many other places where the flag can be hoisted. Everybody should hoist the National flag at his housetop. We are proud of our National Flag. We are also the guardians of our National Flag which is a symbol of secularism. We should honour our National Flag and at the same time we should guard this symbol of secularism. Those who provoked this incident are anti-national and the responsibility lies on them and not on the Government. They should take the responsibility as it is they who created a condition on the Independence Day wherein so many innocent people died.

They created this condition to achieve narrow political ends, that is to spread the communal virus in the Southern part of the country. I have given a notice of an Adjournment Motion to condemn such activities.

The other day we defended the Parliamentary system by forging the Government to withdraw the ATR as the Government was not giving honour to the Parliamentary procedure. Today, this message should go from the House that we are interested to maintain the dignity of the Parliament and we are also committed to maintain the secular character of the nation. We are committed to maintain national harmony. Those who indulged in such activities in order to achieve narrow political ends, which led to the killing of innocent people, should be firmly condemned and this House should send that message to the nation by accepting my Adjournment Motion.

[*Translation*]

KUMARI UMA BHARATI (Khajuraho): Mr. Speaker, Sir, through you, I would like to narrate the facts of Hubli incident before this House. Shri Lokanath is a Senior Member. But it seems that Government has decided to keep the whole House and the country ignorant about the real situation. The foremost thing is that it is wrong to call it a disputed site because there had never been a dispute about this place.

Sir, in 1921, on request by the people Anjuman-e-Islam was given licence by the Court to offer 'namaz' at this Maidan twice a year. Later in 1962, the Municipal Council of the district raised an objection to the proposed construction of shops by Anjuman-e-Islam at this site as the land belonged to the Council and thus the dispute arose. The lone

cause of dispute is whether shops can be constructed there. Otherwise calling it a disputed land reveals the ignorance of the concerned authority.

Mr. Speaker, Sir, secondly I would like to say that public functions were held at this place earlier also. During the regime of Janata Dal hon. Ramkrishna Hegde's meetings were held on the same ground. The Birth centenary of Rev. Hedgewar was celebrated on this very ground by RSS people after obtaining permission from the Municipal Corporation. It was said that we had gone there to create communal disturbance. In this connection, I would like to say that we had not gone to the place for hoisting saffron flag. I would like to tell Shri Lokanathji that we had gone there to hoist the national tricolour. Several people of our country bore bullet shots and took part in freedom struggle. Several patriotic songs have been sung in praise of this tricolour. These songs were of the like: Jhanda ooncha rahe hamara, vijayee vishwa tiranga pyara.

We were willing to go there to hoist the tricolour and there was no dispute over this issue. But later on that place was proclaimed as 'Idgah Maidan', whereas for the last three years we have been telling the State Government, Muslim leaders and the district administration that BJP has no intention to hoist the national flag over there. We would have been satisfied by sending a representative of the administration to hoist the national flag at that place. We had no intention to play politics over that ground. But the State Government completely misled the Central Government and the media. Thereby the situation became more tense and ultimately the leader of our party in Rajya Sabha was arrested illegally and unconstitutionally at Bangalore airport. The

whole Hubli was converted into a police fort to check my entry into the State. But on the 15th August, the brave workers of the party hoisted the tricolour and later on it was decided that the crowd which had gathered in the city for this purpose be sent back. Hon. Mr. Speaker, Sir, I myself had gone to address the crowd that had gathered at Deshpande Nagar. However, we decided otherwise and sent the crowd back as the tricolour had already been hoisted. But the district administration did not permit me to do so. I was arrested near the police barricades. (*Interruptions*). I made several requests but I was not permitted to go there. (*Interruptions*).

Mr. Speaker, Sir, Lokanathji is a senior Member. I have heard him with patience. Is it not his duty to let me speak. He should have taught us Parliamentary etiquette instead of interrupting in between.

I requested them to let me go before the crowd for a moment but I was arrested and the crowd was informed that Uma Bharati had been arrested and the tricolour had been hoisted at 6.40 and the crowd was asked to return. The 1500-2000 strong crowd started returning and only 40-50 were left I would like to say that it is totally incorrect and false propaganda that crowd became violent and pelted stones. It is not true. I would like to say that not even a pebble was thrown. The police indiscriminately fired at innocent people who were doing their routine household chores. A priest who was returning home after worship was shot dead. Mr. Speaker, Sir, there were two reasons behind police firing. The first was that despite their restriction we entered the city and secondly that the tricolour was hoisted at 6.40 successfully by us. To divert the attention of the public from the failure of the State

Government the police resorted to firing so that a case could be made out that innocent people were made to die as a result of communal violence fanned by BJP in the area.

Mr. Speaker, Sir, the fact is that people belonging to Janata Dal and the Congress had infiltrated into our ranks and it were they who tried to spread rumours that the dead bodies would be cremated at the Idgah Maidan. BJP and RSS people contacted the families of dead persons and requested them to demand the bodies of their kin. The Central and State Government tried their best to give it a communal colour they failed in their designs because one of the dead, Akbar Ali, was a BJP worker from Billari. On the one hand Pakistani flags were hoisted at 15 places in Hyderabad on 14th August... (*Interruptions*). Pakistani flag was hoisted at the 'Lal Chowk' on 14th August.... (*Interruptions*). Pakistani flag was hoisted at the 'Lal Chowk' on 14th August.... (*Interruptions*)**

I would like to know as to why the Pakistani flags were hoisted at 15 places in Hyderabad city on 14th August.

[*English*]

MR. SPEAKER: That is not going on record.

[*Translation*]

KUMARI UMA BHARATI: Let it be expunged, I do not mind. We have to kindle patriotic fervour in the minds of hon. Members whose conscience is in slumber. Why Pakistani flag was hoisted in Kashmir valley on 14th of August. The person responsible for burning of the National Flag and copies of the Constitution and who hoisted the

Pakistani flag is being given VIP treatment and is being groomed as future Chief Minister of the State, Mahatma Gandhi, Subhash Chandra Bose, Chandrashekhar Azad and Bhagat Singh must have condemned the Government on hearing this news in heaven that the Government had not permitted hoisting of National Flag and that five persons were killed in Deshpande Nagar which is two kilometers away from the said Idgah Maidan in Hubli when they were demonstrating for this cause. Was the National flag hoisted by a remote control? No. The House was misled Mughals and Britishers have not given us slavery. The fact is that they were able to rule us due to the betrayal by such people. With these words, I conclude.

[*English*]

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, just now, after hearing her speech, we are fully convinced why that programme was initiated by BJP. The whole object was a very very crude object of utilising one of the most important days in our national life viz. Independence Day, for the purpose of dividing the people on communal lines rather than uniting the people and fighting for national integration.

Sir, we have not been told why this ground was particularly chosen for unfurling the national flag. Whether there is a dispute or not, that is also a dispute. Therefore, so many areas are there. There are no difficulties. Why should somebody make it a prestige issue that they must raise the national flag at that particular point of time? I do not yield to anybody in expressing my loyalty, my reverence for our national flag, our commitment to uphold the national flag and not only the national flag but whatever message

** Expunged as ordered by the Chair

it represents viz., the ethos of our country, our commitment to secularism, our commitment to national progress and national integration. I yield to none. Nobody has the monopoly of that. And merely saying that they wanted to raise the national flag, therefore, they have become very patriotic than somebody else cannot be accepted. The whole object was to try and create communal division and try to take political advantage by arousing this communal passion on a very sacred day of our country viz., the Independence Day.

Sir, we are sorry that some innocent lives have been lost. For that, a judicial inquiry had been ordered. But, certainly, I would like to tell the Government - whichever Government is there - not to be trigger-happy at any point of time. That does not justify a politically-motivated action to really divide the people on communal lines, on religious lines on the Independence Day.

Sir, ordinarily, this matter might not have been raised in the House because law and order is a State subject. But, the message of this Parliament's commitment to secularism cannot be halted and we want that should go. That is why, I am also participating in this.

Therefore, I believe this House should know, this country should know, who are trying to divide the people, who are trying to spread the poison of communalism in this country and we cannot be a party to it and we cannot even approve of any action taken on a very very important day of our country, on the incident of this nature which is nothing but a deliberate provocation for the purpose of creating communal problem.

Therefore, Sir, while I share my grief for

the innocent lives that had been lost but the persons responsible for this should be suitably dealt with and the country should send them to dustbin of history.

[*Translation*]

13.00 hrs.

SHRI SHARAD YADAV (Madhepura):
Mr. Speaker Sir, the incident that took place in Hubli is very unfortunate. I agree with Atalji that it is very unfortunate that such an incident took place on the independence day. This Idgah area is a disputed area and the matter has been complicated further over the last three-four years. As per the court ruling this is a disputed area. When the Janata Party was in power Shri Hegde used to be the Chief Minister of the State. Shri Chandra Shekharji is present here. This matter had been raised at that time also but the Government had made a compromise between both the sides. The killing of people is the most unfortunate in this incident. The matter could have been tackled in some other ways, say by throwing water cannons, using rubber-bullets and making lathi-charge etc. I would like to ask these friends of mine as to why have they selected this particular day whereas they did not do any such thing about this in last three years. I would like to ask Shri Sikandar Bakht and the hon. lady Member who spoke just now. I feel as if our friends from the Bharatiya Janata Party have been painstakingly looking for such a site on which there is a dispute between the two communities. There are several places in our country afflicted by some dispute or the other but it is evident that they are always looking for such sites. We got the National Flag and our freedom after a long period of slavery.

SHRIMATI BHAVNA CHIKHURIA (Junagarh): Where there are treacherous people... (Interruptions).

SHRI SHARAD YADAV: There is even a separate culture to create treacherous people. There have been treacherous people for thousands of years.

I want to ask as to why does it happen to them. Today corruption is an important issue before the country and the whole country is under its grips. The Government is involved in several scams. Then, there is problem of poverty in the country. Nearly 30-32 per cent people live below the poverty line. But our friends from the Bharatiya Janata Party went to unfurl the national flag on the disputed Idgah in Karnataka, they did not do any such thing for the last three years. They have done it now because the elections are round the corner.

SHRI ANNA JOSHI (Pune): It is being done for the last three years.

SHRI SHARAD YADAV: But this time it was done with much fan-fare to incite riots. The Government resorted to bullet-firing, and many innocent people were killed. I strongly condemn it. These friends of ours instigated people which resulted in a clash and later brazenly claimed of having had unfurled our national flag. Thousands of our soldiers gave their lives and today also they are still giving their lives in Kashmir for the sake of security of the country and our sisters, mothers and daughters are turning widows. These people silently fled the scene but those poor people were shot. I am not mentioning baseless facts. I have also participated in many an agitation. Both my legs have become lame. I have spent four and a

half years in jail. I never showed my back in the face of lathi-charge or bullet-firing. I bravely faced these situations. I can even show you my shoulders to prove that a bullet had touched my arm. These people left poor people in the lurch. They should stop communalising the atmosphere between Hindus-Muslims by highlighting disputed places. The flag can be unfurled elsewhere in the country. They should resolve to continue honouring the flag and cover every inch of land under its umbrella and not resort to such activities. If we go on unfurling our flag in this manner it may weaken our flag and the country. There are 14 crore such people in the country. (Interruptions).

SHRI RAJVEER SINGH (Aonla):... (Interruptions)**

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): It should be deleted from the record.

MR. SPEAKER: This will not go on record.

...(Interruptions)

SHRI SRIKANTA JENA (Cuttack): Are they the only party? There is a limit to it. BJP has taken a political decision. After Ayodhya, they have decided to do it in Hubli. They must know what consequence they are going to face. What they had done in U.P., the same thing they are going to do in Hubli. (Interruptions)

[Translation]

SHRI SHARAD YADAV: Mr. Speaker, Sir, those 14 crore people belong to our

** Expunged as ordered by the Chair

country only and Badshah Khan was one of them. Though he is no more amongst us yet he was one of the crores of freedom-fighters who gave us this flag. We should not forget him... (*Interruptions*) This is nothing. I have been talking of national interest right from the beginning. The hon. Prime Minister has been talking of celebrating birthdays of some people but I am pained to say that he has forgotten Badshah Khan who was a close associate of Mahatma Gandhi. The way celebrated our freedom by unfurling the tricolor, Badshah Khan also celebrated it in Pakistan with the same fervour and he was one of the 14 crore people. I am talking in every body's interest, be he a Hindu or a Muslim. I would like to say that nobody should have the right to prevent others from unfurling the national flag. If a person irrespective of his religion says that they made sacrifices, obviously, he is talking of the freedom struggle. The extent of one's sacrifice in the freedom-struggle should also be discussed. Our ancestors made several sacrifices in the freedom-struggle but the kind of freedom-struggle these people are talking about and proudly claiming that they are the progeny of those who participated in the struggle of 1942 viz. Acharya Narendra Dev, Dr. Ram Manohar Lohia, Shri Jai Prakash Narayan, we do not narrate such thing.

I would like to appeal to my hon. colleagues from the Bharatiya Janata Party that India is helpless due to its poverty and it is being sold out to foreigners. Even after 47 years of Independence the entire country is reeling under unemployment and starvation and these self-seekers here are relishing on embezzlement and scams. You both should not indulge in disintegrating the country. The people should not be divided merely for making to create vote-banks. The politi-

cians with vested interest are always keenly in search of a dispute. The ulterior motive behind hoisting of the tricolour is to gain advantage in elections. This is bad. I condemn this motive and also the firing by the Congress Government there. Many persons might be having such sick mentality but they too have their right to come over it. That mob could have been brought under control by using water canon. The Government had been able to control the rally staged by the Bharatiya Janata Party. One person was killed therein. Why did not the Government take preventive measures? The Government did not prevent this incident deliberately just to woo the Muslim votes. With this malafide intention the Government ordered to open fire and allowed both the Hindus and Muslims to take out procession there. I would like to request the Government to stop it. Once I am provoked, I cannot keep mum on such a sensitive issue. I would like to point out that this incident has taken place to derive political mileage because election is due there after two months. We, therefore, should take this into consideration as to whether it is proper to commit homicide for winning the elections.

[*English*]

DR. KARTIKESWAR PATRA
(Balasore): Sir, people are the best judge.

MR. SPEAKER: I am not allowing you.

...(*Interruptions*)

[*Translation*]

SHRI ASLAM SHER KHAN (Betul): Mr. Speaker, Sir, I would like to say something on the issue of hoisting of tricolour in Hubli on the 15th. I think, there is nothing wrong in

it. I am sympathetic to the people who lost their lives in that incident. Government of Karnataka has ordered judicial inquiry into this incident. Facts will also come into light. But one thing is very clear from the discussion here that many political parties want to use the Muslims as an instrument to help them win the elections and form their Government. The Muslims have always displayed their faith in the Constitution and democratic set up of the country. They believed in the leadership of Pandit Jawahar Lal Nehru, Shrimati Indira Gandhi and Shri Rajiv Gandhi. But today conspiracy is being hatched against the Muslims. I would not like to quote what I remember now. I have utmost regard for Shri Atalji. Atalji is of the opinion that there should not be any discrimination in the country and everybody should enjoy equal opportunities. But I know his helplessness and limitations also. It may be noted that the Muslims did not vote for the B.J.P. due to the line taken by the party and therefore, the party lost some seats. This is the result of the hardline politics introduced by the Bharatiya Janata Party in the country. On this occasion I would like to refer to Shri Syed Shahabuddin who is also responsible for the present situation in the country.

[English]

MR. SPEAKER: I am going to call Shri Syed Shahabuddin after him.

[Translation]

SHRI ASLAM SHER KHAN: He himself is one of the two persons who set up the Babri Masjid Action Committee... (*Interruptions*). But it was you who set up the Babri Masjid Action Committee. The performance of our Government is known to all. The greatest loss our country has suffered was

the assassination of Rajiv Gandhi. Had the partition of the country been avoided, there would have been no issue of Hindus or Muslims.

I have deep regard for the people of the country. When I scored a goal against Pakistan at *Kualalumpur* and enabled India to win the match all the people from Kashmir to Kanyakumari had adored me. Even today we witness in our country that if riot takes places of their Hindu brethren and likewise, if riot occurs in Hindu dominated area, the Hindus come to the rescue of their Muslim brethren. But attempt is being made to break this tradition also.

I request only this much that such attempts should be given up. Why are you maligning the hearts of the Muslims to secure political gains. You have made it an issue and wherever you get a chance you try to cash it. Therefore, communal colour should not be given to the Hindu and Muslim communities in power conflict of the political parties. I do not understand that Muslims will object to the situation at Hubli. The Muslims there have nothing to do with this incident even then these conflicts are taking place there.

Muslims should not be made target for deriving political mileage. The Muslims today are politically awakened. They have been disillusioned in the wake of the demolition of the Babri mosque. They have become very weak. If the country continues to follow the present trend, recurrence of Bombay incidents cannot be averted and the whole country will be sailing in troubled waters.

On this occasion I would like to point out that the issue of subsistence for our people

needs to be discussed. Now issues should be changed. Every party has equal importance. None of them is superior to another one. I think that now such things should be put to an end and our national heritage of peace and amity should be preserved.

With these words I conclude.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Speaker, Sir, while criticising the B.J.P. the Congressmen resort to drag Shahabuddin.

Mr. Speaker, Sir, it is very unfortunate that people and children of the country become victims of bullets and we condemn it openly.

I can guess from the newspaper reports that the Hubli dispute could have been resolved without any bloodshed. We endorse the demand for a judicial enquiry into the incident but the lives which have been lost therein cannot be brought back. On this occasion I would like to suggest the Government also that the Government and police should have acted with constraints while dealing with the mob. It should have been borne in mind that the people facing them were not their enemies, but their compatriots and brethren. Firing should not have been made so arbitrarily. I condemn this incident.

Mr. Speaker, Sir, I would like to point out one thing. Patriotism and faith in one's own community is not the monopoly of a particular community. I condemn anybody who suspects the patriotism of Muslims and I do not want to produce any testimony in this regard. I do not want to name anybody. I realise that every community has few traitors. But regards the general citizens of the

country - be they Hindus, Muslims, Christians or belonging to any religion-they love the country equally.

I would like to ask my Senior friend Shri Vajpayeeji one question as to why did he change a local issue into national issue. What prompted Shri Shikandar Bakht and Kumari Uma Bharti to visit that sensitive place? Is it the practice of the Karnataka Bharatiya Janata Party? Were the citizens of Hubli city not sufficient to resolve this dispute? It smells of certain conspiracy behind it. I would like to point out one thing more. Since the issue was sub-judice and the court had asked to maintain *status quo*, the Court could have been requested to instruct the administration to allow hoisting of tri-colour there. Once the court had permitted, it would not have created any problem to anybody. But you do not believe in the rule of law and resort to muscle power and launch agitation instead. Thus people are misguided. I condemn this wrong policy.

I would like to point out one thing more. Trivial issues should not be made personal issue or issue of prestige. My hon. colleague, Shri Sharad Yadav has rightly said that politicians are always in search of sensitive issues in the country and try to whip up the sentiments of people. It is not the testimony of patriotism. Only traitors have this tendency. (*Interruptions*).

KUMARI UMA BHARATI: Mr. Speaker Sir, hon. Member has used the word 'traitor' which is unparliamentary. Therefore I request you to expunge it from the proceedings of the House (*Interruptions*).

SHRI SYED SHAHABUDDIN: Friends, and Mr. Speaker, Sir, I would like to say only one thing that what has been done in Ayodhya

by them, is before the world and we will not permit them to create another Ayodhya in Southern India in the name of Kashmir problem. There are some people in Kashmir who are following a wrong path and we are combating them collectively. But we will not react to Kashmir problem in Hubli. Reply to Kashmir problem will be given by Muslims and people of the country.

In the end I condemn the police firing and conspiracy woven by the authority which tried to set the country ablaze by flaring up fundamentalism.

SHRI LAL K. ADVANI (Gandhi Nagar):
Mr. Speaker, Sir, in the beginning of Shri Shahabuddin's speech I thought that his style will be like Shri Aslam but it seems that he has been slightly derailed from his point by Aslam Khan Saheb's comments about him. Shri Aslam said that when he returned to the country after having the hockey tournament, all the people of the country felt proud of him without making any difference as to which community he belonged. They all were happy that captain of Indian hockey team won the match. I do not know whether Pakistan has any impact of such feelings of Indian people or not? I know that Shri Aslam and Shri Azhrudin will impress the common man of the country. No Indian citizen has feeling to know a person by his or her religion. It is our tradition and we are proud of it. therefore I agree with his views that it will be wrong if any community, political party or person will think that Patriotism is his monopoly. India is a vast country. We should try to inculcate patriotism in every citizen if we want to build up a nation state and it is also correct that every community has persons lacking in patriotism.

Mr. Speaker, Sir, Hubli incident was not

an outcome of any dispute even then happened. I would like to tell some facts about the ground which were also mentioned by Umaji. It should be known that there is no dispute or case pending with the Court about that land. This land belonged to Municipal Corporation. Anjuman-e-Islam was given permission by Court in 1921. In 1962 local people filed a public litigation case to get permission for building complexes or shops, which was not given to them.

Mr. Speaker Sir, I do not know about the actual loss incurred by the country due to it. Government can criticize B.J.P. in this House but I would like to say that it should take care of the harm done to the country's image outside by such incidents. You should not forget that country's image calumniates with the disinformation spread by the Government. Today the foreign media has commented on this incident that-

[English]

"There was an attempt to hoist the Indian National Tri-colour on a Muslim shrine".

[Translation]

(Interruptions) I would like to say something about the facts. It is a fact that there is no dispute over the ownership of this land. Perhaps you do not know that High Court had given its judgement in 1992.

[English]

....that the shops be demolished forthwith. But so far as the use of that land is concerned, the High Court or the Supreme Court did not give any stay. The Special Petition would be considered, if admissible.

The only stay is in respect of the shops not being demolished. But so far as the use of that land is concerned, there was no stay and all the orders of the courts of law were in favour of every citizen of Hubli being free to use that land. (*Interruptions*)

SHRI SRIBALLAV PANIGRAHI (Deogarh): Why did you send Shri Sikander Bakht and Kumari Uma Bharti there?

[*Translation*]

SHRI LAL K. ADVANI: Mr. Speaker Sir, this issue has not been raised by BJP in 1994 only. I would like to say that the facts mentioned in today's debate suggest, and Sharadji has also said that BJP has remembered it suddenly because the forthcoming elections in 1994, is not correct at all. Bhartiya Janata Party has been raising this issue continuously for the last three years that throughout the year taxis run there meetings are being held at that place since long. But then why it happened who were against the hoisting of National Flag. As per my information there was no such protest from Muslims on this issue. (*Interruptions*) A month or 20 days back some journalists from here visited that area who told that perhaps they are big leaders of Muslim community who said that anyone can hoist the flag. Bhartiya Janata Party also told that anyone, whether the Chief Minister, Collector or Anjuman-e-Islam, can hoist the national flag there you may not be aware of the fact that from the side of the Government it was told that Anjuman-e-Islam will not be permitted to hoist tricolour there. I have that statement with me. (*Interruptions*)

[*English*]

SHRI LOKANATH CHOUDHURY

(Jagatsinghpur): Were not you there in 1991, 1992 and 1993? Why have you chosen 1994 especially to hoist the flag?

SHRI LAL K. ADVANI: Mr. Speaker, Sir, the representative of the State Government told that even the Anjuman-e-Islam will not be permitted to hoist the tricolour there.

Today the reason for the hot discussion on this issue was that Bhartiya Janata Party had launched a political campaign and move on this issue. I would like to know as to what the common citizen of the country will think when he sees that tricolour has been hoisted even in Kashmir valley several times. But this House had not expressed any reaction over it. I am labelled as communal when I, and people like me express their views over such incidents. Shri Shahabuddin says that I raise these issues as I consider all other traitors. There is no reason to term all other people as traitor or communal, but I consider that there are some reasons behind the problems which arose before the country after 1947. One of the reasons is lack of patriotism, and nationalism. (*Interruptions*) I am not yielding.

I agree with the views of Shri Aslam Sher Khan. It is not a question of Hindu-Muslims, although it can be termed as a question of Congress Party and Bhartiya Janata Party. Congress Party's intention was to show that they can go to any extent to get Muslim votes. They can resort to even firing. This type of incidents take place due to politics of vote bank. Therefore it become essential for Vajpayeeji to raise this question. (*Interruptions*)

[*English*]

SHRI E. AHAMED (Manjeri): Muslims

are also politically conscious. They know what to do and what not to do.

SHRI LAL K. ADVANI: I am not going into what is going to happen in Karnataka. You have sealed your own fate. His Party has sealed its own fate by unnecessarily using gun power on innocent citizens.

[*Translation*]

Highcourt's judgement came in 1992, since then these people are blaming B.J.P. Neither I consider it a matter of Hindu-Muslims nor we ever wished to make it a point of dispute between the Hindu and the Muslim. That is why Shri Sikandar Bakht was requested to hoist the flag there, nobody would object if he would have done it but if Umaji would have done it, some one might have objected but I believe that Anjuman would have also not objected if it was done by Umaji or Shri Sikandar Bakht but the Congress Party had its reservations. Mr. Sikandar Bakht was arrested in Bangalore and Umaji was arrested at Hubli.

People like Shri Aslam Sher Khan, and Shri Shahabuddin are making BJP their target. The Congress Party is the biggest promoter of vote-bank politics, our party may also be involved in it up to some extent but mainly the Congress Party has started the politics of vote-bank. (*Interruptions*)

SHRI SYED SHAHABUDDIN: You are creating Hindu votes.

SHRI LAL K. ADVANI: People are aware that casteism is required to appeal the Hindu vote. The surnames of Harijan, Brahmin, Rajput, etc. are required to entice Hindus. That is why people feel that vote bank politics should be used this way to appeal to Muslim voters.

[*English*]

Hubli is the result of this perverse vote bank politics. It is going to cost you very dearly.

[*Translation*]

It is going to cost you very dearly. The innocent people were killed due to this fact and everybody has condemned it. It would be better if you allowed Shri Loknath to move his Adjournment Motion.

[*English*]

Adjournment Motion is always on the failure of the Government to deal with the situation.

MR. SPEAKER: I think you have explained why it cannot be admitted.

DR. KARTIKESWAR PATRA: Sir, please allow me also to speak on this.

MR. SPEAKER: I am not going to conclude this discussion without hearing you. Please sit down.

[*Translation*]

SHRI CHANDRA SHEKHAR (Ballia): Mr. Speaker, Sir, the history is the witness of large scale blood-shed for the throne of Delhi and only God knows how much more blood is to be shed to get the power in Delhi. When Atalji raised this question I felt that we were worried about the circumstances that led to firing and loss of innocent lives but you must have listened to whatever was said in its wake. I would submit to Atalji that he should corridor over those aspects. The matter is no more restricted to Kashmir and Hubli. I am not aware of the places in India

where Pakistani flags were hoisted. This matter was raised here in this House, I do not know whether the Government consider it important to deny it or not. But what kind of impression or message the world is going to get? It would be better if we kept this in view while taking up such matters in the House.

Advani just talked about the vote-bank politics. We are not aware as to who is creating vote-banks but it is not a bad idea. The dangerous thing is to kill humanity for creating vote banks.

Sir, there are 2-3 questions. Advani has mentioned here that the people of Anjuman-e-Islam had no objection. Have the Government actually said that they would not let anybody hoist the flag? If this is so then the Government should give a clarification. There should be no ban on hoisting the tricolour anywhere. Infact it should be unfurled with respect. Atalji said that Shri Muri Manohar Joshi hoisted the Tricolor in Kashmir for the first time. Shahabuddinji has also questioned the relevance of Shri Sikandar Bakht's visit there. If it had not taken place it would not have got so much attention in the media and the public.

Sharadji has also mentioned several matters. Basically I agree with him but I do not agree with the language he used. I would submit to him that the Language being used by Atalji's party is neither patriotic nor is it in the national interest. If that language is changed the difference of opinion will definitely remain.

Somebody just talked about 14 crore people. Is it a sin to protect 14 crore people? Such kind of language is spoken in the House. I do not think that if somebody talks

about the protection of a particular community he is not patriotic and that makes him a treacherous person, Aslamji has just given a speech. I thought that it would have some impact on the minds of the people but it has not affected Shahabuddinji in any way. If they try to provoke people, and the other side also does the same, it will weaken our nation. Such questions must be investigated. Had the Government of Karnataka resolved not to let anybody hoist the flag? If it had done so, then was the Central Government aware of it or not? If they were aware, then why Anjuman-e-Islami or a government employee was allowed to hoist the flag? Whatever Shri Advani has said about it is a serious matter. The Minister of Home must give a reply to that in the House.

It is also rumoured that Pakistani flags were hoisted at several places in India. The Government should give an official statement in this regard. Whatever has been raised in the House will be published in news-papers tomorrow. It will be highlighted by the world media. It would not only provoke people in the country but also pose a question-mark to the dignity of the nation, strength of the nation and the capacity of the nation. I would like to make a submission that if we use the same language which is spoken by Atalji and Aslamji, we can save our country from breaking up.

[English]

SHRIMATI CHANDRA PRABHA URS (Mysore): Hon. Speaker, Sir, on the day of August 15, 1994 whatever has happened in Hubli District, Karnataka State, is very very unfortunate. It was quite peaceful all these days. Even on that day every corner of Karnataka was peaceful. The people are patriotic. They hoisted the National Flag in

the concerned areas as usual. But the BJP, particularly, selected that place and day to go there to provoke and play upon the emotions of the people there. They wanted to make a platform for their political purpose. It was a political move because elections are going to be held there in one or two months. They want to make political gain and political mileage there by creating a scene, creating a havoc, creating a chaos and by playing upon emotions of the people of Karnataka State.

Because, Sir, whether it is Uma Bharatiji or Sikandar Bhaktji they have their own Zilas, their own constituencies and their own villages. But instead of these places they have deliberately selected that particular place and the day in Hubli to hoist the National Flag. As usual it was quite peaceful. They went on raising the emotions of the people of different communities in Hubli. The Government had taken all the precautionary measures to see that law and order was being maintained. They are encouraging lawlessness. This reminds us of the trauma of December 6 a few years back from which the country has still to recover - to recover from the shock of bloodshed, recover from the agony, recover from the anti-social elements which erupted and totally ruined the normal, peaceful and harmonious country from Kanyakumari to Kashmir, that is, the Ayodhya episode which we have not forgotten so far, it is still haunting our head. These people wanted to create another Ayodhya in Karnataka at Hubli.

[*Translation*]

This trick will not work.

[*English*]

We will see that it will not happen

again. They want to gain the political mileage there. What had provoked Uma Bharti to go there and hoist the National Flag on that disputed area. The Court had not given clearance to anybody. The statement made by hon. Shri Advaniji that this has sealed the fate of Karnataka Government itself indicates that they have a political campaign to start within Karnataka. They are bringing back the Ayodhya episode to Karnataka. We will not allow such a thing to happen. Otherwise our people are peaceful, they have hoisted the National Flag. National integrity and national patriotism are not the property of anybody, particularly of the BJP. It is not their monopoly. It is not the way to show patriotic feelings. Because there were so many other places and there were so many other occasions.

[*Translation*]

Nothing is gained from hoisting flag there.

[*English*]

So, this should come to an end. Let them not make it a platform, to create a scene and create a vote bank in Karnataka.

[*Translation*]

We will not let this trick succeed. The people of Karnataka have always been number one in maintaining communal harmony. That is why you should let them continue with their habit. They should not be allowed to have an unnecessary interference in that.

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, I want to support whatever Shri Shahabuddin has said and I would only like to submit that everybody has a right to hoist the national flag on the occasion of the

Independence Day. Are the flags hoisted at all the fields, places in the country. I want to raise this very question. Miss Uma Bharti reached Hubli to hoist the national flag. The ground in front of S.S. flats was unoccupied. It did not occur to them to hoist the flag there... (*Interruptions*) There are grounds in every city of the country and I have been observing this since my childhood... (*Interruptions*)

SHRI LAL K. ADVANI: The flag will be hoisted where it has not been hoisted earlier... (*Interruptions*).

SHRI NITISH KUMAR: I do not know. I was listening to Shri Vajpayee and Shri Advani with great patience. I have been seeing since my childhood that despite so many fields available everywhere, the flag is hoisted either at a public place or at the places prescribed for this purpose. The flags are hoisted at different places by the Chief Ministers, the Prime Minister, the Governors and the district magistrates. I mean to say that the places are prescribed and people hoist the flag even at their houses to express the feelings of patriotism. I have never seen anybody hoisting the flag on the grounds of every village and city. In every village or even in my village, there is always a dispute over the use of public land. The grazing land in every village is occupied by one or the other strongman. I would like to ask Shri Atal Bihari Vajpayee and Shri Advani that will they go in those five lakh villages on 15th August to hoist the national flag where such grazing land has been occupied by the village strongmen? But, Sir, it is clear from their intention to select a particular place... (*Interruptions*) to select such a place.... (*Interruptions*). They have found a new way to free such lands from unauthorised occupation. If they had gone

to hoist the flag in those four or five villages where there is a dispute, we would not have questioned their intention. But, this very place has deliberately been chosen to vitiate atmosphere at some or the other place in the country. It seems that Bhartiya Janta Party is looking for some issues. There is an internal agreement between B.J.P. and the Congress Party. Since the time of demolition of Babri Masjid in Ayodhya, we have been observing that the Congress Party is allowing them to look for an issue so that they themselves can grab the opportunity to tilt it in their favour. When they try to highlight the issue and take it to its zenith, it only points towards hobnobbing between them. In Karnataka, neither the Congress nor the BJP had any hold over the situation but both of them decided to fight between themselves and govern the country by keeping it divided. Therefore, Sir, I would urge you that as this issue is being discussed outside the House, the time of the House should not be wasted. This House should pass a one line resolution making an appeal for maintaining communal harmony in the country. Even if somebody tries to disrupt the harmony, we will not allow it to happen at any cost. An appeal should be made on behalf of the Government. I would submit that such a kind of discussion should not be allowed even if the Members belong either to the ruling party or the Opposition.

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT) (SHRIMATI BASAVA RAJESWARI): Mr. Speaker, Sir, whatever had happened in Hubli was very unfortunate. The Karnataka Government had already taken action by

conducting the judicial inquiry. I do not think anybody who have been responsible for such an incident would be spared. As per my knowledge—I am 70 years old now—for the past 30 years this dispute is going on. I think our Muslim brethren used to pray there twice a year. Sometimes, some small children used to throw one or two stones and after that the city used to remain peaceful. In the same way, during the Ganesh festival also, some Muslim children used to throw one or two stones and after that the city used to remain peaceful. There is no doubt that it is a disputed site. And still, the case is pending with the court.

I want to ask Shri Lal K. Advaniji what made Kumari Uma Bharti display so many posters in the city of Hubli. There is a poster at every inch declaring that Kumari Uma Bharti is coming to Hubli to hoist the National Flag. What made you to come there? Do you mean to say that our Karnataka people are not capable of settling our disputes? We are. (*Interruptions*). Even if it goes to the Supreme Court, it is the local people who are capable of settling disputes. Why did you come there? What business have you to come there? I come from Bellary. You know at the time of Babri Masjid, even the dogs belonging to Muslim community and the Hindu community did not fight there with one another. It is a history in Karnataka that we are very peaceful and we are capable of solving our problems. But unnecessarily you have provoked our people. You selected some pockets and there you wanted to show that you wanted to pour poison of communal hatred. This will not happen hereafter. You think that you are going to improve upon what you have done last time. You are not going to improve upon it by doing this kind of things, by provoking one religion against another.

This is my humble request and I would request you not to indulge in such things. Everybody is a nationalistic. If you have got so much faith in nationality, you could have hoisted the National Flag in your house itself. Why did you come to Karnataka? Have the Karnataka people invited you to come to Karnataka? They did not. You come to my Constituency and see whether any dog belonging to one community is fighting against the dog belonging to another community. This is history which is recorded. We have got every faith. We are living like brothers and sisters. This is the history of Karnataka. Don't come and spoil our history hereafter. I came to know that you are going to take a tour of Karnataka. Don't be under the impression that Karnataka people are not clever and they will not give their votes to you.

I conclude my speech with these words.
(*Interruptions*)

[*Translation*]

KUMARI UMA BHARTI: I would have to explain him that the people of Karnataka had invited me... (*Interruptions*)

[*English*]

DR. KARTIKESWAR PATRA: You are talking about patriotism on the one hand and on the other, you are doing the reverse of what you are talking. You cannot blow hot and cold at the same time. One cannot hide sin in iron chest. Cloud cannot hide the Sun under its veil. Under the veil of patriotism, one cannot justify that this sort of activity is for the good of the country. The entire country judges what is right and what is wrong. It is known to everybody. One cannot hide it. Every citizen of our country knows

what is the intention behind it. Everybody knows what is the intention to go to hoist the National Flag there. The intention is to provoke the people of our country against Muslim community. I want to have some clarification from Shri Lal K. Advaniji.

MR. SPEAKER: This is a discussion. This is not a question-answer hour.

DR. KARTIKESWAR PATRA: After the demolition of Babri-Masjid, a probe has taken place and the findings are there. Similarly, if it is properly probed and if any judicial inquiry is made, the truth will be known as to who is the culprit and what is the intention behind. What do we want to achieve by hoisting the National Flag?

Sir, I want to submit before the House one thing. The Government should come forward with firmness to punish those people who are anti-social, who are anti-national, who are anti-patriotic. Under the cover of patriotism, what are they doing? They are trying to do further partition of India. They are trying to mar our secularism and they are trying to destroy our democracy. This is what our country must know. Every citizen of our country should be vigilant about it.

SHRI E. AHAMED: Mr. Speaker, Sir, what happened in Hubli on 15th August was a most unfortunate thing. Our National Flag is the symbol of unity and integrity. Whoever has misused the National Flag to drive a wedge between the communities or tried to sow the seeds of disintegration, he has done a great disservice to the Nation. In this country, every Indian or for that matter every Muslim is proud of his National Flag and everybody would like to uphold the honour of the Flag at all times and in all circumstances. The Muslims have also sacrificed many

things for the Independence of this country. The Muslims are also an integral part of the society. India means the India of a Hindu, the India of a Muslim, the India of a Christian and the India of everybody. I do not know why my BJP friends are trying to monopolise the patriotism as if it is their own thing. Patriotism cannot be monopolised by any section of people, by any political party, or for that matter, any community. I am sorry about what happened in Hubli. Whoever was responsible for the killing of the innocent people, he will have to answer the Nation either today or tomorrow. The communal holocaust has made us weep like anything. What happened in Uttar Pradesh? What happened in Varanasi? The trigger-happy people had killed innocent people. What happened in Bombay? How many innocent people had lost their lives? What happened in Surat? What happened in Meerut? All these things had happened, unfortunately, because of those who have not given any respect to the human values. They did it only for certain political and narrow gains. Therefore, this is the time for everyone of us to rise to the occasion irrespective of caste, creed etc. Whatever be our religion, whatever be our political thinking, we must live as Indians and show our respect to the Nation and to the integrity of the country. But I am sorry to say one thing. Ms. Uma Bharti had been there. It is a disputed site. Ms. Uma Bharti was trying to cover up her responsibility in this crime.

[*Translation*]

KUMARI UMA BHARTI: I have not said that.

[*English*]

MR. SPEAKER: Shri Ahamed, please

leave aside the individual. Please come to the point and conclude.

SHRI E. AHAMED: I am sorry. Ms. Uma Bharti has said in this House something. Whatever she said, there is a clear indication that the site was a disputed site. Whatever she had tried to explain here was just to cover up her responsibility in the complicity of that crime that happened on 15th August. Therefore, I would like to say that the House should condemn why that unfortunate thing had happened. All of us should stand together as Indians to uphold the honour of our National Flag.

14.00 hrs.

[*Translation*]

KUMARI UMA BHARTI: He has quoted my point wrongly.... (*Interruptions*)

SHRI BHOGENDRAJHA (Madhubani): Mr. Speaker, Sir, the House expresses its grief over the lives lost on 15th and 19th August. As the matter is sub-judice, I would not like to go into the details. However, I would like to thank Advaniji for admitting that there is a dispute between BJP and the Congress. It was because of this dispute that the mosque was demolished in Ayodhya and the Congress refused to accept the verdict of the Supreme Court on Shahbano case. The Congress, after laying the foundation of the temple, stoked the fire of communalism and the BJP inspired by this step, demolished the mosque. Do they now again want to cause any destruction and destroy the bond of unity in the country? In this connection, the House and the people of the country will give a befitting reply. We have seen the ramifications of communalism in 1947 which resulted in division of India. We will not allow it to recur. Several

hon. Members have said that the flag of Pakistan was unfurled in Kashmir. However, we do not strengthen the hands of those people who are misled or act unscrupulously. I think that our friends from B.J.P. cannot escape from this fact. The House should unanimously condemn communalism. Nobody claim openly that he or she is a communalist, though he or she may be involved in such act. In my view, it is the first serious attempt to spread communalism. It is our duty to thwart this attempt. I fully agree with the views of Shri Aslam Sher Khan and Shri Shahabuddin. Shri Khan has stated that the happenings in Bombay should not be construed as the after-effect of Ayodhya incident. This approach is not going to solve the problems. In any atmosphere, there could not be any basis for such incident. This House should condemn communalism with one voice.

[*English*]

MR. SPEAKER: Will the Government like to respond in any way?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P.M. SAYEED): Mr. Speaker, Sir, the hon. Members are aware of the happenings in Hubli on 15th August, 1994. The local administration had to resort to firing to control the situation. In this firing, five persons lost their lives and another ten received bullet injuries, besides a host of police personnel who were subjected to stone-pelting received serious injuries. Another twenty persons were injured in the *lathi* charge and stone-pelting. I feel sad on this occasion as the events which led to firing were avoidable and did not involve any major issues, which should have resulted in a confrontation of this nature. My sympathies are to the bereaved families who have been the victims of the situation.

Before I go into the details of what happened on 15th August, 1994, I would give to the hon. Members a brief idea of the dispute which resulted in this unfortunate situation. The dispute has been going on for more than 20 years and is presently the subject matter of litigation in the Supreme Court. According to the Government of Karnataka, the then Municipality of Hubli-Dharwar had granted the open space of land in front of the Idgah on lease basis for a period of 999 years on a nominal rent of Re. 1/- per year to the Anjuman-e-Islam, Hubli after obtaining the approval of the Government of Bombay on 11.1.1922.

The Hubli-Dharwad was a part of the Bombay State at that time. The said plot measures 1 acre, 5 Guntas and 76 square yards. A document was executed by Anjuman-e-Islam, Hubli in favour of the Chief Officer of the Municipality, Hubli on 17.5.1930. The document is in the nature of a lease deed in respect of the open space which was permitted to be used only for religious purposes. There was a provision for enclosing it with a compound wall but there was prohibition on sub-letting or for erection of any building on it.

In the year 1960, a modified order was passed by the Administrator of Municipal Corporation to enable Anjuman-e-Islam to construct shops around Idgah. A document styled as rent note in favour of the Commissioner of Hubli-Dharwad Municipal Corporation was executed by Anjuman-e-Islam on 30.3.1962. On 18.6.1971, Anjuman-e-Islam secured permission to put up construction on the plot in accordance with the plan approved by the corporation, the validity of which was extended up to 17.6.1972. The Anjuman-e-Islam started construction of six shops, but the BJP and other leaders object-

ed to the construction of the building. A suit was filed in the Court of Munsif, Hubli. The Commissioner of the Hubli-Dharwad Municipal Corporation was one of the defendants in the said suit. After the decision by the trial Court, an appeal was preferred before the Additional Civil Judge, Hubli who passed an order on 12.10.1982. . .

SHRI LAL K. ADVANI: What was the order?...(*Interruptions*)

SHRI P.M. SAYEED: The matter was again agitated before the High Court of Karnataka, which confirmed the judgement of the Additional Civil Judge Court Hubli by an order of 18.6.1992.

Anjuman-e-Islam has preferred an appeal before the Supreme Court of India against the order of High Court of Karnataka. The Supreme Court admitted the Special Leave Petition and issued a stay order on 23.9.1992. The stay order specifically prohibited the demolition of building in the area which was the subject matter of dispute. It further stayed the order of the High Court. The dispute thus is about the use of the Idgah Maidan and the construction and demolition of the building.

The Honourable Members will see from the above statement of facts that the matter is *sub-judice*. The process of adjudication on any issue does not end by the pronouncement of judgement on the subject matter of dispute by one Court or the other unless it is finally decided by the highest court of the land or when no appeal or revision is preferred within the stipulated period before a higher court from the order of the lower court. In this particular case, the matter is still pending in the Supreme Court and there is a valid order of the highest court

on the subject matter of the dispute.

I would like to bring to the notice of this House that even when the matter was pending before the High Court, a group of people belonging to the BJP planned to hoist the National Flag at the disputed place coinciding with the unfurling of the National Flag at Lal Chowk in Srinagar (J & K) on 26.1.1992. In view of the pending litigation, the local authorities took immediate action not to allow any flag hoisting at the disputed place. Since then, on every 15 August and 26 January, the BJP activists have been making serious attempts to hoist the National Flag on the occasions of Independence Day and Republic Day. The district authorities have been taking effective action to thwart the attempts made by these activists.

There were reports that the BJP activists were contemplating hoisting of National Flag on the occasion of Independence Day on 15th August 1994. They were mobilising support and two of their national level leaders - Shri Sikander Bakht, leader of Opposition in the Rajya Sabha and Miss Uma Bharati, Member of Parliament were to unfurl the National Flag at Idgah Maidan on 15 August 1994. We had alerted the State Government and advised them to take effective measures to ensure that peace and tranquility is maintained on the occasion. The State Government took all the necessary measures for controlling the situation and for ensuring the maintenance of public order. The controversial Idgah Maidan was sealed by the district authorities as a precautionary measure to prevent BJP and other leaders from hoisting the flag on 15.8.1994. Curfew was also clamped in the limits of eight police stations between 3 p.m. on 14.8.1994 up to midnight of 15.8.1994. Miss Uma Bharati, MP was arrested at 10.55 a.m. on 15.8.1994 along with her

supporters. Shri B.S. Yeduyurappa, MLA and National Secretary, BJP was also arrested for denying the prohibitory orders along with his followers at 11.30 a.m. At mid-noon, a group of three to four thousand persons assembled in the maidan in front of Gandharva Kala Mandir near Deshpande Nagar. The crowd wanted that Miss Uma Bharati should come and address the gathering. Since Miss Uma Bharati had already been taken under preventive custody, the crowd was informed that she will not be allowed to address the gathering. The crowd got infuriated and resorted to vandalism. The local police arrested about 40 persons and were about to take them to Taluka Magistrate for being remanded to judicial custody.

At this stage the crowd surrounded the bus and tried to overpower the police. The bursting of teargas shells and rubber bullets had no effect and ultimately the police had to resort to firing to disperse the violent mob. In the process, as I have stated earlier, five persons died and ten were injured. The local administration immediately brought the situation under control and, as can be seen, had effective measures been not taken the situation could have been worse.

On 19.8.1994 in connection with 'Moily Hatao' campaign about two thousand to three thousand people gathered in Medara-Oni, Hubli to hear speeches of local BJP leaders. When the crowd dispersed and was passing through Tilaj Arhavant Temple, some people started pelting stones on the police van stationed near the temple. At about 1.30 p.m., the driver of the van opened fire without orders, which resulted in the death of a woman. Soon after, the driver was arrested on charges of causing death. There were a few other incidents in which the unruly mob rushed to the police stations and

set vehicles on fire and started pelting stones. The police warned the mob and when the efforts of persuasion failed, the police had to resort to lathi-charge to disperse the crowd. The situation in Hubli is now under control.

The State Government have already ordered judicial enquiry and have taken measures to provide ex-gratia relief to the next of kin of those who have been killed during the police firing. I would like to reiterate that this unfortunate situation could have been avoided. There was no need for it. The matter was already subjudice in the Supreme Court. A national level political party was trying for an unlawful possession of an area. The proper course was to wait for the decision of the Supreme Court before taking any precipitate action for mobilising public for taking the law in their hands.

Incidents of this nature not only result in loss of life and property but have a wider repercussion on the maintenance of communal harmony. While there may be small disputes on matters or there may be differences in perceptions about an issue, the involvement of a major national political party aggravates the situation. This was neither a political nor a religious issue. This was a dispute between two parties and the proper forum for the settlement was a court of law. The process was still on. I do not think there was any need for any interference with the process by using public and instigating them.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker, Sir, I have given a notice of Adjournment Motion.

[*English*]

MR. SPEAKER: That is disallowed.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: Sir, please let me start first. I have submitted to you that the Central Government is responsible for the incident occurred in Hubli. And it has been proved true from the statement given by our friend Shri Sayeed. It was asked by the Central Government to take effective action in this matter. What does an effective action mean? The effective steps which were taken there resulted into deaths of so many people. The Government has admitted it. Sir, it is also clear from the statement made by the hon. Minister that no efforts were made to resolve the issue and find a way out to hoist national flag there on August 15. Why such efforts were not made? The matter which is subjudice is a separate matter relating to shops. Public meetings are organised there. Recently Shri Hegde ji has organised a public meeting there. There is no question of communal dispute in hoisting national flag. Why the Central Government has not asked the State Government to have talk with all concerned parties to find out an amicable solution to the problem. Thirdly the hon. Minister has said that the matter was left to the local authorities. Who had ordered to open fire? What was the necessity to deploy Rapid Action force there? There was no communal tension. There was no possibility of the outbreak of any riots. What provocation was there? The hon. Minister is saying about vandalism. What act of Vandalism was done by the people. The hon. Minister has used the word 'Vandalism'. What does it mean? Has any structure been demolished there? Does the hon. Minister want to create such feeling there?

Mr. Speaker, Sir, we are not satisfied with the statement. It is an objectionable statement and an attempt to hush up the matter. You can see extent to which the discrimination is being made. When other people die in Police firing in Karnataka a compensation of Rs. two lakh is given but in case of Hubli Rs. one lakh only has been given. We are not demanding money from the Government. We can ourselves help the families of those persons who have been killed there, but it shows the mentality of the Government to make discrimination by evaluating the cost of lives differently. Such discrimination is being made. It provokes the people. Such acts encourage communalism. Mr. Speaker, Sir, I would like to request you to admit our Adjournment Motion so that we may take them to task.

SHRI CHANDRA SHEKHAR (Ballia):

Mr. Speaker, Sir, I would like to say one thing only. In the statement given by the hon. Minister, one thing is very objectionable that when the Government had prior information about it why it has not made any efforts to solve the problem. If the flag would have been hoisted by a Government officer, there would have been no objection to it. Have you infact made up your mind to encourage the activities of our friends sitting on the other side? I do not know, as Shri Nitish ji has also pointed out, whether they are working inconnivance with each other but Mr. Speaker, Sir, it is a very serious matter. If the Central Government was aware of it why it has not pacified the matter by hoisting flag there by a Government officer. What they have to say about it?

SHRI LAL K. ADVANI: Mr. Speaker, Sir, the hon. Minister has given a long statement

in which he has referred to the judgements of 3-4 courts but he has not given any quotation from them. On the relevant points he has not mentioned any thing about the orders passed by the Munsif Court or Civil Court. I would like to know as to what orders were passed by the courts in 1961-62 under which some rights were given to Anjuman-e-Islam? Was it not mentioned there that it was not leased but licensed. Then it is also mentioned there:

[English]

"That these orders are illegal, *ultra vires*, void and ineffectual."

This is a quotation from the judgement which has been upheld even by the High Court-right from Munsif's Court to the High Court.

[Translation]

Regarding the statement given here. I would like to say that it would be better if all the orders, including that of Supreme Court, should be placed on the Table of the House so that factual position could be known because this statement is very misleading even in respect of Court's decisions also.

[English]

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Sir, it is a very plain matter that it is an old dispute. And this dispute has been pending in the various courts of law.

This is an election year in Karnataka.

(*Interruptions*). Let me complete my submissions.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: What does it mean? Elections are being held in one state or the other... (*Interruptions*).. Elections can not be a reason.

[*English*]

SHRI VIDYACHARAN SHUKLA: Why am I being interrupted? (*Interruptions*) What I am saying is a fact. Nobody can deny that this is not an election year in the State of Karnataka.

SHRI ATAL BIHARI VAJPAYEE: So what?

SHRI VIDYACHARAN SHUKLA: I will tell you about 'so what'. (*Interruptions*) This is an election year. Attempts have been made in the past to incite all kinds of disturbances in that place irrespective of court order and irrespective of any regard for law and order. (*Interruptions*). The reports were received. We all knew through the columns of newspapers that a big demonstration of a kind which will result in breach of peace and tranquillity and could result in loss of life and also result in breach of communal harmony would take place in Hubli. Because of that, the Central Government had requested the State Government to take all precautionary measures. Local citizens were contacted. Peace meetings were held there. But, you know, it was not the intention of the agitationists to make peace. If there was any intention of making peace, the parties concerned would have waited for the final adjudication of the Supreme Court of India. If somebody in this House comes and says that he is not aware of the stay order given

by the Supreme Court of India, then, cannot say anything.

MAJ. GEN. (RETD.) BHUWAN CHANDRAKHANDURI (Garhwal): Demolition.

SHRI VIDYACHARAN SHUKLA: Whatever it is, I would like to put my views here. (*Interruptions*). That is an order of the court. Whatever orders of the court have been quoted by Mr. Vajpayee, on that very order, there is an order by the Supreme Court of India. (*Interruptions*) What was said by the High Court of Karnataka, on the same order of appeal, the Supreme Court of India has passed a stay order.

After giving the stay order, the entire thing is *sub judice* and any breach of law and order, any incitement to communal violence is totally uncalled for. To prevent that, all kinds of preparations were made so that the National Festival of 15 August could pass peacefully. But there were forces who were determined; who were totally ready and adamant to create trouble and create breach of peace and order on 15 August. They may have any taken plea; whatever plea there was, I am not saying that unfolding National Flag in one place on the other is wrong or right. But what I am saying is that after knowing that the situation there is explosive; the situation have been very contentious for many years and that is a matter which is *sub judice* and also there was a stay order by Supreme Court of India, there was no need at all for anybody to go and do this kind of activity which resulted in this most unfortunate incident in Hubli. Therefore, Sir, this matter needs to be condemned by this House that anybody belonging to a political party or any party - I am not concerned, who did try to take advantage of such sorry and tragic state of situation in some parts of the

country - should be condemned with all force and vigour. Therefore, I would like the House to join me in condemning all those people who were responsible for creating this situation in Hubli and they should be warned in future. The country will not countenance any such activities by such people. If some people think that the people of this country or the voters of this country can be misled, they are very sadly mistaken. They will see the results of their misleading the people in future.

SHRI CHANDRA SHEKHAR: Mr. Speaker, the hon. Minister has made a Statement which is very serious because no Court has the authority to put a stay order that any person is prohibited or the flag of the Nation cannot be hoisted at a particular place... (*Interruptions*) The Flag can be hoisted by one or the other. The whole question is they should not have allowed the BJP. Why did they not ask the bureaucrats or the District Magistrate to hoist the National Flag, because you have given them a chance. What you are saying, you are helping them to create a situation a situation that there are places where the National Flag cannot be hoisted.

There cannot be any plea, Mr. Speaker, and the Supreme Court has no authority to say that the National Flag will not be hoisted in such and such public place. On the 15 August or 26 January, the National Flag can be hoisted. The only question is why did you not take the precautions that they should not have taken the opportunity; you should have taken the opportunity to ask the District Magistrate to hoist the Flag there. Instead of doing that you asked them to send the Rapid Action Force so that they may get all the

propaganda material and you go on saying that nation should join you in your inactions and inaptitude.

SHRI VIDYACHARAN SHUKLA: Sir, I have mentioned it very clearly in my Statement that there was no question of any ban on hoisting of National Flag or the other thing. But the very fact of these activities was to create public disorder. Public disorder was sought to be created and any action by anybody in that particular area disturbance would have been created whether it was X, Y, Z; whether it was the State authority, local authority or any other political party. That was the judgement made by the Local Authorities who are responsible for keeping the law and order. There is no question of any Court preventing anybody from hoisting the National Flag. It is our fundamental right to hoist the National Flag anywhere in the country; nobody is going to stop that. Nobody wanted to stop that. But if the people, who are responsible for the maintenance of law and order, make a judgement of the situation and they decide that no activity of this kind should be made anywhere otherwise, it will result in breach of peace and law and order. They are responsible for maintaining it and they took this decision in their own judgement. There was no question of any insult to the National Flag or prevent the hoisting of the National Flag. But whenever, there is an apprehension of breach of law and order, the Local Authorities, who are incharge of the law and order, have to make these judgements and we all have to support their judgement to see that such things do not happen any more.

SHRI LAL K. ADVANI: Sir, I have with me the *Times of India* of the 10th that is 5-6 days before the 15th August. It says that

after a high level meeting of Government officials, a top official said, even the Anjuman-E-Islam has no right to hoist the national flag there. This is Government's attitude. It is not Court's order. It is the Government's decision that no Flag will be hoisted there. *(Interruptions)*

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: Mr. Speaker Sir, he has misguided the House... *(Interruptions)*

SHRI LAL K. ADVANI: It is not a court order... *(Interruptions)*.

SHRI ATAL BIHARI VAJPAYEE: He has said so... *(Interruptions)*. What has been said by the hon. Minister of Parliamentary Affairs is like adding fuel to the fire. He has misguided the House. Secondly, he has not thrown light on the fact that Shri Sikandar Bakht... *(Interruptions)* had met the hon. Prime Minister before going to Hubli. He also met the hon. Home Minister. He was told that there was some conflict and to avert the communal riots he was going there... *(Interruptions)* but he was stopped at Bangalore. It is wrong to say that efforts were made to settle down the issue before 15th August. The Government did not like to settle the issue. *(Interruptions)* Mr. Speaker Sir, we are not satisfied by your and as well as their decision.

[*English*]

MR. SPEAKER: Do not say that.

[*Translation*]

SHRI ATAL BIHARI VAJPAYEE: We set aside your decision but we are leaving the House.

14.30 hrs.

At this stage Shri Atal Bihari Vajpayee and some other hon. Members left the House.

14.32 ¼ hrs.

PAPERS LAID ON THE TABLE

Notifications under Major Port Trust Act, 1963 and Memorandum of Understanding between Shipping Corporation of India Ltd. and Ministry of Surface Transport for 1994-95

[*English*]

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): Sir, I beg to lay on the Table:

- (1) A copy each of the following Notifications (Hindi and English versions) under sub-section (4) of section 124 of the Major Port Trusts Act, 1963:-
 - (i) G.S.R. 35(E) published in Gazette of India dated the 27th January, 1994 approving the Jawaharlal Nehru Port Trust Employees (Provident Fund) Regulations, 1994.
 - (ii) G.S.R. 51(E) published in Gazette of India dated the 1st February, 1994 approving the Madras Port Trust Employee's (Medical Attendance in the Trust's Hospital and Reimbursement of Hos-