

[Sh Mumtaz Ansari]

I must cite certain examples in this regard. For example, on 5th May, BSF DIG and IG, high officials of this para military wing were involved in misappropriation and embezzlement of certain articles recovered from the militant outfits of hideouts and they were taking all the booty and shares of that, and I must thank the Government that one enquiry was set up into the whole affairs and high officials were also removed from these sensitive places. So, this is a state of affairs, this is an inactivity on the part of the Government, how the Central Government is handling the whole affairs prevailing in that part of the State, it is clear from such circumstances because such high officials, who are holding the high positions, who are at the helm of affairs, they are misusing and misexercising and mishandling the whole affairs, this is not just going to improve the situation, rather the situation prevailing in that part of the State will further deteriorate.

I must say frankly that the Home Minister declared on 6th May that election will be held, but, now, he has come to his senses and in his own statement he has said that election cannot be held in such an atmosphere. I thank him, but, at the same time, I must say that unless and until the government is making a dialogue with all the militants and terrorist outfits, the situation cannot be restored, normalcy cannot be restored, peace and tranquillity cannot be restored, and it is useless to talk about election.

My friends, who were just now speaking on this very Bill told the house that this is right and ripe time to hold election but I differ here, election is a must because no military rule can be allowed to perpetuate for ever, and we can just take a lesson from the neighbouring countries also just like Pakistan, just like Bangladesh, just like Nepal, just recently, all these States were declared democratic and the misrule of the military regime collapsed like a house of cards. Similarly, the situation and the military rule and the police rule cannot be allowed to perpetuate in that part of the State. The condition of the people is also not improving.

The people are very much unpeaceful. The people are teased by the police and the military actions. Military actions are not impartial. Military actions are taken indiscriminately and that become as very much partial. Sometimes innocent people are put to let of harassment and troubles. That is why, sooner you go for the restoration of democratisation and decentralisation of power in the part of the State, better it will be for the fate of the people who are living in the part of the State.

Similarly, I must say that certain conditions must be made conducive for the peaceful political climate and which must be created by the hon Home Minister and the Central Government. For example, I must suggest that there must be a set of some MPs which must be sent to that part of the State and that MPs delegation must make on the spot verification, must go into the details of the malady, must go into the details of all the aspects which are there in that part of the State, they must come to a conclusion and they must make and render valuable suggestions to this House.

Similarly those persons who have been harassed or who were put behind the bars or whose lives were lost or whose properties were lost, for them there must be certain compensatory method, which must be adopted by the Government here at the Centre and an adequate compensation must be paid to the persons suffered.

So far as article 370 is concerned, time and again, the people have cast an eye of suspicion on this article. But we must remember that this special status for that part of the country was created under special circumstances which were created at the time of the partition and which were created under certain agreement reached between the late Shri Abdullah and the Central Government here at Delhi. So, I must suggest that let us try to maintain this article 370 also and there should not be any sort of doubts and confusion in the minds of the people living in that part of the valley.

As Shri M L Khurana has cited certain

examples, you are earmarking huge amount of money and you are just making budgetary provisions for the development, and for the amelioration and for the welfare of the people living in that part of the valley. He has also frankly admitted that these amounts are being eaten away by the aristocrats and bureaucrats and those persons who are just ruling the roost. So naturally, there must be some sort of power which must devolve to the regional and autonomous bodies.

Ultimately, there must be certain/ steps for democratisation because there is no alternative to the democratic set up. Police rule cannot be allowed to continue for ever; military rule cannot be allowed to continue for ever; President's rule cannot be allowed to perpetuate for ever. That is why the Home Minister must consider that this step which has been taken and this appeal which has been made to the House for the extension of the President's Rule, must be a final steps and after that a peaceful dialogue and negotiations must be started between the terrorists and militant out-fits and the bosses sitting here at the Central government. Once the process of democratisation is delayed, the situation will be going out of hand and this will go out of your control. You cannot put a check after deterioration and after going and crossing certain limits.

This is my appeal that certain amelioratory measures should also be taken, certain developmental measures should also be taken and certain concrete steps must be taken by the Government for the development an upliftment of the people living in that part of the country.

I must say with all humility that the people are harassed there; their economic condition is deteriorating; the fruits are also not selling and thus not bringing forth appropriate foreign exchange; the income is not accruing to the needy people.

The benefits of development are not reaching the downtrodden and those who are living in the higher reaches of the Valley and those who are living in the mountains,

are deprived and are very much in need of all these benefits. These benefits are not percolating to those downtrodden people.

I must appeal to the Central Government that whatever money that is being asked for the Government has asked for certain budgetary provision of Rs. 3070 crores of rupees or something like that to defray the daily expenditure on that part of the State should be spent properly. It is a right thing and it must be spend out of the Consolidated Fund of the State. I must not dispute but at the same time the Government must see to it that all the amount which is being spent should be spent for the improvement of the living conditions of the people. The benefits should reach the needy people, the real beneficiaries, the downtrodden and the poor people who are living in that part of the Valley.

Secondly, I must appeal to the Home Minister that those people who are coming from that part of the Valley as a result of the a great turbulence and disturbances, as also the grtatese harassment, should be looked after properly, by the Central Government without any consideration of caste or colour or creed . The people must be treated alike and they should not be discriminated against on grounds of colour, caste or creed. Those people who are coming from the Valley to Jammu are now living in very crowded tents. Their welfare and well-being must be looked after by the Central Government and proper relief should reach them at the proper time.

I must also say that certain developmental schemes or certain developmental plans should also be launched and the Government should concentrate on them. Because, unless and untill certain developmental schemes are put through, executed and implemented nothing is going to happen. The people who are living in that part of the Valley, all of them, should not be considered as militants, all cannot be considered insurgents, and all cannot be considered as disturbers of peace. Rather, 90 per cent of the people living in that part of the Valley want peace and tranquillity and they want to live with India.

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[Sh Mumtaz Ansari]

18.00 hrs.

The Kashmir issue cannot be just taken away. It has been finally declared that Kashmir is an integral part of the country and no power on earth can change the status of the Kashmir Valley.

So, this is my humble submission to the Home Minister that certain developmental measures should be taken and the lot of the Kashmiris should be improved. Agricultural activities should be set right. There must be proper industrialisation in that part of the Valley. Educational and literacy mission schemes should be executed or implemented to full stature and to the full extent.

All the persons who are involved in militancy and insurgency should be called to the negotiating table and peace must be ensured at the negotiating table. I find a silver lining to the clouds that one day we shall be in a position to achieve peace and tranquillity in that part of the State. Once we achieve this peace and tranquillity then we can hold the elections there. We are never afraid of elections. Our party is never afraid of elections. All the opposition parties also welcome elections and I am sure that the ruling party is also interested in democratisation and holding of elections. But fake elections should not be held as it happened in Punjab. In Punjab elections were held which were not worth the name and we are very much ashamed of that. That type of elections should not be held in Kashmir also.

Everybody knows, we also know, you also know, that under certain military pressure elections were held in Punjab. So, a similar thing should not be done and resorted to in that part of the Valley also. There must be free and fair elections. We also welcome them. First let us try to restore normalcy, peace and tranquillity. Then we can hold the elections. We welcome that measure. We welcome such steps. We welcome them and we shall be extending our fullest cooperation to you.

But before holding elections, you will have to resort to all these measures, which I have pointed out one by one.

MR CHAIRMAN: Are we extending the time of the House?

SHRI PAWAN KUMAR BANSAL (Chandigarh): Sir, in the meeting of Whips of various parties that took place in the morning, it was decided that in view of the long list of pending business, which has to be disposed of in the remaining three or four days of this Session, we will sit up to 8 p.m. So, let us extend the time of the House by two hours.

MR CHAIRMAN: So, the time of the House is extended upto 8 O' Clock. Shri Masudal Hussain.

[Translation]

SHRI SYED MASUDAL HUSSAIN (Murshidabad): Mr Chairman, Sir, a discussion is going on such an issue which cannot be supported by my party and myself as a matter of principle. This Government and its party is responsible for the deteriorating situation there. In the interest of the country, we have to support you against our principles. We are opposed to Article 356. The Government has come here to extend the period of President's rule. We are supporting this, keeping in mind this situation. On the one hand, you want to extend your intention is to hold elections. You want to get elections conducted in Jammu-Kashmir, but under the present condition, if you get elections conducted in Kashmir, it may perhaps engender a more precarious situation. If the militants boycott the elections, then only 1 or 2 per cent people will cast vote and the representatives will form the Government but that Government will not be a Government of people. If the militants participate in the elections, then they will capture 90% votes at gun point and they will grab all the seats in Kashmir and eight seats in Jammu and then they will dominate the valley. I believe that you should not get elections conducted under

the existing political situation

You say that the situation has improved I would not like to reiterate what I had said earlier otherwise Gulam Nabiji will get displeased After removing the Farooq Abdullah Government, when you got Gul Muhammad installed in power, he sowed thorns in the entire valley instead of doing something good He got the members of Jamait-e-Islam inducted into police and administration We are having to face the consequences Whether you agree to that or not this is a reality No matter if you get displeased, but I am compelled to speak that if Gul Muhammad had not taken over rule in Kashmir Kashmir valley would not have faced such a bad situation Now you say that the condition in Kashmir valley has improved I would like to tell you how far it has improved I would also like to tell you one by one as to what extent your political process has succeeded or is succeeding

I shall begin my first point with food Food is most essential for the life of an individual You are well aware of the growth rate of food production in the valley The food which goes there form the Central pool indicates how far the condition has improved In 1988, the allocation of rice and wheat, which you had made, was 4 lakh 52,000 metric tonnes In 1989 you increased that allocation and made it 4 lakhs 92,000 metric tonnes In 1990, it was further increased and made 6 lakhs, 60,000 metric tonnes and in 1991 you made the allocation of 5 lakh, 17,000 metric tonnes it means the total allocation, which you increased, was one lakh eight thousand metric tones, but the figures of lifting that foodgrains are 7 lakhs 71 000 metric tones in 1988, it reduced to 3 lakhs 69,000 metric tonnes in 1989, in 1990 it further reduced to two lakh 75,000 metric tonnes and in 1991 it further reduced to 2 lakh 46,000 metric tonnes, i.e., the off-take reduced to 2 lakh 25,000 metric tonnes in four years, in other words, your off-take was reduced to 50%

This leads to two things - firstly, in the valley, where most people reside, your goods are not reaching the Godowns of F C I and

secondly, the Financial condition of those people is so bad that they are not able to buy any goods, which go from there, and in my understanding, both the conditioned are correct The rations which you are sending there, do not reach the valley, it only reaches Jammu, it is not able to reach the valley and whatever is going there, is beyond the purchasing power of the people of that area and this is the reality

In the apple seas on I have myself seen, I had gone there, in Anantnag district, there was no one to buy apples for one rupee a kg The condition of walnuts is that for four rupees 100 walnuts are available, the price of which must be at least 60 rupees here in Delhi what I mean to say is that first of all you have not made proper arrangements for marketing of the produce, which are being grown there, even today there is no arrangement The handicraft of that area it's quite famous but today its condition is completely worsening The tourism has come to a standstil for the past one year I am telling you the remedy for it

I just told you the condition of food and fruits, other than this, are you aware that contractors are cutting down the tress in forests in that area, and what has happened to the money you are sending there, do you know who has taken the contract of the development, for which you sent so much money from here Do you know as to who has taken contract for the development In whose hands the contract is? It is in the hands of the entire militant group The entire contract has been taken by the militant group and no work is being done No one is there to check it The Governor never gets out of the Raj Bhavan to see the condition and he is not even aware of it

Recently, money came from the World Bank for the development of the Dal lake, but it was not utilized for any work there, do you know that (*Interruptions*)

A lot of money is sent from here for setting up new industnes, many subsidies are given to set up new industnes, can you tell whether even a single new industry has

[Sh. Syed Masudal Hussain]

been set up there. Where did that money go? Where are the money, given for new industries, as well as the subsidies are going? The problem of unemployment exists there, but the most sad thing is that although we talk about sealing the border in the House, but the border is lying open. How many militants have you caught by now on the border, how many militants are coming from across the border after getting training in Pakistan, have you arrested them? There is some difference between the groups which come after being trained in Pakistan to Kashmir and Punjab. It creates doubts in my mind. You are not able to apprehend the militants in Punjab. They never give a statement before the T V. But the Kashmir militant is apprehended. They make a statement before the T V. They confess to their crime. There is a secret behind this. In reality either the Pakistani militants are killed, or they are not caught. In my opinion, the figures given by you are not correct. There is a some bungling in it. Your military B S F and the C R P F are there. The military and the para military are the two wings of it. What kind of mutual coordination do they have? No one coordinates. These three forces perform their duties in their own ways. We do not have any information whether there is any mutual co-ordination among them. If it exists, you must tell us. At the same time, the military also indulges in some cases. Had it not been involved in nay case, then there would have been no 'Bandh' in Kashmir on the 9th of the last month. What was the question of Kashmir Bandh on the 9th of last month? A case of rape was behind it. It means the personnel of military, C R P F and B S F certainly involve themselves in some case. You should tell us how many cases are registered against them. There is no arrangement for their prosecution. You say that if military personnel are proedsucuted in open courts then, the morale of the military personnel will come down. I accept this fact, but I also want to say that if this takes place in a certain locality, and people do not come to know as to what punishment was given to the guilty, it will bring down the morale of those people then.

Mr Chairman, Sir, some refugees have come to Delhi from Kahsmir. I am not aware of the number, but my B J P members sometimes give the figures as one and a half lakh, and sometimes two lakhs. I understand that their number is on high side. What facilities have you given to those refugees? I am not talking of relief. What have you decided about rehabilitating them in their localities? When will you rehabilitate them and how will you do so-do you have any concrete plan in this regard? How long they will live in tents? They will suffer from rainy season and from heat in summer season. It should not be allowed to go on. You have to seek its solution as soon as possible. I request you and hope that you will certainly pay your attention in this regard.

Just now shri Indarjit Gupta was sitting here. He asked me as to what is its solution. I cannot tell its solution. I am not in the Govt. You are in the power so you have to seek its solution. I can only ask question from you.

The government has constituted the State Advisory Council. How many meetings of this council have taken place and what were its recommendations and out of them how many recommendations have been implemented. I would also like to know whether the government is cooperating with the Council or not. or the State Advisory Council is cooperating with the Government or not. Political process will not be stde rmerely uttering the words, it needs action. Along with the political process, the economic process should also be started.

In the end, I would like to appeal to my calleagues of B J P sitting by my right side that it is better not to raise certain points. To raise voice against Article 370, in the existing situation of Kashmir, is not out of danger. Keeping in view the interests of the country you have to stop it. In your words Ekta-Yatra organised by B J P has been very successful. It is your claim. B J P knows as to how it completed its Ekta-Yatra. I will not level allegations against any leader. However, I will definitely point out whether this Ekta-Yatra has been successful or not in uniting

the country or your party, but these Yatra has decidedly helped in uniting the two militant groups i.e. Hizbul group and J K L F. In this way your Ekta-Yatra certainly made two militant groups united

will always support the Government in need

18.19 hrs.

[English]

I will request you that there is a time when some works should not be undertaken. I would like to tell the Government that so much craze for power is not a good thing. Dismissing the Governments of Punjab and Kashmir, the Government has created restlessness in these States. And the Government is still continuing this process. Since yesterday we are also witnessing uproar in the House, and outside as well. Lest the situation in Bihar should not become like that of Punjab and Kashmir. It appears that your intention is to dismiss the Bihar Government also. I am openly telling you that such activities should be stopped and follow some principles. My suggestion is that in the existing circumstances, if you have any intention of holding elections in Kashmir, please leave that idea for the present and take initiatives to improve the economic and political condition of the State. If you adopt these measures then only the situation in Kashmir may improve.

In the end, I would definitely like to mention about our relations with Pakistan. Pakistan is designing against India on the issue of Kashmir and you make statements in the House about it. Sometimes you make such a strong statement as we are afraid of it. But you never take any positive action in this regard.

What is your response to the statement made by the Prime Minister of Pakistan. Will they agree to the provisions of Shimla Agreement or not? Will they stop imparting training to the militants or not? What concrete steps the Government is taking in this regard? You will have to tell it to the people of the country. If you fail in giving the details of these issues, we will have to think that the Government is weak and inactive and afraid of dealing with any issue strictly. You should work in the interest of the country. Contrary to the principles, I am supporting the Government. In the interest of the nation, we

SHRI LOKANATH CHOUDHURY (Jagatsinghpur) Mr Chairman, Sir, we are again going to extend the President's rule in Kashmir. I think nobody will oppose it, But we only ask one question - how long will it continue? I want to know whether the Government will break the way they have been behaving or will they continue to behave and keep Kashmir under perpetual President's rule. That is the question.

The Kashmir question is not the question that relates to the whole country's politics. It also relates to the international situation. It also relates to Pakistan. Pakistan has a clear strategy. Pakistan - not today but from the beginning - wants to grab Kashmir. With that objective, Pakistan is consistently working and our Government of India has not taken this aspect into consideration. We are creating conditions everyday in Kashmir to give an opportunity to Pakistan to exploit the situation. Only on the 1st of August, the Prime Minister declared in Vishakhapatnam that there will be elections in Kashmir and the Home Minister also said that there will be elections in Kashmir. But, what was their assessment? Have their assessment proved true? Their assessment is completely not true. But, even then they are saying that the condition has improved there. I do not agree with the Government's view because the Home Minister himself admits that there is a guerilla-war like situation. Since our policy and strategy could not win over the people of Kashmir, they have been alienated and it has created favourable conditions for the militants and also for Pakistan. We should not forget that

It is not the question of Pakistan only, recently, the American President, Mr Bush has said in Washington that there is ethnic and communal strife in Kashmir for fifty years and the Government of India must respect the human rights. I want to know whether it is a fact there is ethnic and communal strife in Kashmir for the last 50

[Sh Lokanath Choudhury]

years This is what Mr Bush says and that means the Americans also want to show that there is strife for the last 50 years The strife was never there, the strife is rather our creation

Therefore, in order to bring normally there, we will have to think differently We will have to understand the problem in depth No doubt, our military expenditure is increasing Now, you have increased the number of security forces Can you bring normally in Kashmir with the help of the Army and with the help of the security forces? If you do not change your policy, then you will not be able to win over Kashmir Now, the alienation of the people of Kashmir is almost complete

In our country, some political parties are saying that Article 370 of the Constitution should be scrapped As the hon Member has said, the Ekta Yatra might have helped only the militants, the Congress Government in order to diffuse the situation airlifted Joshiji to Srinagar to hoist the National Flag They have given a wrong signal to the people of Kashmir by doing this The Government should seriously think about it When the Instrument of Accession was signed, it was stated clearly that three subjects will remain with Central Government i.e External Affairs, communications and Defence The other subjects, and the other Indian laws would be implemented in consultation with the Kashmir Government That was a special type of autonomy given to Kashmir But since 1956, without consulting the Kashmir Assembly or the Constituent Assembly there, we have been implementing the Indian laws there

THE MINISTER OF AFFAIRS (SHRI S B CHAVAN) It is not correct Please verify your facts

SHRI LOKANATH CHOUDHURY It is true The way Congress Government dismissed the Govts There is the one simple important fact of their practice Therefore, I want to submit that our first approach should be to win over a section of the militants How

can it be done? It can only be done if the Government of India gives a clear declaration that Article 370 would be respected, all their laws would be respected and the autonomy that has been given to the Kashmir people will continue and with the coming up of the popular Government, the Government will implement it in consultation with the Government there I think this assurance should be given as a first thing but the Government of India has not so far done it

My second question is How long will the security forces be there? No doubt, they are bold in checking the militants They should be bold enough to face the militants But at the same time, their training, their approach should be a different one They should not think that they have gone to conquer the land or discipline the people there The other part of their understanding should be that they have gone there to win over the people of Kashmir This sense, this motive should be there with our security forces, with our Army

The next point that I want to make is that you are thinking of election in Kashmir But there are two lakhs of Kashmiri people living outside valley in Jammu and Delhi These Kashmiri people have come out from Kashmir No doubt, there were not so much of communal riots there In 1989, when Shri Jagmohan went there, he created a condition there What mistake has Shri Jagmohan committed? The history will say about it Without consolation, without anything, those who are responsible have dismissed the Farooq Abdullah Government there Even Shri Jagmohan went to the extent of saying certain things It is alleged that Shri Jagmohan also carried campaign for the Hindus, coming to Jammu and Delhi It is also said that it is Shri Jagmohan who said Kashmiri/Musalman is a potential Pakistani That alienated the Kashmir people and wounded the feelings of the people of Kashmir With this end in view, I want to say one thing

SHRI E AHAMED (Manjeri) May I just put a question?

Is that why the Janata Dal Government nominated him to the Rajya Sabha?

SHRILOKANATHCHOUDHURY That is a question that should be addressed to them. I come to my point now. There should be elections in Kashmir. For creating such conditions, I suggest that first the Government of India should clearly announce that all the provisions of Article 370 will be implemented and Kashmir will give the autonomy that has been assured to them when Kashmir signed the Instrument of accession. There should be negotiation with those sections of the militants who are scanty. We know militants are divided. The Government of India has failed to utilise the difference. Why they have failed to do this should be analysed. Among the militants there are two sections - one which wants the Kashmir should go to Pakistan and the second section is the one which wants that Kashmir should remain in India. That is a section with whom we should carry out negotiations.

Thirdly, correct atmosphere should be created. Lot of things have been said. The BJP in Jammu, I would say, is further complicating it. They are saying that more money is being given to Kashmir Valley - the Jammu region. I have seen the allotment of money Rs 97 crores was given to Kashmir Valley in 1991-92 Budget and the same amount was given to Jammu Division and Rs 30 crore was given to Ladakh. Therefore, by propagating the B J P is dividing Jammu and Kashmir and thereby complicating the situation further and alienating the people of Kashmir. Therefore, I request the B J P friends that in the present international context they should give up their slogan to abrogate Article 370 and the tactics of dividing the Kashmir valley and Jammu. Therefore, a national consensus should be there and all national parties should come together to give the assurance to the Kashmir people that their autonomy will be respected. That will create a favorable condition. Pakistan will exploit it. No doubt but we have to deal with Pakistan at a different level. We should reply to the Pakistan correctly. In our country itself, we must create that psychosis, that it is no more an issue which the Government will solve alone. I say the issue has come to such a point that it should be treated as a national issue, it should be treated as if

it is the duty of every party to see that Kashmir remains with India and every party should sacrifice to win over the confidence of the Kashmir people. Thereby we must create a favorable conditions for elections.

As regards development works, I think developmental work will be there. But the only question is to win over the minds of our Kashmir people because it is those Kashmir people who remain in India will have to be remembered. We have to respect them. That is lagging. Therefore, I request that in the changing situation, the Government should not continue in the same way that started from 1989 from the time of Shri Jaghmohan. The Government's strategy and approach and everything should undergo a change so that there will be a break through and the political situation will be created for elections, in which case, Kashmir will be with us. With these words, I thank you.

[Translation]

SHRI AYUB KHAN (Jhunjhunu) Mr Chairman, Sir, I rise here to support the Bill introduced by the hon. Minister regarding extension of the President's rule in Jammu and Kashmir.

First of all I would like to congratulate the hon. Home Minister for having visit of such a sensitive area with full zeal. He has himself examined the situation by visiting these places and created a sense of confidence among the people. Thus he has done a commendable job. But what was the condition of Shri Mufti Mohammad Sayeed, the then Home Minister in the Janata Dal Government, when his daughter had been kidnapped by the militants. He did not care for the interest of the country for the sake of the life of his daughter. At that time if he would have taken this stand that I have not only one daughter but crores of girls of this country are also my daughters. If I had to sacrifice crores of my daughters even then, I would not bow down. If he had taken this stand, perhaps, the present condition would not have arisen in Kashmir.

The second point I would like to state that it was a wrong step to dismiss the

[Sh Ayub Khan]

elected Government of Farukh Abdula by the then Governor Shri Jag Mohan He divided the Kashmiri people He forced the people belonging to a particular community to go to Jammu and adopted a policy that they commit on mistake, you should commit hundreds of mistakes and torture the hundreds of people for one mistake

I would like to tell to Khurana Saheb that he talks of Kashmir by sitting inside an air-conditioned room I am aware of every inch of land of Kashmir He talks only sitting under a fan and in an air-conditioned room We have defended Kashmir by sacrificing our lives I would like to tell you how faithful the Kashmiri people are in comparison to you people The living in the cities in Kashmir supported our country in the wars of 1948, 1965 and 1971 They are for this country I am also a Muslim and it is a characteristic of muslims that they cannot be traitors We have our integrity you merely believe in talking Our religion teaches us to be a faithful to one's country If we think of any bad thing for our country Our Islamic may excommunicate us

You tell me whether this one is not an inciting speech? Does it not pinch the people when you speak in favour of abolishing the article 370? What will be the use of the Ekta Yatra and Rathyathra under such conditions?

Some people come here clad in Bhagwa dresses and they deliver the inciting speeches Does the Constitution of our country allow anyone to attack on someone's soul in this way? They compel others that either they should do so or go to Pakistan Are we not the citizens of this country? Why should anyone speak with us in this way? While the Shila-Pooja was going on in every nook and corner of the country, what sort of the tapes were being played and what sort of speeches were being delivered? Does the Constitution of our country allow all these things? Does the constitution allow to deliver such speeches while undertaking the Rath Yatra? It is only because of Shahi Imam and your people are sitting here in such a large

number In 1984, only two persons belonging to your party were elected - one from Andhra Pradesh and the other from Gujarat It is only because of them that you have come in such a large number It is only because of them that you have come in such a large number You always exploit the situation through which people could be united

My submission to you is that our country should be saved from being disintegrated The supporters of Mandir-Masjid issue should tell if the country is disintegrated where would they go? Today we should understand that for us the temple is as holy a place as is a Masjid If someone discriminates between a Mandir and Masjid, then difference cannot be created We are Indians and we converted our religion in India Take the case of my dynasty we are Kankhanis and Khankhanis were Chauhan Rajputs till the 7th generation of Prithvi Raj Today the Bhats go from village to village and recite songs related to our forefathers, this does not mean that if we have changed our religion, we have changed our blood We still have the same Indian blood in our veins

But what is going on today They are trying to incite the people and are trying to disintegrate the country Please note that during the 1962 war, none of us ran away from the field Khurana Sahib, I am the same Ayub Khan who had defeated the Pakistan's, Ayub Khan When we entered the boundary of Pakistan we had prayed to God to safeguard us and to grant victory to our country Khurana Sahib we did not say anything as you say in your speeches and as your big leaders say in their speeches You try to harass a particular community You try to do such things But I appeal you to leave such things and rise above all such things for the unity and integrity of the country

Mr Chairman, Sir, at least I will submit to the hon Home Minister that last year Rs 1400 crore were allocated in the budget but today the position is that the employees are not getting salaries I hope that you will pay attention towards it and the budget allocation will be made at the earliest so that the employees, can get their wages My other

submission is that corruption is rampant there. The money, which goes there is swallowed by the engineers and the extremists there. My appeal is that the money which is allotted for development should be utilised properly and education upto B A should be given free and arrangements should be made to provide free food and clothing to each and everyone. You create such a situation that the local people could make progress and youth could get employment. If you succeed in providing employment to the youth, you will win their confidence. I think that no one can ever win at the gun point. I think that the police force deployed there should also be reduced since the State Government has to bear their burden. The local people should also not be harassed. They should not be tortured. People may not be compelled to feel that injustice is being done to them. The Hindu brothers, who have come from there to Jammu should be sent back. They should be given full protection and their houses and places of worship, which have been damaged, should be repaired. All these arrangements should be made by the Government. I appeal to the hon. Home Minister. I had also submitted to the former Home Minister Shri Mufti Mohammed Sayed that we can sacrifice not one but crores of girls for the sake of the country. (*Interruptions*)

I would like to submit that the people of Bharatiya Janata Party should not be allowed in future to undertake any Sort of Ekta Yatra or Rath Yatra or any other Yatra so that the condition of the country may not deteriorate further. (*Interruptions*)

Khurana Sahib, it has been the culture of our country. That the commander of Akbar's army was a Rajput, Maharana Pratap's commander was a Muslim, the Chief of the C I D of Shivaji's army was a Muslim and the Chief of the gunmen of Rani Jhansi was also a Muslim, if the same tradition is followed, only then we will be able to save the country.

At last, I support these demands and hope that the condition of Kashmir will improve

and God will grant wisdom to the people of Bhartiya Janata Party. (*Interruptions*)

PROF PREM DHUMAL (Hamirpur)
Mr Chairman, Sir, the Minister of Home Affairs has brought a statutory resolution and discussion is going on regarding it and on the budget of Jammu and Kashmir. After hearing deliberations of the hon. Members who spoke before me, it seems as if Jammu and Kashmir is not being discussed. Our colleagues whether they are communists or Mr Ayub Khan, are not worried about the activities of militants there. They are not worried as to what extent the Pakistan is involved in the matter. They are repeating only one thing that what the Bhartiya Janata Party has done for it. From the very beginning we have been saying that there is a difference between the ideology of ours and yours. You were against the Ekta Yatra. You are in favour of continuance of Article 370 whereas we are against it. In a democracy you have full right to express your views and we have also full right to express our views. The matter can be discussed but what is the real issue? Would you like to discuss leaving aside the real issues?

I was listening to my friend who is an ex-servicemen also. I thought that he will say something about Pakistan and activities of terrorists. But he did not mention anything about it, rather criticised 'Ekta Yatra'. Has the Ekta Yatra created this problem? Has this problem been created due to imposition of Article 370? If it is so, then only you are responsible for it. You have imposed it. What is our demand? We are not in power today and this Article 370 is not going to be revoked on our demand. The people of India will decide it. If they give us majority, we will revoke it. The people have given you majority you continue it. But you are not worried about the activities of Pakistan and terrorists, you can attack on Bhartiya Janata Party only. Some poet has rightly said

"Mana Ki Tabahi Me Kuch Hath Hai Dushman Ka,

● Par Kuchh Kayamat Ki Chal Aap Bhi to Chalte Hain "

[Prof Prem Dhuma]

It would not be proper to hold BJP responsible everytime One thing is being said repeatedly by your side that a great qualitative changes has come What qualitative change has developed Would you please spell it out? The Kashmir visit of the Minister of Home Affairs has been referred to After imposing curfew for three consecutive days, he visited three areas there Earlier too, when the Minister of Home Affairs visited that area six innocent persons were killed after that, the DIG (CID) was kidnapped and you could not trace him for two months What happened in June, 1990 in Doda district After a visit to Doda district the three MP's belonging to Bhartiya Janata Party wrote to you that the situation there is very bad We had gone to Bhandarwah, Doda proper and Kishtwar Our report has been proved true word by word But according to the reports which came afterwards that the jawans of para military force had conducted a raid to arrest the terrorist He was unarmed He was asked to come out his house but instead of that a girl came with a tiffin box in which she was carrying a hand-grenade She threw that grenade on the police force The police personnel ran in a mad, helter-skelter fashion and thus could not control the situation In the meanwhile the terrorist escaped through the roofs of adjacent houses Mr D P Yadav, Commandant, B S F, was murdered near Nishat lake last days by terrorists The building of J & K Assembly was attacked by the rocket launcher But you are continuously saying a qualitative change has come there The terrorists are controlling the administration there Budget is being discussed now There has been an increase in salary bills last days as compared to estimated budget Why it has been increased Because you are not aware of the total number of your employees there

Some employees have been recruited at the instance of terrorists The things which have been said by the speakers who spoke prior to me must be considered You are getting more reports You have more resources The money which has been released from here, the terrorists utilise it

must be looked into All money is going in the hands of militant forces and recruitment is being made at the instance of terrorists You should hold your control over administration and it must be maintained Last days, a D S P was killed When the security people were coming back after his cremation another D S P was killed despite heavy security Even if you see a qualitative change there then it is very strange Some colleagues have said that some military and para-military personnels are indulged in committing atrocities If it is true then action should be taken against them But you can not blame the whole forces because they are working there in a very difficult situation They are fighting there for the unity and integrity of the country A message should go from here in this regard because it is very difficult to fight when there is internal sabotage also You can't hold the entire force responsible for this situation

I would like to request that the Government is going to extend the period of President's Rule for another six months I have been repeatedly raising this problem Hon Shri Loknath Chaudhary was saying that Shri Jagmohan had said to leave the valley and come to Jammu or Delhi I asked him to come to Punjab We will allot a big piece of land to him Who would like to leave his house You may visit the refugees tents in Delhi It is very easy to deliver a lecture in Parliament But nobody leaves his house at the instance of any Governor If my hon colleague passes two nights in the tent in Jammu or Delhi, he would come go know why these people have left their houses It is wrong to say about a particular class of people that they have come here at their own will because Governor had said so I would like to ask my colleagues of the Congress party that why they always start their talk with the name of Shri Jagmohan every time by saying that Jagmohan had done so He was sent there during 1993 at the instance of the Congress party Government First of all the Government of Gulam Mohammad was suspended The same Farukh Abdullah who was branded as a traitor earlier had become greatest patriot now You change the definition everytime Owing to it, a great loss

has been incurred The father of Farukh Abdullah was Sheik Abdullah He was arrested as Chief Minister and was detained for 13 years Then a compromise was made First you compromise and then make arrest The results of your policies are coming before you I would like to draw the attention of the hon Minister of Home Affairs to the problems of refugees Their first problem is the admission of their children in schools Some of them have appeared in the examinations of Kashmir University It is said that there the terrorists are running the administration and they are not allowing to declare results and issue the certificates Shri Rajesh Pilot has come here The people of his Department are also present They have not been able to provide salaries to the number of employees of Post and Telegraph Department particularly the extra departmental employees have not been adjusted The main problem is of rehabilitation of displaced persons We wish that you may get success in restoring normalcy in the valley and people may go back to their homes It will be a great achievement But, upto when this situation is not created there you will have to make sincere efforts in this regard so that those may be rehabilitated

I would like to reiterate our party's and my personnel stand regarding Article 370 that it should be revoked You may continue it so long as you are in power One thing has been said by Mohammad Ayub Khan He said that he was the Ayub Khan who made the Ayub Khan of Pakistan to lick the ground I would like to request you to ask Mr Sharief who is in your Cabinet to give the same treatment to Nawaj Sharief of Pakistan He is the Prime Minister of Pakistan Whenever our Prime Minister holds talks with him whether it is in Davos or anywhere else a message comes from there that negotiations were held in a very cordial atmosphere But on the other hand the Government of Pakistan declares from there complete strike in Pakistan Slogans are raised near the border The Prime Minister of Pakistan says that Kashmir should be annexed to Pakistan Now Secretary level negotiations are going

on, but at such a time when these talks are going on this type of statement given by the Prime Minister of Pakistan and our Prime Minister's repeated statement that the talks will continue and friendly relations will be established are contradictory to each other How long this one way traffic would continue Until and unless you will not take a definite stand against Pakistan they will continue to give training to the terrorists and keep on giving support to them and subversive activities You must tell them clearly that they must refrain from these activities, otherwise we will not hold talks with them Pakistan will not understand the language other than this

Hon Minister of Home Affairs, I don't know how far it is true that discussions are being initiated to change, the present Governor as I have read in the newspapers last days A lobby is working behind it A proposal to bring General Hoon is being considered If it is so, you kindly explain us the factual position Are you again going to appoint a Governor on experimental basis

I would like to repeat once again that military and para-military forces are performing their duties and facing great difficulties there No such thing should happen from our side which may help to demoralise them Control the administration Your politicians give few statements Whenever situation improves, the elections should be held The Government have full right to hold elections But you should not act upon like this

With these words I conclude

18.59 hrs.

SPECIAL COURT (TRIAL OF OFFENCES RELATING TO TRANSACTIONS IN SECURITIES, BILL

[English]

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH) I beg to move ** for leave to introduce a Bill to provide for the

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**Moved with the Recommendations of the President

[Sh Manmohan Singh]

permitting me to participate in the discussion on the Jammu and Kashmir Budget on behalf of AIADMK

establishment of a Special Court for the trial of offences relating to transactions in securities and for matters connected therewith or incidental thereto

Sir, the President's Rule in Jammu and Kashmir is continuing for the last two years and before that the State was under Governor's rule of six months

MR CHAIRMAN The question is

That leave be granted to introduce a Bill to provide for the establishment of a Special Court for the trial of offences relating to transactions in securities and for matters connected therewith or incidental thereto "

Today the biggest threat to the nation's integrity is terrorism Terrorists are infiltrating into the country in large numbers from across the border, Pakistan is actively engaged in assisting terrorism in India Unless India takes specific steps to counter terrorism, one by one, all the States will be falling victims to terrorism

The motion was adopted

SHRIMANMOHAN SINGH I introduce the Bill

In Jammu and Kashmir -, democratic institutions are also in danger because of terrorist activities The Government must take up mass awareness programmes in Jammu and Kashmir to preach Hindu - Muslim unity and to spread secularism in the Valley Special TV programmes should be telecast in the Valley emphasising the need of the fellow countrymen to be always united

18.59 1/2 hrs.

STATEMENT GIVING REASONS FOR

Immediate Legislation by the Special Court (Trial of Offences Relating to Transactions in Securities Ordinance, 1992

Special funds and grants should be made available to the Governor and particularly children should be the targets for teaching national integration The Government should take steps to remove unemployment problem in the Kashmir Valley so that the unemployed youth do not take to terrorism out of frustration

[English]

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH) I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Special Court (Trial of Offences Relating to Transactions in Securities) Ordinance, 1992

Sir, in this connection, I would like to point out that the dynamic leader Puratchi Thalavi in Tamil Nadu has taken a series of steps to wipe out LTTE militants in Tamil Nadu Several steps have been taken to remove unemployment among the masses and she has effectively used the laws of the country to suppress the forces of disintegration. Her job deserves commendation and all the States in India should follow Puratchi Thalavi

STATUTORY RESOLUTION RE APPROVAL OF THE CONTINUANCE IN FORCE OF THE PROCLAMATION DATED THE 18TH JULY, 1990 IN RESPECT OF JAMMU AND KASHMIR

AND

DEMANDS FOR GRANTS JAMMU AND KASHMIR 1992-93 (CONTD)

[English]

Sir, lastly, I would like to appeal to the Government to provide the necessary special assistance sought by the Tamil Nadu Government for tackling terrorism I hope

SHRI B RAJARAVIVARMA (Pollachi) Mr Chairman, Sir, thank you very much for

the Government would consider my request

With these words, I support the Jammu & Kashmir Budget

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada) Mr Chairman Sir, while supporting the proposal for extension of the President's Rule for a further period of six months with effect from 3 September 1992, I would like to say a few words

19.03 hrs.

[SHRI PETER G MARBANIANG *in the Chair*]

Sir, I do not agree with the statements made by the hon Prime Minister and the hon Home Minister that the situation in Jammu & Kashmir has improved considerably. The very fact that the militants could attack the Assembly Building and the Secretariat in capital city Srinagar by launching rockers itself is a clear indication of the extent to which the militants have gained ground and strength in spite of the presence of our military. Sir, the situation is still very grave. I suggest that the Government should continue the efforts to curtail the activities of the militants, if necessary, by further strengthening the para military forces in the valley and by providing much more sophisticated arms to them to fight the militants who are receiving arms and ammunition most probably, from Pakistan and also from other sources. These militants are already in possession of very sophisticated arms.

I also appeal that this is not the right time for conducting elections in that State. Elections should be conducted only when the situation is quite conducive for holding elections in a fair manner. Meanwhile what all efforts could be made to create such an atmosphere must be made. The Government should give an impression to the people in the Valley that they will not tinker with Article 370. It will protect Article 370 and that it will take all possible steps to inculcate confidence in them. Over a period of time because of some omissions and commissions of either

the State Governments which were in power in Kashmir or of the Central Government, a good number of Kashmiri people have come to feel that the Government of India is not strictly implementing Article 370. Article 370 keeps their identity intact, which they cherish more than anything else.

In this context I may be pardoned by my BJP friends for appealing to them to desist from the view which they profess for doing away with Article 370. I came across a good number of youths in my area, who without knowing the historical background which necessitated the incorporation of Article 370 say that Kashmir is the part and parcel of our country and for this why do you need Article 370. They are quite unaware of the situation. When one partition took place, the veteran Kashmiri leader, Shere-e Kashmir, Sheikh Abdullah and the then ruler Shri Hari Singh agreed to accede Kashmir to India. A written agreement was signed in this regard. Many youths do not know this and they think that it is right to do away with Article 370. A good number of Kashmiri people, leave alone the militants who are inspired by Pakistan for it want to split the country and take some political advantage out of the disturbed condition in Kashmir, feel that Article 370 is not sincerely implemented.

So, under these circumstances abolition of Article 370 will not be in the interest of the nation and in the interest of the unity and integrity of this country. The Kashmiri people should remain with our country. I request the BJP friends to give up their demand for the abolition of Article 370.

Shri Ayub Khan was referring to the release of some militants by Shri Mufti Mohammad Sayed when his daughter was captured by some militants. I would like to ask my hon friend which party has encouraged such types of elements in our country. Is it not a fact that the Congress party has given tickets to some persons who hijacked the plane? Is it not a fact that it was your party which had encouraged Mr Bhinderawalle to weaken own the Akali party?

So, what I want to say is that instead of

[Sh. Sobhanadreeswara Rao Vadde]

criticising the various political parties let us put our heads and hearts together, do some heart searching and speak the truth. Let us desist from such criticisms and try to do something good for the country's future. Forgetting the mistakes which we had committed earlier, simply for our own narrow patrisan ends, we should give the first priority to the cause of national interest.

I hope, the Government will do away with such type of wrong deeds and create positive circumstances in Jammu and Kashmir in future to hold elections and to see that the militancy is put an end to.

[Translation]

SHRI PUS T IRKEY (Alipurduars): Mr. Chairman, Sir, there has been a proposal to extend the President's rule in Kashmir. This is not good. But the situation has taken such a turn that every countrymen and all the parties have to accept this decision. This is simply because the Government has not been able to generate a congenial atmosphere for holding elections.

Mr. Chairman, Sir, all the three parts of Kashmir have their own different problems. There is one occupied Kashmir about which it has not so far been ascertained whether it will be a part of India or it will go to Pakistan. The countrymen do not know even this much. I would therefore like to submit that if this occupied Kashmir has not been annexed to Pakistan what then the Government is doing to take it back. The next issue relates to Jammu. There is not much problem in Jammu. It is a bit peaceful. The third part of Kashmir is Laddakh. The situation in Laddakh is different. The people living there have their own culture. In this way taking Laddakh, Jammu and Kashmir together all these three parts have their own different problems.

The whole area of Jammu, Kashmir and Laddakh is not disturbed. It is the duty of the Government to provide help in the areas that are disturbed and where there are problems in carrying out development work. Something

should be done in this regard. What is required is to have control over Jammu and Kashmir then to play politics. It is the politics being played there that is responsible for worsening the situation.

Reportedly the border is to be sealed there. But the Government has not been able to do it so far. It is good that we should maintain a good relation with the neighbouring countries; but the way Pakistan is inflicting troubles to our country and is sending militants and is running training camps for them is causing concern. Keeping these facts in mind what are the steps being taken by the Government to prevent such activities of the Government of Pakistan. People should also be informed as to by what time the borders will be sealed. Then comes the problem of Laddakh. The people there have their own customs, language and culture. They are tribals. What are the steps taken by the Government to protect their culture, language etc. There is a danger of losing the whole of Kashmir just for the cause of Jammu and Kashmir issue. Care should be taken to prevent the spreading of one and the same trouble in all the areas of Jammu, Kashmir and Laddakh.

I would, therefore, like to say that special attention should be paid by the Government in the sensitive areas. Special training should be imported to the employees and then they should be sent in those areas to prevent the chances communal riots and to spread an atmosphere of fellow feeling. The problem will not be solved there unless that atmosphere is generated and unless Pakistan is beaten by its very weapon. It is the responsibility of the Government to dispel soon the kind of atmosphere taking shape in India. If the Government likes, the members of Parliament can extended help, they can be consulted. Frequent extension of its period will not serve any purpose. There should be a limit to it.

I would like to submit to the hon., Home Minister that the period should now be extended for the last time and such an atmosphere should be created in the six months that electronics may be held there to

form a popular Government

[English]

SHRI E AHAMED (Manjeri) Mr Chairman, without fear of contradiction, I submit before the House that Kashmir is not merely a law and order problem which can be solved by wielding a big stick or with some bullet against the trigger happy militants, the problem is more of a political nature and also one of the alienated psyches of the Kashmir people

My hon colleagues have been mentioning about election There was also a proposal to conduct election in Kashmir May I submit here before going in for an election the Government should take all steps to create a congenial political atmosphere in Kashmir In this connection, I may mention what the hon Prime Minister has observed in an interview with the Hindustan Times It reads as follows

If some people think that within the Indian Constitution an amount of autonomy which meets with the aspirations is possible, then that is what we have to explore"

The Prime Minister has mentioned that he has to discuss with the militants or those who have the aspirations of a certain amount of autonomy for the people of Kashmir is prepared for it This is the crux of the matter Therefore, the first thing, according to me, is that the Government of India should convince the people of Kashmir the bonafides of the Government of India is to provide a certain amount of autonomy

The Government should also convince the fact that they will protect there Kashmirate of Kashmir society by the effective implementation of Article 370 and bring back the misguided youths who have been misled by the trigger happy militants, who have been the supporters, of Pakistan Government Pakistan is really doing a great harm to their own country, according to me, because the people of Kashmir wanted to identify with the rest of the country We shall

not stand in their way and we should also give them correct signal that the people of the rest of the country will always stand by them In this connection, I would like to urge upon the hon Home Minister to make an enquiry about the reported conflict between the security forces and the civilian people there Here I am mentioning about it only for the Home Minister to make necessary investigation That one woman in a locality near Srinagar/who delivered a baby a couple of weeks ago has been arrested by the security persons There was a scuffle between the local women and the security forces and as a result of which 20 women have been injured Later this young woman was released on humanitarian grounds It was reported that she has been described as a Pakistan trained terrorist, but she has denied it The local people told the press people that it was her husband who was a militant Even a woman has been arrested by the police talking every other Kashmiri as a militant This is a matter to be deplored

Another matter which I would like to bring to the attention of the hon Minister is that one of the Members has referred about the corruption in some offices It is said that some of the officers have misappropriated rifles, machine guns and a lot of gold which they gotered while making raids on Ikhwanul Muslim hideouts Of course the Government have taken prompt action by placing these people under suspension So these are the problems which we have to look into

At the same time, I urge upon the Government to take care of those migrants who have been forced to go out of the territory I would also urge upon the Government that the people should be given a convincing message that the Government of India is sincere to respect their feelings, their aspirations, their honour, their wishes and the psyche of the Kashmiris

At the same time, I also urge upon the Government to constitute a Parliamentary Committee to go to Kashmir and enquire into the grievances or any excesses if any that have been committed on the people of Kashmir The Kashmiri people will always

[Sh E Ahamed]

stand for India and Kashmir is a testing ground for secular India

No doubt Kashmir people will realise that India's secular democracy is much better for the people of Kashmir than the hegemonic regime of Pakistan. I hope all the people in this country will rise to the occasion to do whatever necessary so that people of the Kashmir valley be with rest of India, if India has to be the real secular India.

With these few words, I conclude hope that the hon Home Minister will take appropriate steps in this matter.

SHRI CHITTA BASU (Barasat) With much reluctance, I rise to support the motion moved by the hon Home Minister. The reason for my reluctance is two folds, which I have been articulating whenever opportunity is provided to speak on the problem of Jammu and Kashmir.

One of the reason is that the Government suffers from absolute lack of firm Kashmir Policy. I do not know whether the Home Minister himself knows what have been the policy contours of Government of India in regard to Kashmir.

Second ground of my reluctance is that the Government's actions very often emit conflicting signals both to the people of Kashmir, to our hostile nation and also the international opinion. It is high time that the Government of India formulated its Kashmir Policy in a very comprehensive and integrated manner, so that the people of Kashmir can understand us properly so that our enemies can understand us properly, so that the international community can also understand us properly and make appropriate response to India's peculiar stance.

I suggest and I am convinced, that India's Kashmir policy should be based on two fundamentals. One is, we are not to conquer militarily a particular part of India. We have to win the mind, head and heart of the Kashmir people. It is not our objective to

keep under occupation a particular territory belonging to India. The fundamentals of India's Kashmir policy should be to recognise to the psyche of the Kashmir people, to recognise the distinctive personality of the people of Kashmir. This should be the major area of the two pillars of India's Kashmir policy.

I have not got much time, therefore, I shall hasten.

During these two months — I mean June and July — conflicting signals have been emitting from here. I quote only two sentences.

"The Governor of Jammu and Kashmir said on June 20 last

" Militancy has been on the slide for the last eight months "

Again in July he said

" The militants are losing ground. The trend is irreversible "

But if you allow me to quote certain figures available from the Government and a very important figure which has been published today in *the Times of India* which gives graphically and comparatively figures of incidents of violence, number of persons killed, number of innocents killed, number of militants killed, they will prove that the incidence of violence has increased over the months.

Therefore, the statement or the claim which has been made by the Governor of Jammu and Kashmir and the Home Minister is to be based on the ground reality of the situation as is obtaining there.

My last point and that is my final point. The Kashmir policy should not be the policy of trigger-happy police personnel or security personnel. It has got certain international ramifications and unless we consider the Kashmir problem in the context of the international ramifications and our response is not appropriate to that, I, think we are going

to lose the battle in Kashmir. Of course, I shall not use the word, we may lose the battle but I am convinced that we shall not lose the war of Kashmir.

A section of the Army has assessed, I am told, that Pakistan is heading for a more direct and open support to the militants. Naturally, there should be an appropriate response from India and in order to have an internationally proper response, internationally we have to activate our diplomatic efforts. I think there are shortcomings in that regard. Pakistan has made its point very much clear. It says, only in June, that Pakistan extends moral, political and diplomatic support to the Kashmiris in their struggle for self-determination.

Therefore, so far as Pakistan's policy is concerned, it is clear and for that I think diplomatically we should mobilise the international community to see that Pakistan is isolated and the people of Kashmir are won over so that the national unity and integrity are preserved and we can ultimately win the war in Kashmir properly.

[Translation]

SHRI CHHEDI PASWAN (Sasaram)
Mr Chairman, Sir, there has been a demand to keep in force the proclamation issued on 10 July, 1990 for a further period of 6 months i.e. we refer to the 3rd December, 1992. Besides, I rise to speak in support of the Demands for Grant, 1992-93.

Although, I support this budget, but I would strongly question as to how long the Government would keep passing this budget. Why the democratic process has not begun in Jammu-Kashmir so that the people there may pass their own budget. The period of President's rule is extended again and again. It is not good. We are supporting the budget under forced circumstances. Placing of this budget is just a formality, because now we can only repeat what was said by the hon. Members while passing the last budget. I would like to know from the Government about the performance report of the last budget. The performance report of any

budget shows as to how much of allocated money is spent and for what purpose it is spent. This discussion will be meaningful only when we obtain that performance report. I would therefore like to know from the hon. Minister as to how much money was spent.

Mr Chairman, Sir, I would like to cite a few examples. The hon. Minister is sitting here. As has been told by Shri Madan Lal Khurana, 140 bridges and 250 schools were either blown up or set on fire by three terrorists in the last few years. Now will the hon. Minister make it clear in his reply as to how the money allocated for it in the last budget was spent? Why those schools have not been repaired so far? Moreover, terrorism is rampant in the valley of Jammu-Kashmir. If we go into its background we will find that it is a state of total terrorism. This is all because of the wrong policies of the Congress. The example of it is the spread of terrorism in Punjab. So long the Congress were getting benefit from the Akali Dal, Bhindrawale was called a patriot but when Bhindrawale went out of their control, the same person started to be called a terrorist. The same is the situation that prevails in Jammu-Kashmir. Ghulam Mohammad Shah was installed as Chief Minister by replacing Farookh Abdulla in 1983. It was during this period terrorism increased. Similarly, the leader of the opposition in Bihar sold the Gandhi Maidan, Patna Railway Junction and now they are demanding dismissal of the Government of Bihar. If even by mistake the Government of Bihar is dismissed by the Central Government, the situation there will become the same as prevails in Jammu-Kashmir and Punjab. The same situation may erupt in Bihar, I would therefore demand to the Central Government that it must consider all these factors before declaring the president rule in Bihar by dismissing the Government of Bihar so that it does not give way to terrorism. Thanks.

SHRI RAMASHRAY SINGH (Jahanabad)
Mr Chairman, Sir, there is no way out except supporting the resolution presented by the Minister for extending the President's Rule in Jammu and Kashmir. I would like to say that for how long this

[Sh. Ramashray Prasad Singh]

process of extending the President's Rule would continue. Listening to all these speeches made by the members of all the parties was very painful for me because Kashmir does not belong to any party. Kashmir belongs to the entire nation. In such a situation, if we intend to solve the problem of Kashmir, all political parties should pave a way to this effect untidely. We should condemn outside interference maximum. We should suggest as to what measures are required to be taken which would prove helpful in solving the problem of Kashmir. Our army personnel's are fighting bravely against the terrorists there. But the Government has to keep a vigil on them, so that they may not commit mistake so that the situation may not be deteriorated further because there the war is going on in a critical situation.

Thirdly, I would like to say that we should not be in a hurry to hold the elections there. There is no use of holding elections there unless normal situation is restored.

I would like to urge upon the Minister of Home Affairs to look into the problem and ensure that Kashmir may remain an integral part of India forever. It should not be disintegrated. The provision of Article 370 in the Constitution was made after much deliberations. Thus, all clauses of the Article should be followed. I conclude with these words.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI.S.B. CHAVAN): Mr. Chairman, Sir, I wish to express my gratitude to all the hon. Members who spoke while supporting this Resolution for extension of President's Rule in Jammu and Kashmir. Every hon. Member has his own suggestions to offer as to how this Jammu and Kashmir problem needs to be solved. Every hon. Member has been speaking here that we should have a national approach to this problem. The problem cannot be considered from a partisan point of view. But, at the same time, most of the hon.

Members who have spoken have reminded us of some of the old stories wherein they have been asking all kinds of questions to me. I do not think that I will be able to maintain the atmosphere in the House, if I were to reply to some of the points which the hon. Members have made. We have to forget all the past and approach the problem in a realistic and in a national spirit. But, at the same time, we have also to remind ourselves that there are some fundamentals involved. If you say that 'we agree with you that this has to be solved as a national problem, but our party's point of view is that we had taken a decision that we are going to follow this line and we are not going to depart from it', if that be the case, then, of course, I have my own doubts as to whether you will be able to contribute to the extent possible because some of the hon. Members, who spoke here, have diametrically opposite views. One is abrogation of Article 370 and another is giving a full autonomy. When Article 370 was incorporated in the Constitution, whatever was the position you have to restore the position. I do not know whether the hon. Members have been able to appreciate it. Some of the hon. Members have made submissions that in spirit of the Article 370 the Government has been departing from the spirit of the Article 370, and has made applicable all the laws which were passed in India. I do not think that this is borne out of those facts. If the hon. Members who spoke at great length that in spite of Article 370 we made certain laws which were passed by this Parliament, applicable to Jammu and Kashmir, without following procedure which has been laid down, I would like to be enlightened on that. According to my information there is not even a single case wherein the procedure, which has been laid down in the 1954 order, specially meant for Jammu and Kashmir, has been violated. According to this, if a law is passed by Parliament, the President has to issue a special order and before the President issues that order, the Jammu and Kashmir Government has to be conducted. After their concurrence only, we issue the order. This procedure has been properly followed so far. I do not think that there has been even a single case wherein there has been a

departure from the kind of procedure that I have just now stated. But, when some of the responsible hon. members made their submissions, I was myself perplexed and surprised.

Now, these are the two diametrical opposite views that we have on this problem and still we say that we would like to approach this problem with a spirit to maintain the unity and integrity of this country and we are trying to find a solution to the problem. You have to a spirit of give and task. Without that I do not think we can ever think in terms of finding a solution to the problem.

There was another of view which was placed very forcefully by some of the hon. Members that are we going to speak to the militants and try to find a solution to the problem. Certainly we are not averse to having any kind of dialogue provided the dialogue is within parameters of the Constitution. Constitutional provisions are essential before we have any kind of dialogue. Also, those who would like to have the dialogue, should give an undertaking that they will abjure violence. These are the two basic fundamentals on which certainly we are going to emphasis. We are not against any kind of dialogue. I know there are large number of youths who actually have been forced to go out of Jammu and Kashmir. They have been trained there. They are given money, They are provided weapons and also the logistic support. Pakistan so far has been denying this, saying that they never done such a thing, that they have never encouraged terrorism in either Punjab or Jammu and Kashmir. Fortunately for me, the Pakistan Prime Minister has made a statement and that statement clearly brings out what is the policy of Pakistan. He as clearly and openly said that those who are agitating for self-determination will get full support, both moral and material.

SHRI INDER JIT (Darjeeling): Political also.

SHRIS.B. CHAVAN: So, this statement is very unequivocal. There is no ambiguity left... (Interruptions) But when Shri Chitta

Basu says 'haan', I am also tempted to put that question to him.

Some hon. Members said that we know very well that camps are being conducted by Pakistan and they wanted to know what is the policy of the Government of India in this respect. Shri Chitta Basu, or for that matter any other Member, has been pleading that we have to take very effective steps to see that these camps are demolished. But how to bring about that is the main point. I am sure that hon. Members are not trying to force the Government of India to take steps which will unnecessarily create a situation which we would like to avoid. Pakistan and India would like to be every good friends, very good neighbours each one trying to understand the difficulty of other. But there are countries which have their own problems. Whenever Pakistan has a problem and a very major problem, Kashmir issue comes very handy for them. I know the problems which they are confronted with. I would not like to go into the details of the same but our position is absolutely clear on this point. Shri Bhutto, the then Prime Minister of Pakistan, and Shrimati Indira Gandhi entered into an agreement in Shimla. So, that Shimla Agreement is a binding on both parties... (Interruptions).

SHRI MADAN LAL KHURANA (South Delhi): Not one-way traffic.

SHRIS.B. CHAVAN: Of course, it cannot be one-way traffic. When we say agreement, agreement has to be between the two parties. So, when both the parties have agreed, according to my interpretation, this has an overriding effect on the previous Resolution of the Security Council. So, the latest position is that we are bound by Shimla Agreement and Shimla Agreement contemplates that this is a bilateral issue which we have to bilaterally decide. The efforts of Pakistan have always been to internationalise the issue. They have been pleading with the OIC. They have been pleading with all the other countries.

But even American Government also has been clearly stated that this issue has to

[Sh S B Chavan]

be solved according to the Shimla Agreement That is the first policy statement that they have made Similar kind of statement was also made by U K Government and they have come out pointedly that this issue needs to be solved only according to the Shimla Agreement So, we have to consider it and apply our mind and create necessary atmosphere so that bilaterally we are in a position to find an amicable solution to this problem

When we begin any exercise and if provocative statements are made and provocative actions are being taken - I would not like to refer to any particular action - this goes against the atmosphere which we would like to generate. I, therefore, appeal to all the political parties You have the rest of India where you can fight all kinds of political issues and discuss them and fully exploit them for political purposes But let us approach this Jammu and Kashmir problem - which, in fact, is a very delicate problem and which needs to be handled very delicately — with all seriousness Please do not try to give an impression to the world that we are not one I am sure that every one of us is motivated with a national spirit Every one of us believe in the integrity of the country I do not accuse any political party that some of the political considerations are sought out of this issue (*Interruptions*)

SHRI AACHARLES (Trivandrum) *What about the B J P ? (Interruptions)*

SHRI S B CHAVAN Please do not try to vitiate what I am saying My only appeal to all the political parties will be that we are all interested in the solution of the problem of Jammu and Kashmir According to me Jammu and Kashmir is a symbol of secularism Secularism in a symbolic form is being projected in Jammu and Kashmir And from that point of view we have to approach this problem and try to find a solution to it

A point was raised that the Government has been giving conflicting signals in this matter I must say, without any fear of

contradiction, that there has been no conflict at all

[*Translation*]

We have been approaching the problem with all seriousness as one

SHRI MADAN LAL KHURANA Your Minister makes a different statement

[*English*]

SHRI S B CHAVAN Sir, as regards the situation in Jammu and Kashmir I will say that there has been a qualitative change Even one I assert it I have gone there so many times and this is my assessment of the situation that there has been a qualitative improvement

Take the case of Punjab When we declared that we are holding elections in Punjab, the dictates of the masters of militants from across the border was that the Government of India should not be allowed to hold elections in Punjab If they were to succeed in holding the elections in Punjab, they will not get the money and all other material support that they have been getting This was the dictate They were responsible for almost foreseeing Akali Dal not to participate in the election

Similarly, in Jammu and Kashmir also, as far as my information goes, there is no harm in informing this August House- that the militants have very clear instructions not to allow elections to be held in Jammu and Kashmir also

If we can hold elections in Punjab, I do not find any reason as to why we should not be able to hold elections in Jammu and Kashmir also I hold the view that there is no difficulty in holding the elections in Jammu and Kashmir The only point will be, we will have to choose a proper time for the same It is a question of choosing a proper time because whatever people might say, I hold the view that in spite of all the best efforts that the Governor and his Advisers and all other officers are making, they might be attending

to the problems of the local people. After all there is a kind of remote control.

SHRI TARIT BARAN TOPDAR (Barrackpore): What is the percentage of polling you expect in Kashmir?

SHRIS.B. CHAVAN: Whatever be the percentage, if you do not participate in the elections in Jammu and Kashmir, I will not be responsible for the same. In Punjab elections, if you were not to participate, who was responsible? I cannot force upon you to go and participate in the elections. In Jammu and Kashmir also if you think you cannot win the elections and decide not to participate, you cannot hold me responsible. In Punjab the percentage had gone down because you did not participate. That is not my concern. I will give an undertaking. Unfortunately Jammu and Kashmir has been having a history wherein people have very grave doubt whether the elections are going to be fair in that area and I can assure all the hon. Members and through this House the Jammu and Kashmir people argue that here is a Government which takes the full responsibility or having a fair and very objective election, nobody should have any doubt about it. Similarly, I must say that in Jammu and Kashmir....(Interruptions). Please. I do not want any interruption. (Interruptions). No interruption please. I have to finish my speech. I am not yielding. (Interruptions). After I finish my speech, you can ask me. If any clarification is sought.. I will try to give the clarification. But in Jammu and Kashmir also we would like to hold the election in a proper atmosphere. It is the responsibility of all the political parties to create congenial atmosphere in which elections can be held.

Now, the State Advisory Committee has been appointed, District Committees have been appointed, one of the hon. Members was quick to ask. How many meetings have been held? What was the decision, I do not have all the details with me. I can merely say that there was a time when people were not prepared to come to the Advisory Committee meetings, but now they are regularly attending the meetings; the meetings are being held, matters are being discussed and

last time when I had been to Baramulla and other areas, I found that there was a qualitative difference as what I said, people did not ask me that 'this was the atrocity which was committed by para military forces.' This time the question was, as some hon. Members said, that some of the bridges have been destroyed, some of the bridges have been damaged and the money which has been provided in the Budget should be utilised for the repairs of these bridges or school buildings. They were interested in having good roads, they were interested in having the electricity in that area. So, there has been a definite change in the attitude of the people, but unfortunately no political party is prepared to go over there, take the responsibility and take the courage in both the hands and go and mix with the people. If they do, I am sure they will find that there is a tremendous change.

One more point and I have done, Sir, and that is about the human rights aspects which has been raised by some of the hon. Members. I must say that this is a kind of proxy war and in very difficult conditions our Armed Forces, the para military forces have been discharging their responsibility and we feel quite proud that these Forces have been doing their work excellently, nobody should have any doubt about it. But I can also say that there have been stray incidents. As Pakistani Forces or some of the militants have been raising this issue, they have been only emphasising the atrocities committed by some of the militants. I will not rule out the possibility of such stray incidents happening; incidents do happen, but the only point is, if the incidents happen and if we are trying to cover it up, then certainly we are responsible for the same. The Army is having their own course, the para-military forces have been also subjecting their officers to all the trials which are laid down under the Act. They have been punished, some of the officers have been removed from the service, some officers have been plowered in rank and punishments have been awarded. But, even then nobody is prepared to accept that this thing had happened, but they are merely going on reporting that atrocities have been committed.

[Sh. S.B. Chavan]

Sir, the incident was mentioned by some hon. Member. I would not like to go into the details, but the fact remains that when in a hide out if you try to go and find out where the militants are hiding, after getting the information and if they were to raid the house, in the cross firing some innocent people are bound to be killed. There is no doubt about it. I can understand if purposely and deliberately some innocent people are killed. The, of course, those officers are responsible and we are not going to spare them. Definitely, I can assure you that. But in the cross firing if somebody comes in and merely to safeguard that person if we allow the dreaded terrorist to run away from that area, then that officer will be held guilty of dereliction of duty. He cannot behave the way in which we ask him to behave. He has a particular responsibility and he as to discharge his duty. I am quite sure the way in which the armed forces, the para-military forces and the police have been discharging their duties, it is commendable in the atmosphere in which they have been working.

Then, our friends, the Amnesty International, I do not know why they are interested in maligning the Government of India and creating an atmosphere as if there is a law of jungle prevailing in India; there are no Courts, there is no Assembly or there is no Parliament and nobody seems to bother about it; this is the kind of atmosphere which some of these people would like to create. But, at the same time, I understand that some of these people have become so powerful that it has become a powerful lobby that it is difficult to improve the opinion of some of the major countries. So, we are trying to find a way out as to how either set up a Human Rights Commission or form the Amnesty International itself, if some of the members who are not so much prejudiced as some of the members who are not so much prejudiced as some of them are and if they are objective and impartial, certainly we have no objection in asking them to come over and visit Kashmir. There are a large number of foreigners who are going to Kashmir. So, there is no reason why we

should object to some of the people going to Jammu and Kashmir and try to find the situation as it is prevailing. For the time being, we have been allowing only in Punjab, but so far as Jammu and Kashmir is concerned, we do not like to get the existing situation aggravated further. That is the only thing that we have in our mind. Otherwise, there is no reasons as to why some of the Amnesty International people should not go there. If they were to go there, my only request to them is, if they go there and come across any kind of atrocity, then they should at least have the decency to discuss the matter with the Governor there or the Government of India. They can just bring it to our notice that these are the things which have come to our notice that and what have you for to say about it? So, after listening to what the Jammu and Kashmir Government has to say or the Government of India has to say, thereafter they are free to publish their report. I do not have any objection to it. But if it is a totally one-sided report within giving an opportunity to the other side to put forth its point of view, then it will be considered as a kind of prejudicial report which, according to me, will not be in the interest of the Amnesty International itself. So, my request to them will be that if they are prepared to follow all these conditions, certainly we can consider as to how we can bring them here.

20.00 hrs.

We are not interested in hiding anything from any one. Those people who would like to come there, let them come over there and see things for themselves and if we have committed a mistake, certainly we are interested in corrected the same. We are not interested in covering up anything which, in fact, has happened and which requires some kind of corrective action in our lives.

There have been some other issues which have been raised. *(Interruptions)* I have finished.

MR. CHAIRMAN: Do I take it that it is the sense of the House that the House will continue to listen to this issue whatever be the time?

SEVERAL HON MEMBERS Yes

SHRI S B CHAVAN There are two points raised by Shri Madan Lal Khurana One was about the step-motherly treatment given to Jammu area I have not been able to quite understand Jammu Ladakh and the valleys in these three parts and let me make position absolutely clear that we would not like to encourage any kind of rivalry among the people Problems are there I understand the problem Problem needs to be solved Some of the grievances have to be attended to I have no grievance on that point In regard to Ladakh also, in fact, I was on the point of almost coming to a conclusion on a particular matter But unfortunately they are not trying to help us in the situation in which that problem has to be solved But I have been requesting the Buddhist Association They have been having a social boycott and I have been to Leh So, I know what kind of boycott is there in that area If this kind of communal atmosphere is being spread, that will not be in the interest of the people of Leh, the Buddhist Association and also, for that matter, even Kargil Kargil and Leh have to live together in a spirit of amity and understanding If communal hatred is being spread and in that atmosphere, if I would say that a hill Statehood is being granted in spite of what the other people might be saying, my condition precedent will be, you first remove this social boycott create a feeling of amity between different communities and there should be no problem Whatever Government of India has accepted, certainly there will be no problem in implementing it We will definitely implement whatever we have promised them

There have been some issues which have been raised by some hon Members Our Youth Congress President raised certain issues I have covered in a general way almost all the points which he had raised
(Interruptions)

SEVERAL HON MEMBERS All points are covered

SHRI S B CHAVAN I understand you are now in the hurry The other point I have

taken note and to the extent possible, I will try to attend to the same I quite appreciate the difficulties of the refugees 1947 refugees and those who have fled from Valley and who had to come over to Jammu or to Delhi Conditions need to be improved and certainly Government will apply its mind to see that we create conditions in which permanent rehabilitation so ruled out I will never think in terms of permanent rehabilitation But the kind of relief that we can give them are that sanitation conditions will have to be improved The students have been given all the facilities If there is any problem of implementation of the same, certainly we will attend to them so that the students at large should not feel that they have not been properly treated

There are some of the issues that I thought necessary that I should reply I would request the House to give assent to this

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SHANTARAM POTDUKHE) M^r Chairman, Sir, after the hon Home Minister has replied to this debate, I have nothing more to say about it Only one thing I would like to say that Kashmir is going through tremendous financial strains and there are financial difficulties also I want to tell the honourable House that the Planning Commission has approved the Eighth Five Year Plan for Kashmir to the tune of Rs 4000 crores Central Assistance to this Plan is Rs 3256 crores The Jammu and Kashmir Annual Plan for the current year is to the tune of Rs 800 crores that is Rs 100 crores more than last year

Sir, Jammu and Kashmir has come under the Special Category since 1991-92 The Central grant is 90 per cent and the loan portion is to the tune of 10 per cent

About Ladakh, I want to say that under the Eighth Plan, an allocation of Rs 100 crores has been provided for the development of Kargil and Leh

With this I would like to request the hon House to pass the Budget of Jammu and Kashmir

MR. CHAIRMAN: The question is:

" That this House approves the continuance in force of the Proclamation dated the 18th July, 1990 in respect of Jammu and Kashmir, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 3rd September, 1992 "

The motion was adopted

MR. CHAIRMAN: I shall now put the Demands for Grants in respect of Budget (Jammu and Kashmir) for 1992-93 to vote:

The question is:

That the respective sums not exceeding the amounts on Revenue Account and Capital Account shown in the Forth column of the Order Paper, be granted to the President out of the Consolidated Fund of the State of Jammu and Kashmir to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1993, in respect of the heads of Demands entered in the second column thereof against Demand Nos. 1 to 27 "

The motion was adopted.

MR. CHAIRMAN: The Demands for Grants in respect of the Budget - (Jammu and Kashmir) for 1992-93 are passed.

20.00 hrs.

JAMMU AND KASHMIR
APPROPRIATION (NO.2) BILL*

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF FINANCE (SHRI
SHANTARAM POTDUKHE): Sir, I beg to

move for leave to introduce a Bill to authorities payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Jammu and Kashmir for the services of the financial year 1992-93.

MR. CHAIRMAN: The question is:

" That leave be granted to introduce a Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Jammu and Kashmir for the services of the financial year 1992-93 "

The motion was adopted.

SHRI SHANTARAM POTDUKHE: I introduce the Bill.

Sir, I beg to move.

" That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Jammu and Kashmir for the services of financial year 1992-93, be taken into consideration. "

MR. CHAIRMAN: The question is:

" That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Jammu and Kashmir for the services of the financial year 1992-93, be taken into consideration. "

The motion was adopted.

MR. CHAIRMAN: The House shall now take up clause by clauses consideration of the Bill.

The question is:

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

*The motion was adopted**

*Published in Gazette of India Extra ordinary Part -II, Section 2, dated 11.8.92

*Introduced Moved with the recommendations of the President.

Clauses 2 and 3 were added to the Bill

"That the Bill be passed".

MR. CHAIRMAN: The question is

The motion is adopted

"That the Schedule, Clause, I, Enacting formula and the Long Title stand part of the Bill "

MR. CHAIRMAN: Is the House in any mood to take up the next item?

The motion was adopted

SEVERAL HON. MEMBERS: No, please.

The Schedule, Clause 1, Enacting Formula and the Long Title were added to the Bill

CHAIRMAN: The House stands adjourned to meet tomorrow at 11.00 a.m.

SHRISHANTARAMPOTDUKHE: I beg to move:

20.11 hrs.

" That the Bill be passed "

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August, 12, 1992/Sravana 21, 1914 (Saka)

MR. CHAIRMAN: The question is: