

14.24 hrs.

STATUTORY RESOLUTION RE:
APPROVAL OF THE COTINUANCE
IN FORCE OF THE
PROCLAMATION IN RESPECT OF
JAMMU AND KASHMIR—*Contd.*

[English]

MR. DEPUTY-SPEAKER: Now, I call upon Shri Khanduri to speak.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI (Garhwal): Mr. Deputy-Speaker, Sir, I rise to speak on the Resolution for extension of President's Rule in Jammu and Kashmir not only with sadness and heavy heart but with a feeling of indignity and anger.

Today we have assembled here to permit this Government to extend President's Rule by another six months. And by the time six months are over, the State would have been under the President's Rule for four long years. It is a blot on our democracy. Sir, why is this happening? Why are we being subjected to go through this farce every now and then? Why is this House and this Nation being subjected to this humiliation again and again? How long is this torture going to continue?

How is it that a foreign country is being allowed to make a mockery on our democracy by tying us down in a proxy war? Why, for Heaven sake why has this Government been struck and inflicted with this never ending physical and mental paralysis?

What is it that prevents you from governing a part of this country in the

normal manner as per our Constitution? In the context of this never ending extensions of President's Rule, these questions must be answered honestly and truthfully. It is only after this that we will be able to see the light at the end of the tunnel as a nation.

I wish to bring to the notice of the House and of the Government some lessons from the history which they ought to have learnt. Our handling of Jammu and Kashmir issue has been a long story of missed opportunities, misplaced faith in Pakistani leaders and ultimately, lack of political wisdom in our leaders and rulers. This is why we have landed in a state where we have to give long explanations, as the non. Home Minister has done not only for extending the President's Rule but also extending the total period under which a State can be under the President's Rule.

I would like to narrate two instances of how this Nation has missed the opportunities in the past. Pakistan attacked the State of Jammu and Kashmir on 22 October, 1947. On 27th October, the State of Jammu and Kashmir acceded to India. Immediately after this the Army and the Air Force were asked to throw out these Pakistani personnel who were masquerading as infiltrators. And the brave Indian Army and Air Force soon after the Independence when they were still in the process of settling down, rose gallantly, rose to the occasion and within a short period of just about two months were able to drive most of these Pakistani army infiltrators out of Jammu and Kashmir.

By the end of December, 1947, the Army was in position to retake the entire

[Maj. Gen. (Retd.) Bhuwan Chandra
Khanduri]

We had won the war convincingly
and totally.

Jammu and Kashmir for this country. They were in a position of advantage. They would have been able to capture not only the entire Jammu and Kashmir for this country but also, if required, would have gone into Pakistan. But then a monumental blunder was made by the leaders of this country. On 30th December, 1947, the matter was taken to the UNO. On 1st January, 1948, we accepted a cease-fire against the advice of Sardar Patel. The Army requested, begged for a few days more so that they could remove the entire Pakistani agents from Jammu and Kashmir. But they were not allowed. The Army requested for just 72 to 96 hours in which they would have removed all the Pakistani people from the entire Jammu and Kashmir and if required even beyond that. But our political leaders in their anxiety to acquire international status denied this opportunity to the gallant soldiers of the country.

Just think what would have been the status of this country, even of its economy, the status in the international spheres, if the entire Jammu and Kashmir had been with us today. How the situation would have been? But just for a blunder, probably an impulsive decision, this opportunity was lost.

The gallant forces of this country once again gave another opportunity to the countrymen and to the Nation. In 1971, the Armed Forces gave us a victory unparalleled in the history of the world. With 90000 prisoners of war under our belt and a part of Pakistan dismembered, that country was totally and completely defeated. They were not only on their knees but flat on their face.

Sir, in war, there are no runner-ups, there are only winners and we were the winners at that time. If our country could have made use of that opportunity, where thousands of soldiers were killed to give us that victory, we could have resolved this problem of Jammu and Kashmir. But once again the opportunity was missed. In fact, I often wonder how our late Prime Minister, so capable in other areas, such a shrewd politician, could have missed this opportunity, how could she have let go this opportunity that had come our way through the valiant efforts of our soldiers and our Forces. But it was missed. What I am surprised to learn is that even in the Simla Agreement, there is a reference to sorting out problems under the U.N. Charter. They did not learn this lesson in 1947 and also for the last 47 years. We made this mistake again. In 1947 when we went to U.N.O., I am told, we went under Chapter VI, which is for disagreement between countries, and not under Chapter VII, which is meant for an aggression. We made a mistake at that time. Now again we have given reference of U.N.O. Today, Pakistan is totally disclaiming the Simla Agreement and even other countries are treating it as a mere scrap of paper. So, we allowed Pakistan to get off the hook once again in 1971.

I am giving this background merely to plead with this Government that when historical opportunities come your way, please do not squander them away. We have lost valuable opportunities and we continue to lose opportunities when they come our way, in smaller or bigger ways. Please treat these opportunities as God-sent and utilise them, rather than frittering

them away in petty political games, petty political manoeuvres, on vote-bank mentality and individual egos.

I would request the Government and appeal to them that when National interest demands toughness and ruthlessness, it is criminal to be soft. This is how we have been doing every time. When we are in a position of strength, we have, for reasons other than national interests, succumbed to vote-bank mentality and avoided or ignored national interests.

I hope, this Government is capable of learning the lessons from history and in future such opportunities are not lost.

Next I come to the aspect of Jammu and Kashmir problem vis-a-vis the international pressures or international prestige or international interference. It is sad to see and be subjected to continuous foreign interference in our internal matters and this Government accepting meekly, reacting in a very weak-kneed manner, all the allegations and propaganda that goes on in the world. It appears, and it is a sad plight to see, that this Government is a willing accomplice to the crime of weakening India's case all over the world everyday that passes by. We have not only Pakistan which is gunning for us at every occasion, at every place, everyday, but we have its fundamental friends, the OIC - Organisation of Islamic Countries — also needling us off and on, whenever they get an opportunity. Our reaction has always been that well, they have been misreported or misunderstood or some very mundane sort of argument or excuse is being given and we accept it. On the other side, the USA the big power now, the unipolar power, has not been missing

any opportunity to treat India in a manner as if it was a slave under USA.

In all the international forums, of late, USA and other countries have been raising the issue of human rights.

The United States of America has questioned the very accession of Jammu and Kashmir to India and what is the response from this country? What is our Government's response? The response that you give gives an impression as if you are very apologetic about the whole thing and as if you say: "We are sorry, we have to defend our case." This is the type of message that is going on all over the country and all over the world. Why are you behaving in this manner? We have a perfectly justified case. In fact, it is we who are being harmed and injustice is being done to us. But nowhere in your reaction to these things you are displaying this sort of attitude.

Sir, today the way international forums and countries in the world are needling and pin-pricking India and our reaction to it are very shameful. With your permission, I may use a saying in the permission, I may use a saying in the villages which says: Garib ki Lugaai—Sab ki Bhojai' Anybody can come, make a pass, make a remark and just get away. I charge this Government that they have reduced this mighty country to a level of incompetence where any country, even a small country can tell anything against us and get away with it. This is a matter of disgrace not only with reference to Jammu and Kashmir, but all other fields whether it is Farakka barrage or anything. We are just told that the papers have misreported. You and I know what it means when somebody says that he was misreported in the papers. It means: "I have made a statement and you can lump it". Unless our reactions are strong and

[Maj. Gen. (Retd.) Bhuwan Chandra
Khanduri]

unless we can make them feel that they are going to pay for such indignities that they are inflicting on us, we will not regain our dignity. There are many examples which I could have quoted. But I thought I can take only one country and that is the mighty U.S.A. and give one or two examples as to how our reactions, in my opinion, have not been proper.

Sir, today, the U.S.A. is lecturing us on human rights everywhere. But nowhere our Government has been telling them on their face about their record on human rights. 70 years after their independence from the British, they fought a bloody civil war and 10 lakh Americans were killed. Where was their concept of human rights then? When we want to save our country, when we want to protect the integrity of this country, then they are teaching us the lessons on human rights. Where were their lessons on human rights when they killed 10 lakh people for the integrity of their country? Or is this human rights issue meant only for export? Our Government just does not react. We are not on the offensive. We are always on the defensive and reactive. We are never anticipative or offensive. Why are we always apologetic? I would like to ask this Government. This paragon of virtues, the U.S.A. can bomb the hell out of Iraq on a suspected allegation that there was a conspiracy to kill Mr. Bush and when we, Indians, want to bomb the training areas of terrorists in a part of our country which is under occupation of the Pakistanis, then we become devils. Why are they having these double standards?

Sir, I know the U.S.A. is a mighty cower, but that does not mean that we should become subservient to them and that does not also mean that we will not

raise our objections and reasonable voice against them. This country is a mighty country with a tremendous potential and it has got enough strength. Why are we scared? This country has got the strength, courage and moral values. We will remain hungry and we will save this country. We will fight for this country with half stomach or with empty stomach. We will die for this country, as we have done in the past. Why are we afraid? Why are we taking this bullying from the U.S.A.? Let me also tell this House that I am not anti-U.S.A. I like our country to be friendly with the U.S.A. They are also a democracy, but we will not accept their bullying. Why are we accepting their bullying when we know that they are doing it and putting pressure on us for different reasons merely to serve their own political ends? As somebody has said, the route to NPT (Non Proliferation Treaty) is via Kashmir. For these reasons they are putting pressure on us and we are gladly and willingly accepting it.

Sir, it is in this context, I say with all sincerity and strength at my command, what I said on the 28th August, 1993 when I spoke on a similar Resolution. I would like to repeat that in the national interest, if you need to be strong, if you are to be ruthless, if you need to be tough, then you must be tough. Mixing up goodwill, mercy, at the cost of national interest is not acceptable. Therefore, I request this Government to change this vacillating and weak-kneed attitude towards the issue wherever the national interests are involved.

In this context, I had read out partly during my speech in the last debate, and article written by Shri T.N. Kaul. I feel it necessary to read it again to this House and I hope, this would not be termed as BJP propaganda because we all know

who Mr. Kaul is and what are his credentials:

"India has a right and duty to retaliate, even bomb the POK bases and training camps in POK, if necessary. Has the Government of India, the courage and guts to do—nothing else will deter Pakistan".

Now I come to another aspect of spread of terrorism in Jammu and Kashmir. We all know what the situation in the Valley has been and how it has been deteriorating day after day and how the writ of this Government does not seem to run at all in the Valley. It is getting deteriorated every day and getting worse day by day because of incapable handling of the issue by the Government. The fashion in which it has been going on in the Kashmir Valley is a matter of serious concern. We all know that these things are causing concern. There are enough of worries. Without highlighting on this, I want to highlight another cause of concern. That is, spread of terrorism to the areas of Doda, Jammu and Udhampur. I had been to Doda on 6th to 8th of May, last year along with three other MPs. We visited a number of places and met a lot of people. Thereafter we submitted a report to the Home Ministry. In the last debate, I had referred to it. We had made certain recommendations. These reports are probably still gathering dust in the Home Ministry. I am not saying that our recommendations were excellent but those were made with certain sincerity. I will give you one or two recommendations. I want to know from the Government what prevents them from implementing some of the recommendations which are directly related to the problem of solving terrorism

in Jammu and Kashmir, particularly, when it is spreading in Doda, Jammu and other areas.

I had also gone again to Doda soon after that infamous massacre of 15th August, 1993 when 16 Hindu bus passengers were taken out and killed. I again submitted another report to the Home Ministry. Here again, we had made some recommendations. What I want to convey by these instances is, I do not know if there is really either coordinated thinking or business like activity in the Home Ministry, as regards Jammu and Kashmir. We all know that there is no policy. There are three people with four different voices. But at least such thing where there is no contradiction, no confusion, at least could be examined and if they are not found feasible, then inform us that for these reasons, these are not feasible. I had made two or three recommendations.

One was, there are about 10,000 ex-servicemen in Doda. We have gone and met these people. We met not only members of a particular Party but we met all the Parties including the Congress Party office-bearers. They were all requesting "We are so many ex-servicemen. Please give us some weapons."

Right now, we are fighting the terrorists with a single barrel which is ineffective and with antiquated weapons. The ex-servicemen are saying "Please give us some weapons and we will look after the terrorists ourselves. We do not need anything. We could be organised like the village volunteer force as in Punjab." 10,000 of them are lying idle and, in some cases, they have fought the

[Maj. Gen. (Retd.) Bhuwan Chandra
Khanduri]

terrorists individually. But nothing seems to have happened. Last year I requested the Minister of State. He said he would look into it. But nothing happened. Why? They are the people living in a far corner of the country. I say if you have any doubts, any political inhibitions, please select those people yourself, send a team of your own people and select those people whom you want. But why do you not want to arm those people also who wanted to fight terrorists who are having a free run in the Valley and also in Doda, Jammu and Udhampur? I do not understand this.

Similarly, we had made another recommendation to kindly permit some people to buy their own weapons. Give licences. They are also ex-servicemen. Their credentials can be checked very easily. There is no problem. But again there is no response. You say that "We will give instructions to DM. we will give instructions on the ground." But nothing happens, why? Are you not interested in tackling these terrorists?

The third important recommendation was that there should be a cantonment at Bhaderwa. This is a longstanding demand. Last time, I was also promised by the Minister of State that "We will do something." The other day when my leader Shri Atal Bihari Vajpayee asked this question we were told that the army has got something to do about this. I am sorry. This is not the way. The case had been forwarded by the Governor, Mr. Saksena, when he was there, and it was about to come up. If the Home Ministry wants the cantonment to be there, there will be no objection from the Army Headquarters. But I think there is lack of either desire or motive or it may be due to some

other reasons. May be, you do not want to dis-please some people there. Why these things are not happening? I am sorry to point out these things. But there are many other recommendations like this which give us an impression that the Government is not serious and it does not mean business.

While all this is going on, terrorists are having a free run. We know the type of carnage they are causing there, the type of killings and bomb explosions and all that they are doing there.

I just also want to give you a few figures of the type of weaponry that the terrorists are having.

Ak rifles which are caught up to November last year.	2.214
Rocket launchers.	81
Machine guns.	147
Martars.	10

(This looks like equipment of a regular army.)

Grenades.	Large number.
Grenade launchers.	
Explosives.	

All these things are being used and are being captured. It is only a small part that you captured. You want these to be fought by the unarmed civilians there who have no protection, even from the Police or the para-military forces.

The next point I come to is the concept of unified command. We have

been hearing in this House that the concept of unified command has been accepted and was to be implemented in J&K. I do not know where is the unified command. It is not on the ground. I do not know what is the concept of unified command that is being understood here. All those who dealt with insurgency know that unless there is a properly organised unified command, nowhere in the world insurgency has been tackled. But here we are going on ad hocism in a manner which is totally unrelated to the realities on the ground. I do not know what is the objection again on having a unified command. We have said that unified command, whether it is at Governor's level or army level, somewhere you make people fully responsible and accountable and give them. That is all. In the newspapers we often read that there is some retired Lt. General who is looking after unified command. On the ground, police is doing it in its own way. Paramilitary force is doing it in its own way. Army is doing it in its own way. There is no unity of command. There is no unified command. Let me tell you. It is not at the Governor's level. We keep on changing Advisers every day. It is not at the army level. If it was at army level, we would not have had the spectacle of Hazratbal which you have just quoted where the Army has been humiliated and insulted. That would not have happened, if there was unified command.

Frankly I do not even know if there is a unified command in your Ministry. The type of impression we get is that there are three people and four voices. I am sorry this is the impression we are getting. Therefore, I only want to highlight once again—this had been spoken last time—that unless you have a proper unified command, you will not succeed in tackling and eliminating insurgency. I am

telling you that this is nothing new. It is a historical experience of insurgency all over the world. Please do something about this unified command. Please do it in a business-like fashion, in a professional fashion. Please do not bring in politics into it.

Next I want to talk about the use of army. In the prolonged process of lack of political will, total absence of any kind of policy and bitter internal bickerings within the Government, the best and possibly the only surviving instrument of strength in this country i.e. the army, is being badly weakened, blunted and in the process being destroyed. Army in peace time is used under the term 'aid to civil authorities'. The Government has laid down clear cut procedures, policies, instructions as to how the 'aid to civil authorities' is to be implemented. Once the situation becomes such that army has to be called in, the charge is given to the army, then the army handle the problem in its own way till you ask them to withdraw or till the situation becomes all right for them to withdraw. But here what is happening? You are using army like fire fighting people you are using them as taxi cabs to say, "Come here and go there and surround the Hazarat Bal. I will let you know thereafter, what to do." This is not the way of using army. You are destroying it. It is a matter of serious concern. I am not saying it merely to make a point. The way the army has been demoralised consequent to Hazarat Bal incident ought to be taken note of. I do not wish to go into greater details of the whole incident. Let me tell you that the way you have treated and used the army was like third grade police force. Consequently lot of controversies were raised; thereafter, those terrorists for whom the army was deployed, were caught and the Home Minister made a statement that they were

[Maj. Gen. (Retd.) Bhuwan Chandra
Khanduri]

foreigners. Where have those foreign terrorists who were in Hazarat Bal, gone? They have been given a bail. How have the foreign terrorists been allowed to go? When the army goes for a job and does some work in the bargain it may have to lose its men and weapons. It does not do so in a light hearted manner. Please do not employ army in a light hearted manner as if you are just doing it casually to say, "If it succeeds, it is good enough, but if it does not succeed, we will see next time." You are destroying the very fine instrument of this country. Please be careful.

As it is, it has become a tendency all over the country of using the services of armed forces in a very casual manner for the aid to civil authorities. With J&K, it is specifically clear that it is being used to cover up the inefficiency, lack of political will and just for selfish political motives as how this indeed is very bad. Hazarat Bal as I said, is a classical example. The army ought not to have been used, ought not to have been humiliated, ought not to have been conveyed the message. "you have no work, we can handle you the way we like and even if it is like the third rate police force, we will treat you that way. This is not the way to treat the army. I do not wish to talk about the Hazarat Bal more. Enough has been spoken about it. But again it has a bearing on the army deployment. The way the whole drama was enacted, the whole problem was solved just before the elections in U.P. again convey the message that army was used for political purposes. It is not correct.

Now I will come on to another aspect, that is, employment of army.

MR. DEPUTY SPEAKER: The time allotted for B.J.P. is 37 minutes, all put together. There are six names mentioned in the list.

MAJ. GEN. (RETD.) BHUVAN CHANDRA KHANDURI: Sir, I will try to finish. I spoke just now on the employment of army in the unified command. I will, once again, request you to kindly consider the same. The situation in Jammu and Kashmir is such that if you give the army a properly defined policy framework and task and make them in-charge, you problems will be sloved in a fairly reasonable time. And I would also like to submit to you—I am not making any statement purely for the sake of making—that if your information system in the Valley is all right, and if your feedback is proper and correct, you would also be told that even Muslims in the Valley were wanting that army be given proper control and they have full faith in the army. Army is known for its fairness. And even in the Valley, except those terrorists who have been brainwashed by Pakistan or Pakistani agents or foreign nationals, other people have full faith in the army. So, if you utilise them in a proper professional manner, I assure you that your problems will get solved. But for that, again, you need a political will and proper policy framework.

A little while ago, I have just spoken on the human rights issue. I want to state that we need not look very apologetic about the whole issue. I am saying this because of the way we are trying to defend ourselves in the international for a including the Conference that is going on in Geneva now. There is a semblance of activity now on this issue. But I think we should have started much earlier. This sort of anticipative activity and an offensive drive to meet the challenges of

those people who are against us, ought to have started a little earlier. But we need to do it against both Pakistan and its supporters and also U.S.A. In this context, as I said, human rights may also be related to other issues, which the External Affairs Ministry has to coordinate at their level on why various types of statements are being made, whether it is only in relation to Jammu and Kashmir or whether they are really serious when they say that the Instrument of Accession is not acceptable, when Raphael made a statement on 29th October, when President Clinton referred to the ethnic war going on in Kashmir on 27th September, 1993 when he wrote his famous letter on 27th December, 1993 to Shri Fai, whether these are really related to the Kashmir problem or to something else and through that they are trying to put pressure on you. As I said a little earlier, our record on human rights is very good. There is nothing to be ashamed of. It is much better than many of these countries and certainly better than all these countries put together including Pakistan and U.S.A. and other people. We are second to none. Therefore, it needs to be thought of whether on this human rights issue we are being pressurised and in what context. And in any case, there is no need to be apologetic.

Lastly, I would like to make some suggestions regarding the various aspects which the Government may look into as far as Jammu and Kashmir problem is concerned.

First of all, have a policy. At the moment, there seems to be no policy. I request that a clear-cut long term apparent policy on Jammu and Kashmir be made and told to everybody including this House.

The second thing that I would suggest is that the Government of India should start learning to talk from the position of strength and not be apologetic or display an inherent weak-kneed posture all the time and on all the issues. Even when we have a good case. We seem to be apologetic. I do not know what inflicts this Government and why it is acquiring such a perpetual posture of weakness. Unless you follow particularly in relation to Pakistan, this policy of tit for tat, unless you tell Pakistan that proxy war is a game which we can also play and we can play much better than they, unless you give them a few examples of this, they will not learn the lessons.

15.00 hrs.

Mere talking will not do; goody-goody words will not serve the purpose. As I told you, kindly make the unified commands effective and efficient. Please consider the service of ex-servicemen. I would request you to do this and there is no wrong in that. It will pay rich dividends. As I said earlier on, you may even consider having your own party people there, if you feel that it has got anything beyond what I am suggesting.

As regards the appointment of governors, advisors and other people I would suggest you to have a professional approach; please do not try to use the appointment of governors and the advisors to oblige you friends who are 'select people' who are going to oblige you in one way or the other or who are going to help you. Please select people who are professionals; select people according to your wisdom who will deliver the goods. Let that be the only criteria. You may be right or you may be wrong; but let the criteria be correct. Let it not be just on the basis that he is your best

[Maj. Gen. (Retd.) Bhuwan Chandra
Khanduri]

friend and so, you want to appoint him as governor or you want to appoint him as the advisor; and let it not be on the basis that it will please such and such vote bank. Please get rid of this hang up.

Lastly, I would request you to take the Opposition into confidence. I would suggest, as you yourself have said, that let this problem be not treated as a party problem. It is not a party problem; it is a national problem. Therefore, I would suggest this. I had said this in my last speech and I will again repeat it that as in the election of Pepe when all the leaders or all the voters are kept inside a room and they came out only when they have the unanimous opinion, you may have something like that. You may please collect the opposition leaders views and have a unified approach which is agreeable to all. Then, let us not take political mileage out of those decisions. That is the only way, probably, we will be able to solve this problem.

Before I conclude, I hope and pray that this Government which now takes immense pride and go about buying its majority in this House, would display some moral fibre, nationalism, guts and willpower to handle Jammu & Kashmir problem in a proper perspective.

With the unanimous resolution from the two Houses of Parliament on J & K when a mandate has been given to you, when all the parties are supporting you and when the entire nation is supporting you in whatever action you take to implement that resolution, I think, you have been given all the authority and you have been given all the power by this Parliament and by the nation. Therefore,

kindly use it to see that you take a changed stand regarding the policy in Jammu & Kashmir; ensure that it appears to have been changed, it appears to be business like and it appears that now you are really meaning business in resolving the problem of Jammu & Kashmir.

With this, I support the extension of President's Rule in Jammu & Kashmir for another six months.

MR. DEPUTY SPEAKER: There are six hon. Members from the Congress who are to participate in the debate: there are four from BJP and three from JD. I have already told you the time allotted to each political party. Now, Shri Syed Shahabuddin and Shri Laljan Basha want to go for prayer. If Shri Mani Shankar Aiyar were to agree, we can give chances to them.

SHRI MANI SHANKAR AIYAR (Mayiladuturai): Certainly, I have to learn from Shri Shahabuddin. I will be very glad.

MR. DEPUTY SPEAKER: Okay, Shri Syed Shahabuddin.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Deputy Speaker, Sir, First I would like to refer to the constitutional conundrum that has been indicated by the hon. Minister. As we well understand, the present extension is being sought under Article 370 of the Constitution, under the Constitutional Order of 1954 as amended from time to time by Presidential Orders; and the latest amendment was on the 19th February 1994.

15.04 hrs.

[SHRIMATI SANTOSH CHOWDHARY *in the*
Chair]

I would like to know from the hon. Minister the terms of this latest amendment of 19.2.1994. Does it cover the period beyond September 1994 or does it again leave us at a loose end about how to proceed further?

Whether to amend the Constitution itself or whether to amend the constitutional order once again before we come to September, 1994. Therefore, I hope that the hon. Minister will clarify the exact position and the exact ambit and scope of the latest amendment or of the Constitutional Order of 1954 as it stands amended today in relation to this question.

Before I proceed any further, I would like to recite a line from Faiz. I know that the hon. Minister is an aficionado of Urdu:

[*Translation*]

"Sitam Ki Rasme Bahut Thi Iakin,
Nah Thi Is Anjuman Se Pahale

Saza Khatai Nazar Se Pahale, Atab
Jurme Sukhan Se Pahale"

[*English*]

I am sure that many a people in Kashmir today are, in their own way, in their own manner, reciting this universal line of anguish from the great poet Faiz.

A lot of things have happened in Kashmir. And we do not have to go over the ground again. But today, as I see the situation, there are certain facts that we must recapitulate which are obvious to the naked eye. Pakistan fighting a proxy war,

Pakistan recruiting, training, arming and infiltrating disrupters, subversive elements, insurgents, militants—whatever you like to call them—into the Valley is a fact of life. It is going on. For some reasons or the other, we are not able to seal the border nor are we able to stop Pakistan through diplomatic offensive or, if necessary, as my friends pointed out, through military action.

I know that Pakistan is prepared to fight for its territorial ambitions to the last Kashmiri. They have no love for Kashmir, Madam Chairperson. Now, we know also that the militants have realised that they cannot wrest Kashmir from us through their action whatever be its intensity. I am sure that Pakistan has realised that they cannot possibly make us quit Kashmir by such actions. I think, we also have realised that the security forces acting by themselves cannot extinguish insurgency. We have also realised that the task of the Indian State is not to batter the Kashmiri people but to win their heart, mind and soul.

Finally, we know this as a matter of fact, it Geneva is an illustration, that whatever is happening, nothing is hidden from the world's eye, that we are in the court of the world.

Now, enough has happened in Kashmir. Enough blood has flown down the Jhelum. Enough bodies have been battered. Enough people have been killed. Enough women have been molested, raped and dishonoured. Enough children have been orphaned. Enough houses have been burnt. Enough localities have been turned into ashes. And where are we? How long shall we go on with this drama? How long, after all, Mr. Minister? We cannot take any more. They are Indians. They are our brothers. They

[Shri Syed Shahabuddin]

are our citizens and they ask me in anguish when I face them: "Why are you doing it to us? Can we console them by one single sentence that you have been caught in the crossfire? Is that enough? Can we afford to have more Kupwaras and more Brijbeharas, more Lal Chowks and more Sopores considering what happened from January last year upto this year?

I am prepared to plead with you, Mr. Minister and I place myself in the place of Kashmiri people and plead with you.

[*Translation*]

"Na Gava Oh Nav Ke Neem Kash,
Dile Reza Reza Ganva Diya,

Jo Bache Hain, Sang Samet Lo,
Dile Dag Dag Luta Diya."

[*English*]

But you will ask me as to how do we come to that, to this vision of compassion, to the vision of mercy and fraternity and how do we approach it. Of course, there is one way that our colleague from the BJP has placed before you. But I beg to differ from him because I know something about the history of insurgency, militancy and guerilla warfare all over the world. I was in Latin America and we know that the entire military strength and the entire fire power of the United States lent by it to the local regimes, could not suffocate insurgency, could not drive out the guerillas from the urban areas and could not quench the fire. We know it from our experience in the North-East. When we sent our forces to Nagaland. JP had correctly said. "You say that you are sending them for six months but you shall end up by keeping them there for twenty years.

What we want is a happy and free Kashmir with people who breath the air of freedom and who feel that they are part of this great country. Kashmir under occupation is not our target nor the annihilation of the Kashmiri people nor the aggrandisement of the territory. If that was so, then Gandhi never lived and Nehru never existed and Indian culture means nothing. Therefore, we have to define our objectives.

There is something called Kashmiriyat which you have referred, Mr. Minister, sometime in your past pronouncement. But are you living up to it? There is a deep sense of Kashmiri identity. You may call it ethnicity, if you like. The world today speaks about the surge of ethnicity but this deep sense of identity of Kashmiris did exist even before 1947. In 1937, when the Muslim Conference of J&K was bifurcated and Shaikh Abdullah created the National Conference, in opposition to the Muslim Conference, please try to understand that he called it the National Conference and for decades and decades, the Kashmiris have been fed on this nation, rightly or wrongly, that they are a nation and that they entered into an agreement with India and we also never said anything to the contrary. We allowed them to have a Constitution of their own. Today, it is too late in the day to talk about imposing a uniform pattern of statehood in Kashmir. We have to deal with in Kashmir, if we really respect Kashmiriyat as *sui generis* and as a unique case. I am sure that our statesmanship and wisdom can rise to the occasion and maintain our sovereignty over that territory called Jammu and Kashmir and yet give them a sense of identity. Today they are feeling it has been eroded; they distrust us; they feel alienated. You yourself used the phrase 'alienation' in your speech. There is lack

of confidence in the rulers of Delhi, there is lack of confidence even in the entire Indian polity. There was a time when we had giants like JP and could always be depended upon to speak up. Today, we have hardly anyone. So, the Kashmiris look at us and find no one to respond to them. What shall be the basis of their confidence? How shall we restore their trust in the Indian polity, in their permanent association, ever-lasting association, unbreakable association with us?

Sir, we have lost many opportunities. Hazratbal incident was commendable in the manner in which you tackled it. I will give you full marks and you won the applause of the world and the good will of the Kashmiris to some extent.

You frittered it away! You lost it! Hazratbal Shrine remains closed even today. And there is no political development at all to restore that sense of confidence and to give that respect to 'Kashmiriyat' that I am speaking about. A grand opportunity has been lost! I had focussed on it. Mr. Minister, if you remember, in the meeting of the Consultative Committee and I had urged upon you to go ahead and start a dialogue. You brought in the Huriyat people to help you to resolve the crisis. Why could not you talk to them? Why cannot you formally invite them and say, "Brothers, let us sit down and find a solution to this great problem." You did not do it. You stood on your ego and you lost an opportunity.

Now, how do you respond to these atrocities? By magisterial inquiries? In broad daylight, scores of people were shot down and you order a magisterial inquiry! Even Farooq Abdullah rejects it!

Your last hope, your blue-eyed boy rejects it! Perhaps, he also has an eye on the Kashmir gallery! A magisterial inquiry is not enough. I cannot condone the crimes committed by the terrorists against the people of Kashmir. But by a same token, we should not condone the atrocities committed by our security forces. It is a blemish on our democracy. And you say that 157 officers have been taken to task. When I asked you whether you can relate to them specific incidents, you have not given me the reply so far. And what punishments have been given to them? Transfers? You don't even order a judicial inquiry! The Chairman of the National Commission on Human Rights wrote to me that they had submitted their report on the Brijbihara incident to the Government of India and it is now for the Government of India to place it before the people. I demand that you place it before the people of India. Why are you sitting on it? I demand, you tell us what action you propose to take on the report of the National Commission on Human Rights.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): Please calm down! You are shouting.

SHRI SYED SHAHABUDDIN: I am sorry Sir, Sopore in January 1991 Lal Chowk in April, Brijbihara in December and Kupwara in January 1994—these are only the landmarks on the path of atrocities. But there are many more and I do not have to recount them. We have to take them seriously. We should seriously say, "You are my brother; you are our citizen; you are my people; you are not you but me and that every woman who has been raped in Kashmir is my sister, that every man who is killed is my brother and every house that has been gutted is my house." When will that feeling come? That will come only when you take

[Shri Syed Shahabuddin]

atrocities seriously and not when you are behaving in this lackadaisical manner.

We know that only a political solution can solve the problem. And for that, you require a political strategy, a grand vision and a policy. As was pointed out very clearly by my colleague, the Government has no common approach. It is sending out confusing signals. Somebody says, 'package before the elections'. Another person says, 'elections before the package'. I do not know what this means! You are talking at three conflicting levels.

SHRI RAM KAPSE (Thane): And they don't mean anything!

SHRI SYED SHAHABUDDIN: Exactly! Therefore, we have to cut out these conflicts of confusion.

SHRI S.B. CHAVAN: How come, you are in agreement with them?

SHRI SYED SHAHABUDDIN: In analysing the symptoms, we have the same eye, but in prescribing remedies, we have a different approach.

Therefore, there has to be something concrete — a very clear cut policy or a statement — from the Government. You give them an economic package. Beautiful! I will not go into the details of it. When we discuss the Kashmir Budget, I shall come to it. And you give them an administrative package saying that you shall cut out corruption, make officials more accessible to the people and so on. And a change of guards takes place. I will be very positive in telling you that to my mind no economic package and no administrative

package will work in Kashmir without a political package.

I would say that as far as the content of the political package is concerned, we must understand that political process cannot be reactivated without a proper environment which is free of insecurity, free of fear — fear of the gun — and free of apprehension. I would suggest that there should be a declaration by the Government recognising the spirit of Kashmiriyat; recognising the uniqueness of Kashmir as a part of India and recognising the demand of autonomy, which the Prime Minister did pay lip service to in one of his Press Statements. This political package should also reaffirm Article 370.

In any case, it is ironical that on the one hand we think of abolishing Article 370 and on the other we use it to extend the President's Rule in Kashmir. I wonder what artifice the Minister would have chosen or selected if there was no Article 370 in the Constitution.

I even go to the extent of saying, why cannot there be a unilateral case fire except in self-defence. Concurrently appeal to all the militant groups that we are prepared to discuss a political package on the basis of these three principles that I have mentioned, so, let us now talk. Let us no longer cause any more anguish, any more suffering to the people of Kashmir. So, there should be a call for an unconditional dialogue; and invitation to work out by mutual agreement the viable and feasible limits of autonomy that Kashmir can enjoy as a unique constituent of the Indian Union.

We have a number of landmarks. I will not go to the extent of suggesting

whether we should go back to 1950, 1953 or 1975. No, it could be something else. But, we have to show an eagerness and an anxiety to work out this quantum of autonomy by face-to-face negotiation. And, therefore, Madam, Chairperson, I can only hope that wisdom will dawn on those, who are holding the ruins of power who are sitting in the seats of power vacated by great men like Pandit Jawahar Lal Nehru. I have hope, belief and faith in the collective wisdom of our people. We cannot like as a brutalised society. We just cannot be ourselves if we are brutal. It is not our way. And, therefore, I again close with one brief line from Faiz:

[*Translation*]

Dil Na Ummeed To Nahi, Nakam Hi
To Hai,

Lambi Hai Gam Ki Sham Magar
Sham Hi To Hai.

[*English*]

And, therefore, a beautiful morn will dawn tomorrow, which will bring happiness to the people of Kashmir and will lessen the anguish to the rest of the country.

As Shelly said, "If winter comes, can spring be far behind?" Since, the Minister has left us with no option today, after having rendered all this advice, I have no option but to support the extension because as of today there can be no other alternative. But I do hope before September comes, we shall indeed reach the point, when the political process can start, and even lead to the elections provided we have the courage, the will and the wisdom.

MR. CHAIRMAN: Shri Lal Jan Basha.

SHRI MANI SHANKAR AIYAR: I am on a point of order. The Deputy Speaker had said that after Shri Shahabuddin finishes his speech, since there have been two interventions from the Opposition benches, it will be a Congress representative who will be speaking.

MR. CHAIRMAN: I think he has to go.

SHRI MANI SHANKAR AIYAR: I did not realise it is my friend Shri Lal Jan Basha, who is speaking. I apologise him.

[*Translation*]

SHRI S. M. LALJAN BASHA (Guntur): Mr. Chairperson, Sir, last time a delegation of some M.Ps. visited Srinagar. Former M.P. Shri Khuranaji was also included in the delegation. The concerned I.A.S. and police officers of the area explained to us the situation prevailing there. Then we came to know as to how the situation was deteriorating there and how it had taken a worst turn in the State. Kashmiri people are leading a miserable life there. We were also shocked to see the plight of the people. They also narrated as to how they had been living in the past and as to how they were leading their lives at that time. They further elaborated that no weapon, barring a knife, which is used for cutting vegetables etc. was available in a group of their 5-6 houses. But now the situation has changed. Atrocities are being committed on them. They are getting neither sugar nor medicines. They were leading such type of miserable life in the valley. When our delegation returned to Delhi we went to the Prime Minister and

[Shri S. M. Laljan Basha]

apprised him of the situation prevalent there.

Kashmir is and will remain an integral part of India. But the Government is not handling it properly. We should restore the normalcy in Kashmir. The entire country is aware of this fact that the situation has gone from bad to worse due to militancy and to some extent due to some excesses being committed by the armed forces. We have to check it. We have imposed article 370 there. We have to ensure its implementation is a proper way. We should provide justice to the people. They are very good and innocent people. But today's atmosphere is compelling them to become terrorists. This fact has also been revealed by the residents of the area. I would like to appeal to the Government to tackle the Kashmir issue seriously because it is a national issue. The Government should hold discussions with the terrorists and take initiative in solving the problems. Today, these people are unable to make both ends meet because their main occupation, tourism, has been badly affected now-a-days due to terrorism. The Government should endeavour with bona fide intention to restore the normalcy in Kashmir. Previously, there was a great affection for us among the people of Kashmir. We should restore it. They should not feel that step-motherly treatment is being meted out to them. We have to ensure and examine the execution of article 370. We have to see as to what extent its implementation has been carried out. The Government should cooperate and assist with the migrants of Kashmir because they are totally helpless. Their family members have been killed. They deserve sympathy. It is very essential to have a soft corner for

them, otherwise they cannot lead a good life. Keeping in view the facts, I would like to appeal to hold negotiations with them at any cost and cooperate in normalising the situation there.

SHRI MANI SHANKAR AIYAR (Mayiladuturai): Madam Chairperson, I have sought permission to speak in support of the Motion moved by the hon. Minister of Home Affairs. The situation in Kashmir is not normal, though there is some improvement. Keeping in view both the issues, we should support the Motion. I would like to draw the attention of the House towards 9 points keeping in view the improvement that has taken place during the last 6 months after last August.

First of all, during the month of August, we had been able to control the terrorism to the maximum extent and even today we are having an effective control over it. In my opinion, there are two evidences of it i.e. several terrorists have been arrested and some terrorists had been killed in encounter. I would like to cite the names of four leading terrorists—Shamsulhaq, Ahsan Dar Afgani and Langiya. They are no more in Kashmir. These four persons were responsible for spreading terrorism not only in certain villages or cities but also in the entire Kashmir. The Government had faced the terrorist activities of these four persons for the last 4 years. Now I can say with confidence that leading generals have either been arrested or have been killed in encounters. It will definitely improve the situation at least to some extent.

Secondly, a large amount of ammunition have been seized from the terrorists. As per my information, the Government has seized as many as 10,000 AK Series Rifles. It has caused a

great loss to them. Perhaps, its number may be one-third of their total rifles. There is a doubt that import is also made to compensate this loss. But the way the ammunition was pouring in India from abroad and on the basis of it the terrorists were engineering terrorism in the country and we were not able to check it, in view of present circumstances it appears to me that situation as was prevailing during 1991, 1992 or August 1993, is not going on today. Keeping in view these facts, I can say with confidence that we have been able to control the terrorists to some extent. It does not mean that terrorism has been totally eliminated. There is no need to express either happiness or pessimism over it.

The Second thing I would like to mention is that from 1989 to 1993, the Sopore city was the nerve centre of terrorists activities but today they have been pushed to the wall in Sopore itself and the city has been liberated. Now for the last 2-3 months, the fear prevailing among the people for the last four years has been reduced and the people can move freely. Today people can think and speak freely because they know that terrorists' AK47 cannot shoot them now. We can have another proof of it. After the liberation of Hazratbal shrine, a strike was organised by the common people in Sopore and not by terrorists. The common citizens of Sopore launched an agitation against terrorists for two days. In the light of this fact, we should not be disappointed. I wish that a day should come when such strikes are organised in every village and city of Kashmir but it is also true that the day is not very near. So I request my sisters and brothers in Opposition that they should not think that we have not made any progress; the condition is stable there.

The third fact is that the internal conflicts among the terrorists are increasing day by day and they are unable to identify as to who is their real enemy— the Government of India or someone within their own factions. In few weeks after the beginning of the current year, such 30 terrorists leaders have been killed by terrorists themselves. These facts are like a mirror which reveals their internal conflicts. We should not forget this fact also that the terrorists are now using their same weapons against each other which they were using against the commonman during August 1993 and earlier to that.

The fourth new development is also being witnessed in Kashmir now-a-days. Now the war is not being fought by Kashmiris or Pakistanis but by the mercenary terrorists who have religious motives or their aim is to earn money. Both type of these terrorists are non-Indians and some belong to the other parts of sub-continent. We are told that at least 700 such terrorists have entered the valley from Afghanistan, Yemen and several other countries. No one knows their exact figure but it is a fact that hundreds of such terrorists have entered the valley and now in place of joining Hijbul Mujahiddin or any other terrorists group, they themselves are proposing to act directly because now Kashmiris are not willing to continue this war. They are telling the Kashmiris that war has not ended as yet. When an ordinary terrorist from foreign country reaches here and wishes to join terrorists group and finds that even his General hesitates to fight or to lead him he himself becomes the General. Such incidents reveal that Kashmiri militants have been demoralised. Till yesterday, the leadership was in the hands of Kashmiris or Pakistani terrorists but now it has gone to mercenaries.

[Shri Mani Shankar Aiyar]

Fifth factor is that recently a new political power widely known as Hurriyat has emerged in Kashmir. Hurriyat is an organisation of 27 terrorists factions. In view of the functioning of Hurriyat, we cannot say that Hurriyat is spreading terrorism but terrorists are operating Hurriyat. But it should be kept in mind as to why these 27 groups have not thought of adopting a political attitude during 1989, 1990, 1991 or 1992. The main reasons for not adopting such an attitude was that they were trying to get independence through weapons. But now they have understood that through AK47 they will get nothing and the result of guns will always be in bullets only and never in ballot. They know that there are Several AK47 rifles to encounter their AK47. I would not like to create any sort of controversy have with my BJP colleagues. Therefore, I will not repeat the reasons but it is a fact that their moral strength was on increase continuously since December, 1989. In the light of the political turmoil in Romania, these terrorists thought that they would also get independence in the same manner because in their opinion there is not much difference between the Governor Shri Jagmohan and Chochesque. But now they have come to know that through guns they cannot achieve their political goal. So they have started expressing their political intention towards the Kashmir problem.

I am not saying that today there is no weapon power in the Kashmir polity or political personalities in 'Hurriyat' are independent but I am saying that the terrorists who never thought of showing political inclination are considering it essential to achieve their goal through political means and it is a remarkable change.

The Sixth factor is that when the incident of Hazratbal Shrine was going on, the people were provoked on religious grounds by saying that all should collectively encounter the Indian army to save Islam, then only a few people came out on this call. But in 1990-1991 when any terrorists faction used to announce a strike, agitation or satyagrah, thousands and millions of people used to participate in that. At the time of the incident of Hazaratbal which is the most sacred Shrine in Kashmir, terrorists and Hurriyat called the public to participate in agitation, but only a few hundred people came out to take part in the agitation because today common man in Kashmir is aware of the fact that the Government of India and Indian Army cannot be defeated easily. Now they have understood that Pakistani interference is not in their interest but is in the interest of Pakistan. So, after the Hazratbal incident, a few hundred people came out whereas earlier millions of people used to come out to take part in any agitation.

In my view, the Seventh factor is the change of 'Public Opinion in Kashmir Valley and now the commonman is tired of terrorism. Once upon a time in December 1979, May 1990 and after 1991 when our Government came to power, the people were thinking that they would get independence, after a little more sacrifice and the last bullet might be from their gun for killing the last Indian soldier. But now they know that terrorists have misled them grossly and in this situation, not only the guns of Indian Army but guns of terrorists have also fired on them indiscriminately.

I have taken a small figure from the book written by the then Governor, Shri Jagmohan. The Book says that the then Additional Director General of Police

prepared a report which revealed that from January 1990 to May 15th 1990, total 143 innocent persons were killed in Kashmir, 71 out of them were Hindus and rest 62 Muslims. The then reality is true today also that not only Hindus or non-Kashmiri Hindus but a large number of Kashmiri Muslims were being killed in Kashmir.

The same thing was felt in Punjab, where in the name of Sikh interest, Sikh terrorists killed a large number of innocent Sikhs. Now in Kashmir, commonman be he Kashmiri Sikh, Hindu, Shia or Sunni, Bakarwal or Gujar, Janskiri or Mirpuri, is being killed by terrorists.

Today Hindu women are not the victims of rape there because almost all the Hindus have fled from the place. Now thefts and dacoities are being committed against Muslims. Muslims are being killed and Muslim women are the victims of rape. So whatever feelings might have been in 1989 or 1990, today common Kashmiri knows that terrorists are attacking them and their motive is unknown because independence through guns cannot be achieved by terrorists which was their earlier aim. If they are joining the valley with Pakistan, then why Pakistanis are firing at Amanullah Khan, such issues are now being raised in the valley. Today common Kashmiri is fed up of violence. He is tired of all these things and now wants peace. But I do not know whether our Home Minister is hearing it or not. There is a hope if he is paying attention towards it, otherwise the people will be ruined. I would like to say to the Home Minister that he should listen to me and to Shri Shahabuddin. I would request that he should not raise the issue of Muslims killed by Indian Army but also pay heed to the Muslims being killed by terrorists.

SHRI SYED SHAHABUDDIN: I am listening to you.

SHRI MANI SHANKAR AIYAR: I am glad if you are listening... *(Interruptions)* I hope that you will agree with me. You should hear the voice of everyone and you should not say that you hear only one voice and have feelings for one community only.

I would rather say that if the Governor, like Shri Jagmohan, visits the house of Shri Satish Tikku, who was killed and does not visit the houses of 63 Muslim families who met the same fate, to console them then it will not be proper. All these seven factors lead to only one conclusion that the terrorists are gradually losing the moral and enthusiasm. We should take advantage of this.

In the end I would like to submit that this is not the end of my speech. However, it is the end of those nine points... *(Interruptions)*

MR. CHAIRMAN: I would like to inform you that the time allotted to your party is only one hour and twenty eight minutes. You have already spoken for about thirty minutes. Therefore, please express yourself in brief.

SHRI MANI SHANKAR AIYAR: I will keep it in view. Today, the fight in Kashmir is not that much between the Indian army and the terrorists as it is between the Hijbul Mujahideen and Kashmiris, between the mercenary militants of the other parts of the sub-continent and Kashmiris. This is the change. A great deal of improvement has taken place, but still there is lot to be done. We are moving ahead in right direction. I would like to submit to my

[Shri Mani Shankar Aiyar]

colleague Gen. Khanduri in particular that there is no battle where it is left entirely to the army to decide what to do and how to do.

Ours has been a democratic country, while in Pakistan there has been dictatorship. Their army does not know that it should take to the guns only when the civil Government directs them to do so; otherwise its actions should be restricted to the direction given by the Government and the objectives set up by it. It is a matter of great pleasure that our army is aware of all this. It does know what place the army has in a democratic set up. It means that whenever it is directed to go to Sri Lanka or Bangladesh or Pakistan or even enter the Golden Temple or cordon off Hazratbal area, it will have to obey the Government. If it refuses to obey and is allowed to tackle the situation on its own, India will also meet the fate, Pakistan has met.

MAJOR GENERAL (RETD.) BHUWAN CHANDRA KHANDURI: I did not mean at all that the army should do whatever it likes. In an emergent situation the principle is that a particular person or an organisation is made responsible to do a specific job under certain specific instructions. I did not mean that the army should be free to take whatever action it likes if it is deployed outside the Hazratbal. The Government is to instruct the army to remove them from the area. It should not be directed merely to guard the area. This is not their job.

SHRI MANI SHANKAR AIYAR: Thank you. We have given this responsibility to an Ex-serviceman whose name is General K.V. Krishnarao and if I

am not mistaken, he is senior to General Khanduri. There is another General whose name is General Zeki. I do not think that he deviated from the prevailing culture of armed forces. It is a fact that at present General Rao is not a serving General. But he had been our chief of Army Staff. I do feel that he possesses a good knowledge of how to treat his jawans. But on this issue....

SHRI RAJVEER SINGH (Aonla): You want to create a wedge in the army also by saying so. The question is neither of army nor of the administrative ability of General Rao. The question is that the political machinery here at the centre is ineffective. The question is that of political will power.

SHRI MANI SHANKAR AIYAR: In my opinion General Khanduri and his friends are under a wrong impression. They think that being powerful means adopting a harsh attitude.... (Interruptions)... Look, interruptions should not be made. If what I am saying is wrong, the hon. Members may refute when they get opportunity to speak. But when Shri Khanduri while speaking said that we must be powerful and that we should adopt a harsh attitude, it created an impression that the only meaning of being powerful to him was to adopt a harsh attitude. Now, people like us who have not been in the armed forces and have worked either in civil services or in politics, do know that being powerful denoted different meanings. Think for a moment about the action taken at Hazratbal. A similar incident was about to take place in the Golden Temple when the Government thought that by deploying army there, the terrorists would be terrified and leave the religious place, and if they do not come out C N gas would be

used to make them unconscious and bring them out. But this did not happen. The result of what happened there was that our Prime Minister was assassinated and it took a long time to solve the problem. Similar efforts were being made here at Hazratbal with an intention to incite the communal feelings of the people to create a situation wherein the terrorists may carry out their activities as Mujahidins. At that time, the army was sent there but at the same time, the Government acted in their own way, and what was the result of all this is known to all.

16.00 Hrs.

Now I would like to submit to Shri Shahabuddin who did everything to get Rubayya Sayeed freed from the terrorists. Though he was not a Member of the House at that time, yet his party was in power. May I ask how many terrorists were released in that connection? Similarly, a number of terrorists were released to get Durai Swamy released. Now, I would like to know as to how many terrorists have been released in lieu of these 80 people who have been apprehended? Not a single person. How many have been killed? Not a single one. They say why they were served 'Biryani'. They contested elections on this issue only and were defeated, because people of this country do know that if they were served 'Biryani' for two days, it was due to the permission granted by the Jammu & Kashmir High Court to Muslim *Aukaf Waqf* that they could serve them whatever food they wanted....

(Interruptions)

SHRI SYED SHAHABUDDIN:
People in Kashmir do not eat 'Biryani'.

(Interruptions)

SHRI MANI SHANKAR AIYAR:
How can I tell him as to what is the difference between 'Vajban' and 'Biryani'? Anyway, since he has used the word 'Biryani', I have repeated it. Now the reality is that the Kashmir Aukaf Waqf had got permission to this effect from the Court. Now, our BJP friends are ignorant of law. They know only one thing and that is to demolish whichever building comes in sight. But we respect the Constitution. We are ready to go to the Supreme Court, if a wrong statement is issued by the High Court, and we did the same. The result was that as against the order of the High Court to serve 'Vajban' in whatever quantity the Waqf wanted, the Supreme Court directed that not more than 1200 calories should be served and that whatever was served should be on behalf of the Government. This was an evidence to the world and the Kashmiris that we also have sympathy in our hearts. They know that the Government was not being run by the 'Sangh Pariwar', but by the noble people. Today the people of Kashmir have realised as to what type of relations they should maintain with India, because they have come to know that every Indian citizen is not like Shri Khanduri. There are people like Vajahat Habibullah who can treat others with love and affection... *(Interruptions)*

Mr. Chairman, Sir, not only our image has improved in Kashmir, we have also succeeded in recovering 15 A K Rifles, 1 snoopier Rifle, 1 UNG, 1 Rocket launchers alongwith a rocket, 1 grenade, mines, bombs, 24 detonastors, 1 wireless set and have also arrested 80 people. Out of these 80 people, 17 appeared innocent which included women, children and old people. 63 people were suspected to be involved in terrorist activities and we wanted to keep them in custody, but the High Court released them on bail. In such

[Shri Mani Shankar Aiyar]

a situation, we had no option but to obey the verdict. Because we do not belong to BJP. We respect the Constitution of India and we want to run the country as per its laws. Therefore, we do not accept the false allegations levelled on us. We knew that the possession of Hazratbal was not limited to the possession of one mosque only, many mosques had already been occupied and it was being made known to us by the terrorists that everything was in the hands of BJP who intended to demolish all the mosques. These terrorists, who are engaged in terrorist activities in the name of Islam had captured maqdoom sahib masjid on 21st September 1993, the Pir Nakshoand Sahib Masjid in Srinagar on 25th September, Kangar Masjid 27th September and Ashre Sharif in Srinagar on 10th October. Only after then they had occupied Hazratbal. When the Hazratbal activities were being carried, the Sopore Jamia Masjid in Srinagar, Shamsavari, Maqdoom Sahib and Jung Sahib masjid in Saura had already been captured.

Mr. Chairman, Sir, the main point is that it was a conspiracy which we and common Kashmiri Muslim know that till the Congress Government is in power at Centre and your party is not forming the Government, Kashmiri religion will be respected. It is an important lesson learnt by Kashmiris. In such a situation, those people have to learn one more lesson that this was not the first case of insurgency or terrorism. We have faced terrorism in several parts of the country like Mizoram, Tripura, Nagaland, Bodoland, Karlianglang, Punjab and many other North-Eastern states. We should tell them our method of finding out solution of these problems. We cannot forget that Shri Lal Denga indulged in insurgency

continuously for twenty years. But at the end, for getting his concurrence, Shri Rajiv Gandhi removed the elected Chief Minister of his party and asked him to be the Chief Minister. The man, whom he had been trying to kill for twenty years, was to be his Deputy Chief Minister. He was asked to form the Government after holding elections. Shri Lal Denga won the elections but was defeated after two years and after this he has not returned to insurgency. Perhaps most of the Hon. Members may not be knowing the name of a southern district of Mizoram, Chin Tui Pui, where 92 per cent people cast their votes during the elections held in November. We can be proud of this. We should tell the people of Kashmir that we are ready to find out the solution of Kashmir problem in the same manner as was done in Nagaland. It should be told that they will be treated like Bijoi-Hungal of Tripura. What was happening in Bodoland in the recent months. Guns were being used freely. We announced an autonomous Council there by applying our principles correctly. The same action will be taken in Karbianglaang also. We have set up a Hill Council in Darjeeling. We should tell our Kashmiri bretherens that there can be several solutions under the Constitution and for this, you have to hold discussions with us. But we can find out the solution of the problem by discussing it on principles and under the provisions of the Constitution only. One such principle is the Principle of Secularism. We will not be able to find out any solution of the problem if a few people raise the slogan of 'Punun Kashmir' on communal grounds i.e. to divide the state into a Hindu State and Muslim State. It is a fact that one part of Kashmir has been having Hindu majority and the other Muslim majority for long time. People started migrating from the state in 1990 only. It is also a fact that

since 15th century, people belonging to both religions have been living there together.. This we should explain very clearly.

It is the right, and in the interest, of Kashmiri migrants whether at present they are living at Doda, Jammu or Delhi camps that they should return to the Valley. This problem cannot be solved until proper arrangements are made for their return.

[English]

The right to return is the bottom line of our position.

[Translation]

We should not talk of only those Kashmiri migrants who have left Kashmir but those Kashmiris, who are spending their lives in the confinement of their houses for the fear of terrorists, should also be considered as migrants. We should assure them a free and tension less life. We will not leave Kashmir in any condition. For this, we may have to suffer any amount of economic loss or may have to sacrifice any number of soldiers. It may take one year or hundred years but we will not leave Kashmir. Kashmir is an inseparable part of our country and we will not let the insurgency succeed in this state. There will be only one J&K State and no separate Jammu, Laddakh or Kashmir states will be formed. People of Kashmir are also our brothers and we are ready to hear their grievances. They should feel that we are with them. Bloodshed in Kashmir means bloodshed in India. Political process should be started in the Valley with the help of the Congress Party in the state and National Conference there. Political leaders from Delhi should visit Kashmir and discuss the

problem with Hurriyat. We are not like Fazal's Hurriyat who is not with us. We should discuss the issue with Hurriyat and with Pakistan also to tell the world that in spite of being capable to encounter violence created by them, we are ready to talk on this issue with them.

[English]

We can be strong and still talk. It is only the strong who can talk.

[Translation]

When this resolution is passed, a definite period should be fixed to solve the problem. In the end, while not taking more time I urge upon the Minister of Home Affairs to solve this problem before September 1995. Political process should be initiated to solve all the difficulties. There should be free and fair elections in Kashmir so that people could show their yearning for peace and democracy. They can vote for Farooq Abdullah or any other person in the elections. They can elect their Chief Minister, MLAs, Sarpanchs of Panchayats and head of district councils and show that Kashmir is with India or is against it. Punjab has already shown it and shri Beant Singh Should be given Bharat Ratna for it. He has shown that any problem can be solved with the trust of the people. I, therefore, request the Hon. Home Minister that in view of the loyalty of Kashmiris, arrangements should be made for free elections there. In the beginning 30% votes were cast in Punjab which became 72% later. I hope that Kashmir will compete Chin Tui Pui by casting 95% votes in place of 92%.

[English]

SHRI SUDARSAN RAYCHAUDHURI (Serampore): Madam, this

[Shri Sudarsan Raychaudhuri]

discussion and debate on the presidential Proclamation on Jammu & Kashmir has almost become a ritual with all of us.

As opposition, we raise certain things, we make certain demands and the Government replies in the same way, every year. It assures this House every year on the same lines; and then the same sense of dejection looms large in our minds. In the meanwhile, the problem becomes acuter and acuter and after the expiry of six months or one year, we come here to support the Resolution and it has become a Hobson's choice for us to support the Resolution, because there is no other alternative.

Under the circumstances, the question arises as to whether the Government is at all serious, is at all sincere about solving the Kashmir problem or it is satisfied with its present policy of seeing the problem of Jammu and Kashmir as a mere administrative problem, as a law and order problem, of equating drift with patience and frequent kite-flying with the idea of holding elections, as holding election is the panacea to all the problems of Kashmir.

Unfortunately, Madam, if such an attitude persists, it would never solve the Kashmir problem.

It is true that Pakistan has assisted and is actively assisting, aiding and abetting all sorts of terrorists and secessionist activity in Jammu and Kashmir. Political parties there are vying with each other in their bid to foment trouble in Kashmir. But not, for a moment, we should forget that behind the Pakistani regime, there is a sinister and dirty design of the US Government. Even after our

Government has appointed a lobbyist firm—not a very famous firm, rather an infamous firm—the US President has publicly shared the concern of Pakistan on so-called human rights issue in Kashmir. Even after appointing that lobbyist firm, only recently, 23 Congressmen cutting across the party lines challenged our position in Kashmir, and Ms. Robin Raphael, has stated whether the Government of India welcomes her or not, would be visiting India this month as if ours is a supplicant State which she can visit at her own sweet will and pleasure. We are swallowing all these things.

Only a few days ago, we had adopted one resolution of Jammu and Kashmir. We failed there to refer to this American design. It is a fact that Pakistan's own record on human rights is dismal and disastrous when we see their approach to their own minorities. Even a Muslim State is terrorising its own Muslim population. All these things are very well known to us. But to the US Government, which is shouting from housetops on human rights issue to each and every nation, have you ever said: "Do not preach us on human rights. We know what you did in Vietnam and what you have done recently in Iraq and in Somalia? Even in your own country, against your own black people. You have not said that.

Rather we solicited this US Government to declare Pakistan as a terrorist-State as if we have recognised America as a supreme guardian of the world community. That Pakistan is openly assisting and intervening in our domestic affairs—it is assisting the terrorists—is a fact of life whether the American Government recognises it or not.

Coming to the situation in Kashmir, we must say that in spite of long spells of President's rule, the situation there is worsening day by day. It is most unfortunate that the people of Kashmir who once fought against the designs of Pakistan and the imperialists—against the Pakistani invaders—for integration with India. I do not know how many of them have received or whether any of them has received freedom fighters' pension from this Government—but those very brave and patriotic people are now feeling alienated. This feeling of alienation is at the root of all the problems there. Over-centralisation of power, erosion of federal values and principles, perverting the electoral process for narrow partisan gains, trying to capture power by hook or by crook—I must say, mostly by crook—and having no concern for the plight of the poor people, their problems of identity and day-to-day existence, all these things have alienated the people of Kashmir. But this Government seems to learn nothing.

I would like to know from the Government what precise steps you have taken to remove this feeling of alienation from the people of entire Jammu and Kashmir.

Last time when we discussed Jammu and Kashmir situation in this House in August, 1993, the spokesman from my party, Shri Hannan Mollah, made some valuable suggestions. While he made his speech, he cautioned that the different regions of Jammu and Kashmir—Kargil and Ladakh.

Unless they have overall development, there is a chance that there Kargil, Ladakh and Jammu will go the Kashmir way. This is precisely what he said and he cautioned the Government. But you know that the situation there has

not changed much and Jammu is going the Kashmir way. There has been a demand already for a separate homeland, Panun. This demand is very dangerous. But we could have avoided it if we could have redressed the genuine grievances of the migrants. Have we done anything in Kargil? Last time, there was a demand that there should be an airport in Kargil. What steps have we taken to build an airport there? The demand for the inclusion of the Dogri language in the Eighth Schedule is also a longstanding demand. It was raised in this House but nothing has been done till now. What have we done to revamp the public distribution system in the entire State, their health services, education system, literacy programme, tourism industry, etc. Everything is in shambles. The basic for any programme of economic upliftment in a region is a good communication network. I would request you, Madam, to just look at the Railway map of India, particularly Jammu and Kashmir. You will be shocked to see the barrenness there. Only this year, the Railway Minister has allotted some money and projects in the Railway Budget and I wholeheartedly congratulate him on this point. I will show you the annual report of 1993-94 of the Department of posts which we have received just yesterday. It shows that areas in Jammu and Kashmir served by one post office is 140.23 square kilometres. There are 201 urban post offices and 1382 post offices in the rural areas. Last time, the total number of post offices was 1578 and only five post offices have increased during this whole year and that too only in the urban areas. This much we can speak about the communication network. Then, often there are small demands and we have failed to meet them. 1159 youths were appointed as multipurpose workers in 1989 in 1400 panchayats of Jammu and Kashmir. They

[Shri Sudarsan Raychaudhuri]

are receiving a monthly wage of Rs. 750. Something should be done for them. A regular pay scale should be awarded for them but nothing has been done. Then, there is another representation. Part-time school teachers are required to work more than the full-time school teachers in the rural areas of J&K. Can we not do something for these teachers? They have been on *dharna* since 24th January and hunger strike since 7th February this year in front of the office of the Divisional Commissioner of Jammu but the Government has done nothing. Unless such demands are met including other major demands, unless Government takes up suitable projects for the development of the entire State assuring the people that their cultural or otherwise identity would be protected fully, the feeling of alienation will not go. Without this, even the harshest measures to stop terrorism and insurgency will not give *positive results*. Rather it will be breeding further terrorism and insurgency. We have spoken of starting a political process. By this, we did not mean holding of elections immediately.

To find a lasting solution to the problem of Jammu & Kashmir, the entire problem should be dealt with in a firm way. On the one hand, we have to fight resolutely against infiltrators and terrorists. On the other hand, we have to assure the people that their identity would be fully protected and that their demand for autonomy, for development would be met within the framework of secular India. The patient and tactful handling of the Hazratbal Shrine issue created a favourable situation. That situation could have been utilised for moving towards further solution. But the Government failed to make use of it. If the Government

is serious and sincere, I would like to suggest three things.

Firstly, the Government must immediately appoint a panel of advisors. This Advisory Council should comprise secular-minded officers and social and political workers, so that they can have a sort of rapport with the people of that State. The people can go to the politicians who would be the members of the Advisory Council for redressal of their grievances.

Secondly, certain areas in the entire State can be selected where the extremist activities can completely be wiped off. In these areas, Government can start economic and political activities. I am sure, the Government can select certain areas in the State.

Thirdly, we have to and we can distinguish pro-Pakistani and anti-national elements from others and we should start a dialogue with other groups for the purpose of giving autonomy to the people of Jammu & Kashmir. At this critical juncture, even to speak of diluting Article 370 would be dangerous. We should never do that. If we start a dialogue, we can explore as to what is the degree or extent of autonomy that they want. In this manner, we can negotiate with them. But we must start a dialogue immediately.

After having taken these measures only, we can think of holding elections in the State on the basis of more autonomy. Only then, elections would come. Only then, people would vote in good numbers, say 90 to 92 per cent. Earlier, the percentage of voting was a mere two per cent. People of Jammu & Kashmir do not believe in having elections because that will not solve their problems. As opposed to this, if the Government continues to

work leisurely and in this cavalier fashion and relies merely on administrative and security measures, things would go out of our hands and that would be most unfortunate.

SHRI SHARAD DIGHE (Bombay North Central) : Madam Chairperson, I rise to support the Statutory Resolution moved by the Home Minister, approving the continuance in force of the proclamation dated the 18 July 1990 in respect of Jammu & Kashmir issued under Article 356 of the Constitution for a further period of six months with effect from 3rd March 1994. Madam, as far as this subject is concerned, some of the hon. Members have been expressing a view that the situation is not satisfactory and that the law and order position in Kashmir is going from bad to worse.

I do not agree with these observations of certain hon. Members and I would like to put on record the Government's determination to not only solve the law and order problem but also the political problem of this State. In the President's Address itself, a reference was made that a policy of firm action against terrorism has been formulated by the Government and police and security forces have gained considerable success in their counter-terrorists operation. In support of this, Hon. Member, Shri Aiyar had quoted several instances.

I would only like to refer to this fact that the year 1993 was a great year of severe setbacks for militants in Jammu and Kashmir. The number of militants killed at the hands of security forces was larger than ever before. The Home Minister will give the figures, if necessary. But, this is the observation made with respect to the situation in Jammu and Kashmir. It is not merely a question of

numbers but qualitatively also we have succeeded in breaking the backbone of the militants in the State. Killing of militants like Maqbool Ilahi, as also the arrest of leaders like Master Ahsan Dar was a body blow to the secessionist movement. Besides, the Commander-in-Chief of many outfits like Nasirul Islam of the Jamiatul Mujahideen, Sajjad Mir of the Tehrikul Mujahideen, Khalid Gibran of the Al. Barq, Khalid-ur-Rehman of the Al-jehad Force were also killed.

Thereafter, as has been stated earlier, the security forces had established their presence in Sopore which was being claimed by the militants as a liberated area. Brij Bahar town, where several people had died in the BSF firing during Hazratbal crisis, recently observed a week long bandh to protest against the activities of the militants. That is very significant as far as people's reactions are concerned and as far as their wish to cooperate with the Government and security forces is concerned. No doubt, this is not a case for complacency. We have seen that militants even fired two rockets towards a stadium in Srinagar to disturb the Republic Day celebrations. Similarly, killing of civilians at Kupwara market in the North-West Kashmir, where 21 people died, is an eye opener as far as our security forces and Government are concerned.

The Hazratbal shrine episode has been referred by many Members. Wind had been taken out of the sails of Pak propaganda when we were able to solve Hazratbal shrine episode peacefully and successfully. Even our bitterest critics, namely, the United States of America has congratulated India for the successful ouster of entrenched militants from the shrine without a shot being fired.

[Shri Sharad Dighe]

That is an important incident which has taken place and it would add a feather in the cap of not only our security forces but also the political leadership of this country. There, 53 militants were arrested and they are on bail as a result of the orders of the District and Sessions Judge of that area.

Madam, unfortunately, in order to complicate the issue, the United States of America is not only non-cooperative but have been always putting spanner in our efforts to restore normalcy in this area. Two of three examples had also been referred to. I will merely quote Robin Raphel who made a statement in October-November, 1993. She said:

"U.S. did not accept the finality of Kashmir's accession to India."

This statement was made at the height of the Hazratbal crisis deliberately. As I read from the newspaper, now, a befitting answer in a speech had been given by our Ambassador in U.S.A. by showing clearly the falsity of this allegation regarding accession of Kashmir to India being not legal or complete. Two other letters have also been referred. One letter was written by Mr. Clinton to Mr. Fai giving legitimacy to the secessionist outfits. Then, second time, on 27th September, in a speech before the United Nations General Assembly, Mr. Clinton had clubbed Kashmir with Bosnia and Angola. These are mischievous moves deliberately taken by the United States of America and our Government will have to take an aggressive attitude in this respect and have a very strong lobbying not only as far as the United States is concerned but throughout the Western countries and perhaps throughout the world.

I submit that even the services of the dynamic Members of this Parliament also may be utilised for the purpose of creating world opinion.

Everybody says that the real solution lies in a political solution. Therefore, political initiative has to be taken. How? You must take into consideration the suggestions of different political parties. No doubt, the Government is striving to create an atmosphere for holding peaceful elections and revival of a popular Government in the State as early as possible but I will also urge upon the Home Minister to take it up or have consultations with the leaders of all the political parties in order to arrive at a national consensus as far as this problem is concerned. It has now not remained a problem of any political party but it has become a national problem. It has the topmost priority and therefore, I will also appeal to all the leaders of the political parties to rise above party politics and arrive at a national consensus on this issue and help and assist the Government in going ahead or in reviving the political process. It is very nice that all the political parties have passed a Resolution. I would go a step further and urge upon all of you to come together and suggest a political solution.

(Interruptions)

When we are discussing Kashmir, do not bring another controversial issue, Dunkel. This is a national issue.

SHRI SOMNATH CHATTERJEE (Bolpur): We cooperated with you. There is a unanimous resolution. Why don't you agree with us on Dunkel ?

SHRI SHARAD DIGHE: I will express myself.

SHRI SOMNATH CHATTERJEE:
That was unconditional. In spite of the Congress Government's mismanagement, we supported it.

SHRI MRUTYUNJAYA NAYAK
(Phulbani): Why do you again put a condition ?

SHRI SHARAD DIGHE: I will explain myself about it and then the discussion will go on in this House.

SHRI SOMNATH CHATTERJEE: I know that you cannot speak freely about it.

SHRI SHARAD DIGHE: The State Administration which has been oriented to tackle the law and order problem may not be perhaps fully responsive to the present problem of solving the grievances of the people. Therefore, from this point of view, I feel that there is a climax situation for the policy makers and the problems of cut off level at which the security apparatus of the establishment would interact with the civil administration and the political elements which are effective to provide political inputs for restoration of normalcy before venturing into anything else. This also has to be looked into.

No doubt there is a determined bid to wipe out corruption, as I read from the newspapers that the State Vigilance Commission headed by Mr. Amar Kapur has chargesheeted 30 government employees also including senior officers for offences of illegal gratification; this must continue in right earnest so that the people of Kashmir would feel that they would ultimately get non-corrupt government, non-corrupt officials and they will be governed in a clean manner.

The development activities must also increase. In the Railway Budget this time, fortunately, we find a provision of Rs. 15 crores for Jammu-Udhampur line and the final location survey for extending the link to Srinagar will also commence immediately. This is a very laudable step taken by the Government so that not only it will be developing a strong infrastructure in this area but it will create more job prospects for the people of Kashmir. From this point of view, other industries also may be looked into, if possible.

I was told that power projects were also contemplated, and at least one of the projects undertaken by a French Firm has been stopped; if necessary, the Government may take the initiative and start that project so that not only there will be infrastructure created in that area but it will also give an opportunity for jobs, as far as young people are concerned.

One more problem appears to be there to which the Government must also pay attention from now onwards. When we are talking of election, problems are created, as I read from the newspapers by the Chief Election Commissioner himself; he has rejected the appointment of the Chief Electoral Officer; he has also rejected the award, as far as delimitation is concerned. This problem may be tackled at the right time. At the last moment, when we face the election, this problem may not arise; that care may be taken by the Government.

Finally, I will urge upon the Government also to see that proper, prompt and bold initiative is taken as far as election are concerned. It is no use all the while saying that elections cannot be held. Somehow or the other we have to make a beginning.

[Shri Sharad Dighe]

Fortunately on one occasion our Prime Minister has himself stated that we shall give a Punjab like solution as far as Kashmir is concerned. If Punjab like solution is to be given then just as in Punjab we took a bold decision of holding elections and thereafter it followed that real representatives of the people emerged from different elections. This happened not only for Parliament or Assembly but for the local bodies also new leadership emerged and that will also be repeated in Kashmir if that experiment is undertaken by the Government. Therefore, bold and prompt decision may be taken as far as elections in Kashmir are concerned. With these words, I support this Resolution.

SHRI BHOGENDRA JHA (Madhubani): Mr. Chairman, Sir, it is not good that the Government in Kashmir, is being run in an undemocratic manner but, at the same time we cannot oppose the Resolution also moved by the Home Minister. We are bound to support it because there is no other alternative. The failure of the Government is mainly responsible for this sad situation. It is repeatedly said that political process should be started there. But the matter to start this process is postponed everytime. It is alright that Kashmir problem has been in existence since 1949 and its reasons do not lie in present conditions. At that time, the late ruler Shri Harisingh was not ready to merge Kashmir in India. When Pakistan invaded India, at that time the popular leader of Kashmir, National Conference leader Sheikh Abdullah sent a telegram for sending army to Kashmir. But the first Governor General of Independent India and the last Governor General of British ruled India, Lord Mountbetton and Army Chief of

Independent India and Army Chief of British-ruled India refused to do so and said that how they could send the army as Sheikh Abdullah had no authority and the request should come from Shri Harisingh the ruler. Later on ruler Shri Harisingh escaped to Jammu and showed willingness to join India. Only then Indian army was sent to rescue Kashmir. As per my knowledge, under this pressure the Governor General and Army Chief approached the U.N.O and were entrapped in the trap of plebiscite. Now it is a thing of past.

It is also a fact that this country was divided on communal basis and at that time of darkness, the decision of the people of Kashmir under the leadership of Sheikh Abdullah was like silver lining.

16.54 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Many people do not tolerate this fact. Even a Common Pakistani states that when Muslims are in majority in Kashmir, why their decisions are not honoured. This is the root cause of the problem.

We are not going to abandon the democratic base and principle of Secularism which has become our lifestyle and in this matter, it is to be followed firmly. It is very unfortunate that our friends from BJP create atmosphere of dividing the society, which sends wrong signals outside the country. (*Interruptions*)

I am not talking of your intention but about the results of your actions. We have experienced it. Apart from it, Congress desires that it should always remain in power and therefore, the elected

Government was removed by undemocratic manner and Mr. Gul Shah was brought to power. Later on, the Janata Dal Government, supported by us also made a mistake. There was no need to dissolve the Assembly at that time. After dissolving the Legislative Assembly, we created such a situation that today there is no democratic link between the public of Kashmir and Delhi. These are the mistakes made in the past. We have to learn a lesson from our past deeds, that democratic problem should be resolved in a democratic way and we require power and capability therefor.

Under the leadership of England and America, we were trapped and compelled to sign this agreement in 1947. Today England is not there but America is playing the same role. As my several colleagues have mentioned that we have unanimously passed the resolution on Kashmir in this House which shows that 90 crore Indians are united on this issue. I feel that not to mention the name of America in Kashmir problem is a mistake because Bill Clinton is the constitutionally elected President of USA and should not be treated as individual. He is not president for name sake but he has been elected as per American Constitution. He has interfered in internal matters of our country. Mr. Raphael, the Government official also said the same thing but Clinton is the President; it should also be included in the Resolution. A collective voice should be raised from the Parliament that we can learn lessons from USA, from Ibrahim Lincoln but not from Bill Clinton. When America was coming into existence; it was not an old nation, all the original people thereof were ruined, with the result that now only few thousand Red Indians are remaining there which are not affected by the Dunkel proposals. I think that a message should go to

Clinton that when America was coming into existence, there was general massacre under the leadership of Ibrahim Lincoln to maintain the unit of the country. We do not want that massacre but it is really wrong that President of USA interferes in sovereignty and national integrity of the country. It is not only our problem but dangerous thing is that whole world will react in it and then there will be counter reaction. In such a situation, I think we have to take our next step on Kashmir Problem. I feel that opposition should not reject Lincoln but it is completely wrong that efforts are made to disintegrate our nation when the efforts for peace are going in the world today.

The situation in Kashmir has improved several times in the past. Now one more thing has developed that terrorists misbehave and commit rape; they are also demanding money from the families where they take shelter. I have visited Kashmir thrice and have also visited Kargil, Leh and Jammu. People residing at those places have anger against us but at the same time they have much more anger for terrorists and in such a situation, when people try to join us, then incidents like Bij-Biharan and Sopore take place from the side of our security forces. Such incidents give a moral support to the terrorists and their offences get a cover this way. America and Pakistan add fuel to the fire in such incidents. American power is behind the activities of Pakistan. If the disease is not diagnosed properly, there will not be proper treatment. We should act in a democratic way with courage and patience in this matter. I think there will be no use if more powers are provided to them through political process only. At present, we have national integration on one hand and peace and democracy on the other hand for which our people are

[Shri Bhogendra Jha]

yearning. I remember the words of Shri Parsuram in this context:

'Agratah Chaturvedah Prishthatah
Sasharo Dhanuh

- Idam Shastram, Idam Shasthram
Shapadpi Sharadapi'

which means that knowledge of all the four vedas, a quiver, bow and arrow that is to say that scripture and weapons both should be given equal importance.

I think, we adopted all these measures in the case of Hazratbal, and tackled the situation with great courage and patience and result thereof is before us. Coordination between security forces, local police, BSF and between union Government and Shrinagar administration should be increased.

Mr. Chairman, Sir I read a report in newspapers regarding progress in Kashmir that the Minister of State in the Ministry of External Affairs had visited Kashmir, I would like to thank him for his efforts and also for presenting the viewpoint of the Government before the world in right perspective. It is a different matter as to how much success he has achieved but the main thing is that the viewpoint of Government was presented effectively before the world. As we do not differ from the Government on this issue, we would request the Government to make more efforts to emphasize our viewpoint on world forum. As regards providing power to public, we cannot remain in any situation of confusion.

Mr. Chairman Sir, I would like to draw your attention towards another point

that all the militants do not believe in the same ideology. Majority of them do not want to join Pakistan; only a few of them are interested to go with Pakistan. Keeping the administrative view in mind, we should form our political view. We treat all the militants in the same way and if media also presents them in the similar manner then the correct picture would not be presented before the country. Millions of Kashmiri migrants have come to Delhi and various other parts of the country and these have an impact on million of other people. The Government of India cannot escape its responsibility that it has not made proper arrangements for these migrants. There is need to do much more. One suggestion has been given in this context that ex-serviceman particularly belonging to Jammu should be deployed there. As per my information, Government allocates thousands of crores of rupees for development there but a part of that money is given to terrorists by the officials and then they say that Delhi has done nothing for us. This is a thing of discontent among people there. This Point was said in a meeting of our party last year in the form of a proposal. Kindly introduce Panchayat system there.

Amendment has been made in the Constitution for this purpose and Panchayat system should be introduced. You should not wait for it. There is nothing wrong that this has been introduced under Presidential Rule. The developmental work should be given to elected members whether they are supporters of Pakistan or India. Kashmir will be developed and public will be benefited if this work is done honestly. If they commit mistake then public wrath will be towards them and they will be alienated. So it is beneficial for us from both sides. I do not know why

the Government is hesitating in implementing the panchayat system.

Not only the Government is hesitating but the local leaders are desperately seeking elections in Kashmir so that they can become Ministers by getting merely one or two percent of the votes. I am not doubting their intention, but it is not the right course. I, therefore request you to hold Panchayat elections first and let the Panchayati Raj be established there. Then you may play this gamble. It is not going to harm anybody. Let anybody win the elections so that the development process can be started there. The residents of Leh and Kargil, which is a shia Muslim dominated area, are complaining that funds meant for their area have been and are being diverted to Srinagar. After going through the prevailing situation there, I dare too deny the fact that Leh and Kargil are being neglected. Therefore, you should take the issue of internal autonomy in the right perspective so that the residents of Leh and Kargil should feel that attention is also being paid towards their problems.

Then in the second phase you should go for Lok Sabha Elections. It is quite possible that two or three terrorists might win. They will also speak in the House. We also talk a lot of useless things and they too will speak some such things. But it will certainly prove the strength of our democracy before Kashmiris as well as before the world. We are not going to lose anything. We should hold the Assembly Elections. A political process can be started. The Home Minister and the Prime Minister had advocated the Panchayati Raj and even our party had a proposal in this regard. I pray that all of us should unanimously go for it. If you wait for a peace there to start a political process, then they will not allow

you to do so. If Kashmiris take the peaceful path, then outsiders can play mischief like killing of bus passengers etc. So the peaceful situation for which you are waiting is a mirage, then why to wait for it. Therefore, at least start with Panchayati Raj. I am saying all this because we had to make sacrifices for it. A freedom fighter of Kashmir and a member of national council of Indian Communist party, Comrade Wanchoo was killed by the terrorists. We have shed our blood and nowadays our comrades are waging a fight against terrorism. I understand that each of our comrade is risking his life for the sake of unity, secularism and democracy. I request you to construct a road from Valley to Pathankot near Jammu which will provide an easy access to Kashmir. There is a need to construct a road for Valley like the one which leads to Leh. I would like to thank the Railway Ministry that they have a plan to construct a railway line upto Srinagar. Although the expansion of Railway network is required in the entire country but so far as the question of Srinagar is concerned, it is a national issue. It will create some difficulties for the people of Kashmir as the construction of railway track will have to be carried out under strict vigil. The terrorists will pose some hurdles but if they resort to killing of people, then certainly the people will totally boycott them.

In the end, I would like to say that the army and other para military forces which are deployed in Kashmir, are guarding our borders and they are guards of our secularism and national integration. Therefore, the House as well as the nation should support them unanimously. It is already being done. While performing duties they might commit some excesses which may result into public resentment. In order to avoid such situations, they

SEVERAL HON. MEMBERS: Yes.

require some political training, because it is not an open war; it is a guerilla war. The army should be given clear orders as to where they should use their weapons, especially when many of their colleagues are killed, it is very difficult to control oneself. As the Hon. Home Minister has said that apart from military rules and regulations, they should also be given a political training because while guarding the nation, they are not supposed to be in fury. Otherwise it may create problem at National and International fora. With this, I once again stress that this is a unanimous demand that you should not come with such proposals in the House like this one to extend the President's rule in Kashmir. In the meantime, you should take steps to start Panchayati Raj system there. The whole Nation will witness its results and we are ready to face its consequences. I will be happy if you hold Lok Sabha elections simultaneously with the Panchayat elections. The Assembly Elections can be held later on as it has some other importance there. Therefore, you should not agree to withdraw from there because it will tantamount disintegration of the country. Such atmosphere of communalism is a global phenomenon. With these words I am compelled to support this proposal but I also request the Home Minister not to come with such a proposal in the House next time.

[English]

MR. CHAIRMAN: Before we proceed further, I would like to bring to the notice of the House that the time allotted for this item was three hours. The time is over. Shall we proceed to extend the time by one hour ?

SHRI YAIMA SINGH YUMNAM (Inner Manipur): It may be extended further because we should also get adequate time.

MR. CHAIRMAN: We will see it after completion of one hour. You will get a chance.

Shri Sharad Yadav.

[Translation]

SHRI SHARAD YADAV (Madhepura) : Mr. Chairman Sir, I thank you very much and my B.J.P. colleagues for doing this favour to me as I have to leave early. I do not want to talk at length about this issue. I feel that for the last four years the issue of Kashmir is being discussed in the House and if one goes through the previous proceeding one will find that some points are being discussed again and again. The situation there is more grave now than before. I do not want to go into its history as my able friends are doing a fine job in this regard. Today I want to raise two-three points through you. The present world scenario is quite different from what it used to be earlier. Ours was a poor and weak nation and it is a very old saying that a poor country always remains weak. We were safe because there were two world powers but after the downfall of Russia, the global political scenario is totally changed. At present, all nations are leaning towards America because it is trying to influence the world politics. We did pass a motion but with a heavy heart as ours is a weak nation.

In order to present our side before the Human Rights Conference in Geneva, we unanimously passed a motion against

the activities of Pakistan with regard to Kashmir. I would not like to go into its details. However, I would like to submit that we being the citizens of this country were really pained to know about the factors that forced us to move the Motion. The present situation of Kashmir in the world is only due to the mistakes committed by our Government.

It was only once, when Shri Morarji Desai was the Prime Minister of the country, that elections took place in a true democratic manner, the people witnessed the true ballot. Thereafter, how Governments were suppressed and democracy shattered is known to all. It is really distressing if people do not enjoy independence.

In the changed world situation, we find that after the war in Afghanistan it was ISI which developed the most under the guidance of CIA of America. It was when Russian forces entered Afghanistan and the problem of Afghanistan became a major issue, that this particular issue became grave. ISI plays significant role in the world politics. Terrorism in Kashmir is a separate issue, what is more serious is that terrorist elements infiltrating in Punjab from outside the country are posing problems for our armed forces. Therefore, it is very essential that we are very firm in our resolution. As long as we do not solve the internal problems of the country, issues like that of Kashmir would continue to disturb us. The basic problems in our country are hunger, poverty and unemployment. Economically we are so poor that we are compelled to bow to the conditions of Dunkel proposals, a document initiated by the multinational companies of the world. When the country is strong from within, it leads the world. The major problem at present is that there is none to maintain a balance.

The present situation is very grave. Elements from outside the country are posing problems there. It is easy to please our own near and dear ones but it is very difficult to please another individual if he has any grudge. He has to be talked to very carefully. The situation in Punjab was not so. The Sikhs living outside the state contributed a lot to improve the situation in Punjab. Intellectuals also helped a lot to restore a peaceful atmosphere there. However, with regard to Kashmir, we have not succeeded in improving the situation, and the President's Rule is being extended time and again. Elections cannot be held there in the prevailing circumstances. A parliamentary delegation had gone to evaluate the situation in Kashmir. But there is no coordination between the Home Ministry and the Kashmir Government. We should work together at such crucial time. Just as people from outside helped to restore normalcy in Punjab, similar efforts should be made with regard to Kashmir also.

Just now I was listening to the speech of Shri Aiyar. He is a Member of the ruling party, could manage to collect considerable facts. A particular policy should be adopted to win the confidence of the people of the valley.

I am an engineer. I also keep in touch with the prevailing circumstances there by means of some 20-22 youths. The youths in the valley are also distressed due to the disturbance prevailing there. Handicraft is the main occupation in Kashmir. Kashmir Emporium is there almost in every hotel. There is a network of it all over the country. Keeping in view the prevailing situation in Kashmir, the ruling party should take all other political parties into confidence and formulate an appropriate

[Shri Sharad Yadav]

policy with the consent of all. The information furnished by the members of ruling party was very significant and none of us has any clue to it. It is a national problem. Terrorism has been spreading there. When the Indians living abroad come here for the admission of their children, they are distressed to see the spreading terrorism. If the daughter of a family is working as servant somewhere and has any contact with a terrorist, she is married to the same person. The majority of the intellectuals feel that they won't survive for long, if terrorism continues to spread with the same speed.

The Government have not at all taken into consideration the suggestions given to the hon. Home Minister with regard to Kashmir. It is a national issue. Our country is not very strong. The situation all over the world has taken a new turn, Russia has totally disintegrated. We may agree or not, but people living in different parts of this country do have different views with regard to democracy and communism. Similar things are applicable in other parts of the world. The entire world is passing through a very crucial time, we are being forced to sign the Dunkel proposals. As per the Government if we refuse to sign the GATT document, we won't be given any financial aid by the world Bank. But we are not in such a deplorable condition that we won't be able to survive without getting loan from them. Situation in China is also different but their way of thinking is different. China is not afraid of America. At present India has differences with China with regard to Tibet, and this issue is a much more publicised issue than that of Kashmir. But America cannot threaten China the way it is doing to India. America is trying through NPT that we do not make

further development in nuclear power. It is making every possible effort that this country is turned into a market for selling their products.

Today, we are passing through a crucial time. We are always conscious about Kashmir problem. Through you, I would like to submit that Kashmir issue was not raised in the elections held recently in Pakistan, the Communal Party in that country was defeated. We never tried to improve our relations with Pakistan too. Kashmir is a part of India, it is in our country, but the craftsmen, the people engaged in tourism, businessmen and most of the intellectuals of Kashmir have settled in Delhi. They attend the Iftar party in considerable strength. Will their services be ever utilized ?

All the hon. Members have emphasised that democracy should be restored there. But today I would like to submit that all of us should evaluate the situation carefully for the restoration of democratic process because it is a difficult decision. It is not a decision like that of Punjab. The situations in Punjab and in Kashmir are totally different. In Punjab, the youth of the state itself have chosen the path of terrorism, thus posing problem to the armed forces. But here the situation is completely different. Here the hired terrorists are posing problems. The armed forces should restrain their activities there, and they are doing the same. I do admire the courage and dedication with which our forces are performing their duty in unfavourable circumstances. At the same time I also agree that the country will have to face consequences if they commit excesses during such a crucial period.

Mr. Chairman, Sir, I would like to submit to you and the Government that I

do support the proposal for extension of time, but at the same time, I would like to submit that we should think as to how we can take the assistance of the youth studying in universities, technical institutions and medical colleges, craftsmen and the intellectuals and involve them in the process of finding a political solution there.

Développement can solve the Punjab problem. A large sum of money has been wasted in corruption in the name of development in the country, and maximum money has been wasted in this manner in Kashmir. But this will not solve the Kashmir problem. The solution to this effect can be found only when all of us make collective efforts with full concentration. Today we have to think about the inhabitants of Kashmir, the craftsmen, the intellectuals and the writers. There have been a large number of incidents regarding atrocities on women, forced marriages with the hired terrorists. We should highlight these incidents in a document and present it to the world through Human Rights Forums.

In the end I would like to submit that our Government is not capable to do so. Today, Pakistan has become offensive in its attitude. It has collected figures to mislead the world. But the Government of India is defensive in this regard. We have to reveal to the world the deplorable condition of the displaced people of Kashmir and the problems they are facing. Their loss is the loss of the nation. But they are not willing to return to their native place, and if they don't do so, the situation in Kashmir will deteriorate. In other words, the inhabitants of Kashmir residing outside are facing many problems and difficulties. We would like these people to be treated with sympathy,

because they have left their houses and are forced to reside at other places. The residents of Kashmir are not merely the citizens of this country, they are our brothers. They live in our hearts and unity has been restored in the country only with their cooperation.

I would like to submit that America is bombing Bosnia. It is increasing its political activities in Vietnam and Iraq and thus it has become the most powerful country in the world. Our Government had to bow before the conditions put by them.

We could not collect even figures regarding the atrocities committee in Kashmir by the people from outside the State. They have committed atrocities on women which is revealed in articles written by several litterateurs. Writers, artists, artisans educated youths, professors and teachers among Kashmiri migrants are facing different cultures and atmosphere in camps. With a view to create the old congenial atmosphere in Kashmir, we should help the people living outside the State and initiate the political process with great determination. I agree with the proposal given by Shri Jha that political process could be started by initiating the process for Panchayat elections which will not result in any adverse effect. It can be our first step and we can assure the people of their participation in democracy through Panchayats. Regarding self-reliance, a political package should be prepared and implemented through those political persons who are under imprisonment at present and whose opinion and ideology is not harmful for the country. I am not going to read out their names due to shortage of time. These are the people who were helping the government at the time of Hazratbal incident. Help of those

[Shri Sharad Yadav]

[English]

people can be taken who are not too rigid in their opinion. You should take the whole country into confidence for success of any plan in this regard. We resolve that Kashmir is an integral and important part of India and we will rather die than to leave it.

(Interruptions)

With these words I conclude and thank you for giving me an opportunity to speak on this issue.

PROF. PREM DHUMAL
(Hamirpur): Mr. Chairman, Sir, resolution for extension of Presidents Rule in Jammu and Kashmir is before the House. Ruling party is trying to depict that situation in Kashmir has improved a lot. But I do not agree with it; situation is very much grave there and that's why the Parliament has passed this Resolution unanimously. I would like to say that Government should take stern action in this regard. Earlier the debate was going on peacefully. From Srhi Mani Shankar Aiyer speech, it seems that situation in Kashmir has improved a lot and his style also changed along with the situation in Kashmir. But it was an illusion as later he took up his earlier style and the same thing prevails with Kashmir. I would like to speak on the issues raised by Shri Aiyer. I would like to say that misappropriation by Congress Government during elections in the State, is responsible for the present crisis. People of Kashmir have lost faith in democracy due to high-handedness of political parties in the elections held during 5th, 6th and 7th decade in the State. Should we accept the verdict of Shri Mani Shankar Aiyer or the verdict of Shri S. Manzoor Ali, ex-Vice Chancellor of Kashmir University. I quote,

"The Congress leadership at the Centre was not willing to tolerate even legitimate dissent from the people and leaders of Kashmir Valley. This acute intolerance of dissent reflected the absence of democratic norms in the Congress culture which has now landed the country in a mess vis-a-vis Kashmir."

[Translation]

It is the opinion of an ex-Vice Chancellor, and you are talking of holding elections and improving the situation.

Sharadji has also mentioned that people regained faith in democracy in 1977, when they had replaced a Government in a truly democratic manner by electing Janata Party Government. Again in 1986, when Farooq Abdullah, along with Chief Ministers of Opposition parties started taking part in conference on national issues, your party could not tolerate it as Congress party thought that it has obliged Dr. Farooq Abdullah by appointing him as Chief Minister after the death of Sheikh Abdullah. So, the Government was dissolved. S. Manjoor Ali writes further—

[English]

"He had made a common cause with the main opposition parties in the country against the dictatorial behaviour of Indira Gandhi. This was the time when it could be noticed that the Kashmiris had fully identified themselves with Indian polity."

[Translation]

It was also not accepted by the Congress and Gul Mohammad was appointed as Chief Minister and later the Government was dissolved and he was compelled to sign Rajiv-Farooq accord. Later people felt that Dr. Abdullah has gone astray from the policies laid by his father and therefore, they alienated themselves.

Mr. Chairman, Sir, the hon. Home Minister and my colleagues from the ruling party have emphasized on the Hazratbal incident and have shown it as a big achievement and Shri Mani Shankarji told that only few hundred people took part in procession taken out on Hazratbal incident. I would like to tell the opinion of common public in this regard—

[English]

"The alienation of the Kashmiris from India was sharply brought into focus by the prolonged siege of the Hazratbal shrine which ended without bloodshed. The entire population in the Valley rose in defence of the militants and did not believe the Government story of danger to Moo-e-Mubarak—hair of the Prophet. However, the Hazratbal episode itself sounded mysterious...It was also well guarded by the armed police. Hence how could the militants stockpile sophisticated arms?"

[Translation]

In the context of 'Operation Blue Star' people used to ask as to how weapons were taken to Golden Temple, the same question arose here also.

[English]

"And why were they allowed to do so ? It also exposes the failure of the State intelligence agencies and demonstrates the alienation of the local police and bureaucracy from the State machinery that oversees the insurgency."

[Translation]

Shri Manzoor Alam has made an important remark in this regard:—

[English]

"The surrender of the militants and the termination of siege on the eve of the elections in U.P. exposes its political motivation."

[Translation]

Mr. Chairman, Sir, Shri Mani Shankar Aiyar has said that BJP fought election on this ground. But what happened in U.P. ? 177 members of our party were elected and from your party only 28 persons were elected and even security deposit of 200 persons was confiscated.

SHRI RAMESH CHENNITHALA (Kottayam): You belong to Himachal Pradesh, what has happened there ?

PROF. PREM DHUMAL: I belong to Himachal Pradesh but I am talking about the whole country.

(Interruptions)

Mr. Chairman, Sir, such comment was not given by only the ex-Vice Chancellor. He has asked as to how

[Prof. Prem Dhuma]

many terrorists were released when the daughter of the then Home Minister Rubaiya Sayeed was to be set free. At that time hon. Shri Advani had said that he would have sacrificed the life of his daughter but would have not released any militant. I would like to ask Shri Mani Shankar Aiyar ji as to how many militants are to be released and where are the Sikh militants apprehended by the Government and the number of militants, against whom cases have been filed and number of militants that have been jailed. No militant was caught by your Government but they were set free. You spare those who occupy the land in your country illegally, as well as those militants who have come from other country. Your Government has not caught any militant, it is a big conspiracy. The Government has been proved wrong and the conspiracy continued for a long time. I would like to tell what has been said by the D.G. of B.S.F. in this context.

[*English*]

"The fact remains that Pakistan has been replenishing the militants' losses. It is a running battle between losses suffered by militants on one hand and fresh induction of trained personnel, Kashmiri and other nationalities on the other."

[*Translation*]

You are talking about improvement in the situation. But I would like to know the number of militants apprehended by you. It has been said that people from Jamat-e-Islami are attacking school buildings to stop the functioning of schools. They are trying to introduce Madarsa system. In this context the D.G. of B.S.F. has said:

[*English*]

"The Jamaat-e-Islami is the soul of militancy in the valley. We allowed this organisation to proliferate during the last several decades. Madarsas were opened by the Jammatt in every nook and corner of the State. The ideological indoctrination of the young minds caused havoc. The youth today frequently seen throwing stones or brandishing weapons are products of the madarsas. It is unfortunate that when the seeds of poison were being sown, no action was taken and the State Government preferred to look the other way."

[*Translation*]

These are the comments and you say that situation is improving. Not only that, I would like to draw your attention towards another serious issue. It has been said that most of the persons working in administration are donating half of their salaries to terrorists. Shri Bhogendra Jha was saying that there are still some patriots who want that Kashmir should remain an integral part of India.

They are surprised at the attitude of these Government employees who are paying half of their salary to the terrorists and still they are allowed to continue in service. It is really surprising that there is none to question them. I would like to quote:

[*English*]

"It is unfortunate that the loyalties of a section of the Government employees are open to question. They are like Trojan horses in our camp. The security forces feel particularly bitter about the attitude of these functionaries on sensitive issue. They feel hamstrung in their

operational efforts in the absence of cooperation from the local administration. These Government employees are an unashamed lot and their brazenness is shocking. Some even contribute a certain percentage of their salary every month to the militants' coffers. It is a perverse kind of peaceful co-existence.

MR. CHAIRMAN: Do not go on quoting from newspapers.

PROF. PREM DHUMAL: Let the Government deny these things.

This is from the former Director General of BSF. That is why I am quoting these things. The points that I am raising are very specific.

MR. CHAIRMAN: That is not an authentic document.

PROF. PREM DHUMAL: He further states:

"It is an open secret that several senior officers of the State Government signed a petition to the UNO against the Government of India a few years back. What loyalty or commitment could be expected of them is anybody's guess.

Why can't we take action against them under Article 311 (2) and have these employees sacked?"

[Translation]

If such people are there in the administration, what can we expect from them? They pay a part of their salary to the terrorists and move a resolution

against us in the UNO. In spite of that, you are saying that there is improvement in the situation. I am surprised to hear it. Last week, we discussed the incidents of bomb explosions that took place in Jammu and Udhampur. If this is criterion of improvement in the situation, then it is beyond our comprehension. I feel that it has been brought to the notice of the hon. Minister that Pakistani intelligence agencies are making efforts to contact and train the soldiers who had fled at the time of operation Blue Star, to send them back for terrorist activities in India. I would like the Government to inquire into the matter.

Mr. Chairman, Sir, though a large amount of money is being sanctioned to them of present, yet because of corruption prevailing in that State, it is not being spent on the developmental activities in that State. In fact, development and corruption cannot go together. The Government has stated that vigilance department has been restructured. My submission is that the matter is very clear. The secretary of the Town Hall in Baramula, paid excess money to the contractors and finally the entire amount was paid to the terrorists. On an earlier occasion, when I raised this matter in the House, the hon. Minister wanted me to produce evidence. But now the Vigilance Department has also submitted the same report. Hence the matter should now be investigated.

I would like to draw the attention of the hon. Minister to a few more issues. A large number of people working in Hindustan Machine Tools and P & T have come to Jammu, Delhi and other parts of the country. They have been moving from pillar to post to get gas connections. Moreover, for months together they are not given their salaries. Some of these

[Prof. Prem Dhumal]

[Translation]

people have not been given any job. Their children are also not being given admission in schools. I would like the Government to take appropriate measures on priority basis to solve their problems.

It should be made clear because whenever it comes to the protection of Human Rights, India is always first to advocate it.

17.51 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Chairman, Sir, Kashmiri refugees are of two types. First type of refugees are those who were rendered homeless in 1947 and since then they have been living here as refugees. Lakhs of them have not yet been given the right to vote. Once Shrimati Indira Gandhi had announced to give compensation of Rs. 12000/- to each of these families. In fact, these people had migrated from Pakistan held Nurpur, Punchh and Muzafarabad areas leaving behind all their property. The Government should, therefore, give them proper compensation and also the Indian citizenship so that they may exercise their right to vote.

Mr. Deputy Speaker, Sir, while speaking on Human Rights, some of the hon. Members have made a mention of security forces. I have had an opportunity to meet some officers of these forces who maintain that they did not feel the pain of the Bullet of a terrorist as much as they were hurt by the criticism of the Members of Parliament because these things are being said without knowing the situation in which they had to work. In fact, they work for the unity and integrity of the nation without getting terrified by the bomb explosions or firing resorted to the terrorists, while the Members of Parliament sitting here in this House instead of appreciating their work—condemn and criticise them. They are doing an appreciable work and we must appreciate them for it.

Unfortunately, in this matter our Government has always been defensive. We ought to stress our claim on that part of Kashmir which stands occupied by Pakistan. Contrary to that, it is Pakistan which has now started claiming our part of Kashmir. Now when the House has given its unanimous support, the Government should take up the matter vigorously.

While concluding my speech, I would like to submit that our hopes should not turn into despair. The Government should not give rise to a situation where they have to seek our support again after six months. They should rather take measures to ensure elections at every cost within a year so that true democracy is retained there and the same old system as was adopted during the fifth, sixth and seventh decade is not continued.

I would like to talk briefly about Human Rights. The President of America, Bill Clinton has also talked about Human Rights. However, we should follow the path China has taken in this regard.

[English]

With these words I support the motion.

"Our concern is our concern."

[English]

SHRI YAIMA SINGH YUMNAM
(Inner Manipur): I rise to support the Resolution. At the same time I register the support of my party in the actions taken and the policy adopted by the Government in respect of Kashmir. Only recently the House unanimously adopted a Resolution to stand by Kashmir and declare Kashmir as an integral part of India. I want the people of Kashmir also to say that Kashmir is part and parcel of India. If the people of Kashmir also speak in the same language then the whole world will hear them.

Insofar as the history of the Kashmir problem is concerned, I think there had been a difference of opinion between Nehruji and Sardar Pateltji.

Sardar Patel wanted to annexe it in his own style as Hyderabad was annexed at any cost. Shri Nehru did not agree because he had a great confidence in the leadership of Shri Sheikh Abdullah. With that confidence, Shri Nehru thought that Kashmir will become a part of India. But the confidence that Shri Nehru had in Shri Sheikh Abdullah was betrayed afterwards. As things stand today, the problem is continuing. If that proposal of Sardar Patel in regard to Kashmir had been accepted there might have been another course history. I am recalling all these things because in the present state of affairs there are two opinions. One opinion is that why did we not settle the question of Kashmir totally when we fought two wars which India won? The problem of Kashmir could have been settled at that time. It was also an appropriate time because there were two Super Powers at that time viz. the USSR and the USA. So, even now, there are two opinions one is the total confrontation with Pakistan and

second is the total appeasement policy to be pursued which will be dictated by the USA.

There are people who want that the terrorists, the insurgents and the Pakistani intruders must be thrown out of the Indian territory by our security forces. There are people who are in favour of appeasement policy with Pakistan. In between the two, there may be people who are in favour of some other solution.

I am not going into all these things. The reason for my supporting the Resolution is that, it inter-relates the problems that are being faced in the North-Eastern region. The happenings in Kashmir sometime do influence the terrorists and insurgents in that part also. If the problem of Kashmir is settled, it will help very much in settling the problems in the North-Eastern Region also and particularly in Manipur.

Sir, I will come to my main point. The administration has got two arms viz. one arm dealing with insurgents and terrorists and curbing them with armed or security of the police forces and the second arm is to win the hearts of the people so that they can cooperate with the Administration.

18.00 hrs.

The role to be played in dealing with the insurgents is a very difficult role, because we have experience in my State that without the cooperation of the people, without their involvement, it is very difficult to deal with these insurgents. The people have to identify them and also to find out their hideouts even in jungles also; if the people do not cooperate, then it is very difficult for the security forces or for the

[Shri Yaima Singh Yumnam]

administration or for the police to act in an effective manner accurately. So, the cooperation of the people is a must and they must be involved in this task.

For that, the attitude of the persons representing the administration must be cooperative towards the people; they must always think about them; they must also dedicate themselves for the development of the area, for helping the people, considering them as their own brothers and sisters as also the members of their own families; that is very important. The attitude of the persons representing the administration must be of that nature; then it will be successful.

In the House, just now, many hon. Members have mentioned about the extension of the railway line to Srinagar and so on. I appreciate that. I think it could have been done a long time ago. There is a feeling of alienation because of the under development of that area. I need not go into all the aspects because I know the time is very limited.

I would like to conclude by saying that we have to take up many developmental works to reach the people of Kashmir so that we may get their support and cooperation; only then programmes of the Government will be successful; and it will help them in pursuing the policy of the Government.

With these words, I support the Resolution.

SHRI UMRAO SINGH (Jalandhar): I am very grateful to you for allowing me to speak on this subject. I rise to support the Resolution. I have heard all the speeches on the subject. The Members who spoke on terrorism, I think, have no knowledge

about the ground realities, because they have not seen what is terrorism; they have not lived in the area where people had experience of terrorism. Fortunately or unfortunately, I belong to a State which has tasted terrorism for about ten years. When I heard Members saying that political process should be started, some Members said the Government is having a weak policy; they should deal with them very strongly. All these speeches we have been hearing in the case of Punjab also before. But I can say that these speeches will not solve the problem unless we understand the ground realities. Now, if we start talking and discussing ground realities, then we have to be unanimous in this House.

I am happy that a unanimous resolution was passed on Kashmir. But if we see it today, the thinking is totally different. Now what is the actual position in Kashmir? I think our forces have been able to recover about ten thousand rifles of AK Series and cartridges to another estimate. The double the number of that, that is about 20,000 rifles and other ammunition is still there.

Those people who have the knowledge about the Army, they know that this is enough to equip four Divisions of the Army. When so much of destructive ammunition is still there and if they start talking about the political process, I think they do not know the ground realities. They must know in what conditions the people are living there. About 2,50,000 people have migrated from Kashmir and still without taking those people back to their homes, we talk about starting the political process.

Though the position in J&K has been grave, it is slightly improving, I can say that. It will take time. I do not agree with those people who say that in the next

six months they would not have this type of situation there because six months is not sufficient period to deal with terrorism. It is a long process.

Terrorism can be dealt with by patience and restraint because that is the only weapon with which you can defeat terrorism. You can make them surrender only when they are exhausted and will feel that they have lost their hope. That time is coming though not soon but still we hope that time may come soon.

Some people say that situation in Punjab was different and now the situation in J&K is more grave. We have lost valuable people in Kashmir. About 40 politicians, But in Punjab we have lost hundreds of politicians at least ten ex-ministers, about dozens of ex-legislators and many other political leaders we have lost there. We have not only lost people of one community but we have mostly lost people from the sikh community and some of them were very prominent people.

We have to understand which are the forces which are helping terrorism in Kashmir. They are not the people who are fighting there. They are not the boys who are having arms but there are other powers behind it. Everybody knows it from where the arms are coming, who are supplying the arms and from where these AK-47 rifles and other guns are coming; whether it is Pakistan who is giving arms or whether it is Afghan Muzahideens who are supplying these arms. Who is supplying arms to Pakistan ? I think this House knows from where the arms are coming to Pakistan.

Now we go to those people and plead for justice.

[*Translation*]

This is what we say:

Wahi Katil, Wahi Shahid, Whai Manzar
Thahare,
Aikurba Mere Kare Katal Ka Dava Kispar.

[*English*]

We talk about Pakistan, we talk about ISI. Who are helping them; which are these forces ?

So, we have to fight with those forces politically in the country and also outside the country. We have to expose them. I am sure that the present Government has actively started working on that. The President's Address is very clear on that. It has been unequivocally said in the President's Address that Kashmir is an integral part of this country and we cannot accept any force, whether it is internal or external. So, we have to fight with that force.

As far as Pakistan is concerned, we know their might, we know their strength.

[*Translation*]

"Na Khanjar Uthega, Na Talwar Inse,
Yeh Baju Mere Azmaye Huain Hain."

[*English*]

We know as to what happened in 1971. We have the will of the people. Once we start, I think, Shrimati Benazir Bhutto has to think one hundred times to push more people there.

Mr. Deputy-Speaker, Sir, I would like to say few more things. So, kindly allow me few more minutes.

[Shri Umrao Singh]

It has been said here by my friend, Shri Jaswant Singh, in his speech that the so-called patience was not patience but it was total inaction. If what happened in Hazratbal case is termed as our inaction, then I am sorry that people have forgotten as to what happened in the case of Operation Blue Star. Those parties which had pleaded and said, "Why do you not go and storm the Golden Temple?", are saying today that it was a great mistake of Shrimati Indira Gandhi. The Government has to act on its own wisdom. After Operation Blue Star, we had the experience of Operation Black Thunder. In the Operation Black Thunder, most of the terrorists, who were hidden in the Golden Temple, came out voluntarily. And that experience was adopted in Hazratbal case. Hazratbal is not an ordinary shrine. It is not only a historic shrine but also.

[Translation]

Muhen Mubarak of Hazrat Mohammad is there.

[English]

If Hazratbal shrine would have been destroyed, reactions would have been there not only from the Kashmiris but also from the whole Muslim countries. The Muslim countries are our friends. They have been supporting us. If Hazratbal case is termed as our weakness will you call restraint as our weakness? If anyone who does not know the meaning of 'restraint', he can go and see in the dictionary.

[Translation]

On one hand, you talk about our weakness and on the other advocate for

more autonomy to Jammu & Kashmir. Shri Shahabuddin also stressed for more autonomy to Jammu & Kashmir. He has tabled an amendment on Motion of Thanks on the President's Address. I want to read it out.

[English]

"That at the end of the Motion, the following be added, namely, 'but to regret that the Address does not envisage unconditional dialogue with the genuine representatives of the people of the Kashmir Valley to work out the *modus vivendi* on the basis of autonomy within the Union"

[Translation]

With whom should we have a dialogue? Even in Punjab, we were asked to have a dialogue. The leaders of terrorists were in Pakistan and were demanding Khalistan. Which representatives are there? Our Lord of Kashmir is sitting in London. Our colleagues here make loud claim that they will unfurl Tricolour in Kashmir. They simply take a helicopter from Jammu and come back after unfurling a flag in Kashmir. I would have felt happy if they had lived their for some time. So far as I am concerned, I contested election staying in Punjab. Your leader who was contesting against Bhatia Saheb ran away from Amritsar to Chandigarh. I request you that unless political activities are started in Jammu & Kashmir no political process should be initiated there. Is there any party in the Valley which is in position of starting political activities? First come with us and start political activities there. Things will improve only after initiation of political activities there. In Punjab we toured each and every village during

elections. Our colleagues from CPI and CPM were with us and some of them were killed. During the last ten years, our leader Shri Beant Singh has been relentlessly working, he consoled each and everybody on the killing of their dear ones by visiting their houses.

I know that during the last General Election in 1991, Mann Saheb of Akali Dal and others said that the election was a referendum for Khalistan. Then Congress has boycotted the election. It could not contest the election as the main issue of the election was to break away from India but your party had an alliance with akali party to give it a legal sanctity. Thereafter, 28 of our candidates were killed but not a single candidate of your party got hurt. Not only this, whenever Akalis came to power in Punjab, your party supported them. BJP never contested election on Jalandhar seat but to gather support of Akalis in Delhi, they fielded their candidate there in order to divide the Hindu vote bank but I got the security of one of your senior leader forfeited.

Akali Dal says that Mr. Clinton is its leader. Now, you tell me, are you going to support them? *(Interruptions)* At present, Shri Madan Lal Khurana is the Chief Minister of Delhi and he very proudly admits that Akalis have helped him a lot. *(Interruptions)*... If you know anything in this regard, you can tell me. I am just telling you the reality. Can you deny this fact that Akalis have helped you in Delhi? Whenever Congress came to power in Punjab, the Akalis never formed the Government in alliance with it and here sitting in the House they praise Clinton.

...*(Interruptions)*...

[English]

MR. DEPUTY SPEAKER: Order, Please.

Mr. Umrao Singh, you have already taken twenty minutes. The Government is in a hurry to complete this Resolution.

(Interruptions)...*

[Translation]

SHRI UMRAO SINGH: Mr. Deputy Speaker, Sir, I would like to submit that Agro Industries should be given encouragement in Kashmir. The people grow apple there. They should be given remunerative prices for their produce. They also weave carpets, its trade should be given encouragement. Every winter, the labourers used to come to our area but this time they did not come. We should bring them here and provide employment opportunities to them. This will result in cordial relations with them. At present we suspect them. I want to submit that Pakistanis as well as terrorists...

[English]

MR. DEPUTY SPEAKER : It is not going on record.

(Interruptions)...*

[Translation]

SHRI UMRAO SINGH: I want to submit only this :

"Unne Kehna Meri Janam Se Woh ,
Rehbar Ya Rahjan,
Sare Manzil Kabhi Lutne Na Denge
Karvan Apna."

[English]

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): Mr. Deputy Speaker, Sir, I would just like to make one request. We have already exhausted the total time allotted for discussion of this item. I would like to appeal the speakers that keeping the time in view, they should restrict their speeches and try and keep their views limited only to the points so that we are able to finish this discussion as early as possible.

(Interruptions)

[Translation]

DR. LAXMINARAYAN PANDEYA: Mr. Deputy Speaker, Sir, it is true that the time allotted for discussion of the subject has been exhausted but this is also correct that the time for sitting of the House has been extended upto 8 o' clock. Now, we will sit for two hours more...

(Interruptions).

SHRI MUKUL WASNIK: Pandeyaji, the time of the House has been extended but the time fixed for it was 3 hours. The discussion was started at 2 'o clock and the time limit of 3 hours ended at 5 'o clock and then, more time was given....

(Interruptions)

DR. LAXMINARAYAN PANDEYA: Sir, several hon'ble Members would also like to speak and the Kashmir issue is such that every Member wants to speak on it, that's why more time should be given for it.

SHRI SRIKANTA JENA (Cuttack): Mr. Deputy Speaker, Sir, the Parliamentary Affairs Minister knows that it was decided yesterday in the Business Advisory Committee that this proclamation on Jammu and Kashmir and the Jammu and Kashmir Budget will be taken up simultaneously and we shall be sitting up to 8 P.M. today. It was the responsibility of the Parliamentary Affairs Minister to introduce the Jammu and Kashmir Budget because that was the decision of the Business Advisory Committee. But where is the Budget ?

SHRI MUKUL WASNIK: Sir, this is not the point of dispute. I think that the hon. Member who has raised this issue, is aware about this. The Budget has not been presented to the House. The discussion on the Budget will be taken up separately. In the morning when the BAC report, was to be adopted by the House, there was a discussion on this also. My only request today is that though we have decided that the House should continue up to 8 P.M. tonight, we shall have occasions when we shall have to sit even beyond 8 P.M., and I request that the hon. Members should cooperate on those occasions as they have been cooperating all through.

[Translation]

DR. LAXMINARAYAN PANDEYA: The hon'ble Members may speak upto 7 'o clock and we can have the reply thereafter.

[English]

SHRI SRIKANTA JENA: Sir, yesterday it was decided in the BAC meeting that the Jammu and Kashmir

557 Statu. Resoln. Re: PHALGUNA 11, 1915 (SAKA)
Continuance of

Budget will be taken up simultaneously alongwith this proclamation. That is why we decided to sit up to 8 o' clock. So, where is the Budget ? Why did he not present the Budget today ? That is the main issue. Will he explain to the House why he could not present the Budget today ? (Interruptions)

SHRI NITISH KUMAR: No, Sir, it was decided in the BAC. Let him explain why it has not been presented. He is asking for our cooperation but we have always been cooperating with you.

MR. DEPUTY SPEAKER: We appreciate your cooperation.

SHRI BHOGENDRA JHA: Sir, the Business Advisory Committee's report, as Shri Jena knows, was circulated also. It was introduced by the Parliamentary Affairs Minister and was adopted by the House. But still it is being violated. It was decided to discuss the Budget and the Resolution together. (Interruptions)

[Translation]

SHRI MUKUL WASNIK: Due to some reasons the Jammu and Kashmir Budget cannot be presented today, that's why, it has been decided that today we will have the discussion on Jammu and Kashmir... (Interruptions)... The Budget will be presented thereafter.

[English]

SHRI NITISH KUMAR: The Budget has not been presented to the House. He must explain why it has not been presented.

[Translation]

SHRI MUKUL WASNIK: Mr. Deputy Speaker, Sir, I would like to make a

Proclamation in 558
respect of J & K

submission that we have taken more than enough time on this item and if we continue to do so it may consume more time.

[English]

SHRI NITISH KUMAR: What is the reason? Please explain.

PROF. PREM DHUMAL: He must apologise.

MR. DEPUTY SPEAKER: In the Business Advisory Committee report, it was announced that the Kashmir Budget...

(Interruptions)

SHRI LOKANATH CHOUDHURY (Jagatinghpur): Without knowing the whole thing, the hon. Parliamentary Affairs Minister wanted to end the debate. That is why, he was provoked.

MR. DEPUTY SPEAKER: He did not provoke. In a polite language, he requested for the cooperation.

SHRI S.B. CHAVAN: I have no objection, if the hon. Chair takes the decision. My only difficulty is at 7 o' clock, I have a meeting of the Cabinet. That is why, if it receives the approval of the House, then only, I can possibly go and attend the Cabinet meeting. Otherwise, I will have to inform them that I will not be able to attend the Cabinet meeting.

(Interruptions)

If you say that you are not prepared to accommodate, I am prepared to sit. I have no problem.

SHRI LOKANATH CHOUDHURY:

We are ready to cooperate.

SHRI NITISH KUMAR: He is waiting in the wings. He will get the chance.

SHRI S.B.CHAVAN: Since I have initiated the discussion, the reply will have to be, according to the rules, given by me.

SHRI LOKANATH CHOUDHURY: You reply in a very precise way. So, in shortest time, you can manage.

SHRI P. G. NARAYANAN (Gobichettipalayam): Sir, Kashmir has been a problem since the birth of our nation but there is a radical change in the problem of Kashmir in 1947 and the problem as it exists now in 1994. We have to recollect proudly that the people of Kashmir where the majority of the people are Muslims, did not express their desire or intention to go with Pakistan but they declared that they would stay with India. The Muslims of Kashmir stood by us and today we talk of the misled youth, terrorists and all that. Who is responsible for this situation? Instead of consolidating the best of intentions and desires expressed by the people of Kashmir, we are trying to alienate them.

The issue of Jammu and Kashmir has become an international issue by the propaganda that has been raised by Pakistan for the last five or six months. India's position has been consistent and clear, right from the very beginning. We have been telling that Jammu and Kashmir is an integral part of India and the people who are living in Jammu and Kashmir are being treated well in this country. But, unfortunately, Pakistan for its political reasons, is trying to globalise the issue.

There is ample evidence to show that the Centre is making vigorous attempts to chalk out a regulated plan to start the political process in Jammu and Kashmir. The Government's determination to end the prolonged political myopia and call a halt to the drift does indicate a fresh resolve to end the impasse. The Home Minister's declaration that the Central Government would soon hold a meeting with the representatives is yet another indication that the avenue for talks is open even as it is made amply clear that the language of violence is counter-productive.

There have been major successes for the Government in its fight against the terrorists and it requires relentless pressure on the militants to completely paralyse them.

The Governor's rule, with the active assistance of the Army has, to a great extent, alienated the people of Kashmir from the administration and it has to be reversed if the political process is not make a worthwhile beginning. If the Government can carry conviction that it is keen on reviving the political process, then the Prime Minister should be in a position to evolve an approach which is shared across the political divide with a real chance of success. The all-important question is whether election is possible now in Jammu and Kashmir. The answer depends on the extent to which the Government is in a position to eliminate terrorism. The proposed all-party meeting on Kashmir can have a role if it commits the country to cope with extremely serious threat to the national interests. For this purpose, the Government will come out with an Agenda which can assure the Kashmiris a generous dose of autonomy in terms of special provision contained in Article 370 of the Constitution and this

should be the ideal prescription for the Kashmir problem.

With these words, I support the Resolution moved by hon. Home Minister.

MR. DEPUTY SPEAKER: Thank you very much.

[*Translation*]

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Deputy Speaker, the hon'ble Minister of Home Affairs has said that the situation is improving and it is now better. But this is far from reality and it is a misleading statement, not based on facts. There was a bomb explosion at Indra Chowk in January only a few days ago in which some people were killed and many more got injured in Udhampur and even if we leave Hazratbal incident, other incidents prove that the situation has not improved to the desired extent and the necessary political improvement has not taken place. That is why the Government has to request for extension of period of President Rule in the State. The citizens are terrified by the incidents that have taken place in Doda and Kishtwar. The citizens of Doda district and other adjoining places are in the grip of fear to hear that the militants had taken control of the power project in Dulhasti near Kishtwar. I visited the area and saw fear in the local people's eyes. The necessary steps should be taken to remove the fear from the minds of the people. The local people are of the view that either the Army should take control or the situation should be improved to dispel their fears. There was a news item in the Hindustan, dated 16.1.94 that the inhabitants of the border villages have been forced to leave the villages as a result of heavy shelling by Pak Army in Rajouri and Poonch sections adjacent to the Actual Line of

Control and the continuous rocket attacks by Kashmiri militants. The Army should be given more powers to improve this situation and if need be, the whole area should be brought under control of the Army. The people of Kishtwar and Bhadrwar expressed their helplessness as they do not possess weapons.

They are prepared to fight the militants, if they are given weapons in case the soldiers are not allowed to do so. But when we met the jawans of the Armed Forces, they said that the local police did not let them attack the militants. I would like to say that they should be given the power to do so. Because then, they would be able to take preventive action to thwart possible attack by the militants. When the militants had moved forward to take control of the Daak-Bangla' of Doda, they should have been prevented. This is a very deplorable situation. The exodus from those places should also be stopped. When I had gone there, I read the graffitis—"Bharat tere hath mein woh lakir nahin hai, Kashmir there baap ki jageer nahin hai"—(Kashmir does not belong to India, it is not its fiefdom!)

Pamphlets were distributed on the Independence Day there but we could not check it nor are we often able to stop it. This State of affairs is not good.

Pakistan's anti-India propaganda regarding Kashmir in international fora is now well known. Yesterday, hon. Minister of External Affairs said that we also have established contacts with a lobby in America to counter this propaganda and the Government is paying it \$ 50,000 per month. This lobby will make effective publicity and counter the false propaganda of Pakistan. But why has this situation arisen? We should deliberate as

[Dr. Laxminarayan Pandeya]

to who is instigating Pakistan to do this. Today America is giving assistance to Pakistan. Probably there might be certain compulsion. Muslim countries have got displeased with what America has done in Somalia and Bosnia. Therefore, America is doing all this to win them over.

It is a matter of great delight and we are proud that our Parliament has passed a Resolution stating that we would not tolerate any international interference in the matter of Kashmir. Kashmir is and will remain an inalienable part of India. I would urge the Government to think over the Kashmir problem seriously and make efforts to improve the situation there.

The Government propose to set up an Autonomous Board for Leh. By what time will it be set up? The Government should set it up immediately so that the long standing demand of the people of that area is fulfilled. The situation continues to be miserable there.

The Government should chalk out a programme to give relief to the displaced people of the Valley and remove fear from their mind so that the common people feel secure there. Moreover, I would like to say that the population of Jammu is growing very fast. Therefore, the number of seats in the Legislative Assembly should be increased. Therefore, prior to initiating any political process and holding election in the State, it should be borne in mind that the population of Jammu has increased manifold and therefore, the number of the Seats of the Legislative Assembly should be increased in proportion to the population. This is the demand of the people of Jammu.

Those who had migrated to Jammu during the partition in 1947 are still living

as refugees there. Moreover, the people who have migrated to Delhi, Ghaziabad and other parts of the country from Srinagar from the Valley following turmoil there during the last few years are still living as refugees there. During Shrimati Indira Gandhi's regime it was decided to pay Rs. 12 thousand per month to each of those persons who had migrated from Pakistan for rehabilitation. But they have not even got compensation for their land and property left behind and this amount as yet. The issue of compensation is still pending. The Kashmiri migrants at Delhi and Ghaziabad are in a pitiable plight. Government must pay attention to their plight.

The issue of human rights has been raised here. The violation of human rights is not unilateral. The false propaganda by Pakistan in this regard must effectively be countered. We should say in unequivocal terms that terrorists are being imparted training in Pakistan and are being provided arms and they attack our army and kill our soldiers. The world should think over this also because this aspect is not mentioned in the violation of human rights. This is not right. The army should be given complete authority. The sensitive areas should be handed over to the army. Terrorism is increasing in Doda also. The activities of militants there should be curbed so that the mass exodus of people from this area could be averted.

Mr. Deputy Speaker, Sir, since the time is very short and many hon. Members have spoken on this issue, I would like to urge upon the hon. Minister of Home Affairs to take notice of my suggestions while replying to the debate on this subject.

[English]

SHRI CHITTA BASU (Barasat): Mr. Deputy Speaker, Sir, although Kashmir

problem is undoubtedly a national problem and a solution to this problem can be had only on the basis of national consensus, but one point which we should bear in mind is that Kashmir problem has also got external facets and inclusive of domestic facets.

In this case, I do not like to describe in detail the position and the stances taken by the United States of America. It is not only the question of U.S. officials or representatives at lower levels of the Government, but the President Bill Clinton himself has expressed certain positions which, according to me, is inimical and hostile to India and its position with respect to Kashmir.

If you allow me I would just like to refer to a few things. I would like to refer to Mr. Clinton's speech in the U.N. General Assembly on September, 1993, to Robin Raphel's statement on October 29, 1993, to Mr. Clinton's letter to Ghulam Nabi Fai on December 27, 1993, to the letter of Mr. Clinton to Mr. Gray Condit and lastly to Mr. Clinton's opinion expressed on the 14th of February stating that he shared Pakistan's concern about human rights abuses in Kashmir. All these constitute an interference in the internal affairs of India. And I am very much sorry to say that there has not been adequate response to this kind of infringement of our country's sovereignty. I hope the hon. Minister, on behalf of the Government, will take note of these positions.

Sir, I also want to draw your attention to other aspects of the problem. Recently, there has been a Round-Table Discussion on Kashmir in Brussels in October 1993 sponsored by the European Parliament. Therefore, it is not only the United States of America, but the representatives of the European

Parliament have also discussed something about Kashmir which is an internal affair of India.

And I would like to quote the most objectionable part of the discussion from the Concept Paper of Brussels conference which had been circulated there. It says that:

"a distinction has to be drawn between Kashmir proper and the larger entity which was the state of Jammu and Kashmir as it existed between 1846 and 1946."

It means, the position of other European countries is also not very specific with regard to our position that Kashmir's accession is irreversible and it is an integral part of India. The Government has not taken adequate steps to combat this propaganda at the political level.

There have been several proposals floated in the United States of America by the NGOs by some official organizations or non-official organizations or the question of Kashmir problem and its solution. The common denominator of the solutions, according to my information, is the separation of Kashmir from India. They want that there should be a political package on the basis of which the State of Jammu and Kashmir should be separated from India. There are many other proposals with regard to this. I only mentioned about some of them.

There are proposals for UN trusteeship, Trieste type solution, greater autonomy, regional autonomy, etc. I want to be very clear on this occasion and that has tempted me to speak on this occasion. There cannot be any question

[Shri Chitta Basu]

of separation of Kashmir from India. There cannot be any question of UN Trusteeship, there cannot be a Trieste type of solution. There is a suggestion for return to the 1953 position. The Government should make it clear. These are the proposals and I see that the Government's silence is a studied silence with the object of creating confusion among the patriotic and democratic people of our country and outside, particularly the USA and other imperialist countries. Therefore the Government should come out with their reaction, with their response to these irresponsible suggestions being made by certain interested quarters.

So far as my party and my position is concerned, we want expansion of autonomy. We want greater scope for regional autonomy. But that must be within the federal set up of the Indian Constitution. There cannot be any regional autonomy, there cannot be further expansion of autonomy which borders on the separation of J&K from India. More so, whenever there is a question of regional autonomy the question of unity of Kashmir should be there. It does not mean that if Leh has been given certain extra or regional autonomy it is acceptable, but it is not acceptable to have some kind of economic autonomy for other parts of the under developed or backward parts of J&K. If the regional autonomy extends to the point of separation or a vivisection of J&K, then it will be injurious for the national cause and the nation's unity and integrity. In devising any solution on J&K problem the question of nation's unity and integrity should remain supreme, should remain the prime consideration.

We want that there should be a dialogue. Political solution is the only solution. I am sorry to say that military solution cannot be the solution; it should be averted. Military solution cannot lead to a position in which India can preserve its own tradition and its own Indianness. Therefore, J&K's integration into India is irreversible. We should protect the main concept of secularism. J&K, an integral part of India, represents and symbolises the spirit of Indian nationhood. If that is separated, Indian nationhood is also broken as under. Therefore secularism, democracy and regional autonomy within the federal set up of the Indian Constitution should become the broad framework of national consensus for the solution of J&K problem.

I hope the Government of India would take proper step in this direction. I am quite thankful to the hon. Minister that he said in course of his reply to a question that the basic approach of the Government is the recognition of Kashmiriat, the cultural identity and other identity of Kashmiri people. But I must admit that has not been the policy pursued on the ground. That has led to the alienation of the general masses of Kashmir from India. Therefore that commitment in the House should be honoured, respected and given effect to.

With these words I support the motion because it is a *fait accompli*. India cannot survive herself unless Jammu and Kashmir remains a part of India.

MR. DEPUTY SPEAKER: Shri Sudhir Sawant, Shri Chennithala, Prof. Rasa Singh and Shri Vijoy Kumar Yadav are to speak. Each one will speak for two or two and a half minutes.

SHRI LOKANATH CHOUDHURY (Jagatsinghpur): Sir, we have understood the Minister's engagement that he will go at 7 o'clock. So, please try to finish by 7 o'clock or at least by 7.15 pm. Otherwise, we will be doing injustice to him.

MR. DEPUTY SPEAKER: Hon. Minister shall have to go to the Cabinet meeting. Please keep it in mind.

18.50 hrs.

SHRI SUDHIR SAWANT (Rajapur): Mr. Deputy Speaker, Sir, I rise to support the Resolution for extension of President's rule in Jammu & Kashmir.

I would just like to comment on what our friends from the BJP have tried to bring out. Unfortunately they have tried to involve the Army and tried to get credit on some supposed statements made by serving armed forces personnel which I feel is derogatory and should not be a practice here.

Sir, I am speaking for the fourth time on this issue. In 1991 when I had spoken, I had raised similar issues which Gen. Khanduri brought out here about the unified command, the role of the administration, the conditions that are prevailing, etc. I was highly critical of the administration at that time. But, after two years, the situation has certainly gone on a transformation and there is a tremendous change for which I must compliment the Government. Having criticised the Government two years ago, I am going to say something which gives credibility to them. This is a national issue and cannot be viewed in a partisan manner. What a change it is! I am not saying that there is a situation of normalcy in Jammu & Kashmir. But what has certainly changed is the approach of the

administration and the confidence with which the Central Government is approaching the problem which gives confidence to the people of India. We are seized of the problem and there is a definite line of action which the Government is following towards solving the problem in its entirety. As we know, in the case of insurgency and the related problems where there is a deflection in the masses of particular section, it takes a long time to resolve. Mizoram took nearly 18 years; Nagaland took nearly 20 years. There is no magic wand with the Central Government which can resolve the problem in one year.

I compliment the Government for its approach on Hazratbal incident. Whatever has been said by Gen. Khanduri and other BJP colleagues is totally false. The Battalion which had surrounded Hazratbal was the Battalion that I had served for 15 years. So, I have the first hand information of every event that has taken place. If somebody is trying to tarnish the name of the Army and that too my Battalion, I would not permit it. I condemn all the statements made here. In Hazratbal, ISI and Pakistan had laid a trap for the Government. After having demolished nine Muslim shrines in Kashmir Valley, Hazratbal was the target. The plan was to incite the Armed Forces to attack the shrine. When the shrine is attacked, to destroy the shrine and with that, the relic; thereby causing further alienation of the population not only in Jammu and Kashmir but also all over the world. This was a carefully laid trap. At that time, even I was apprehensive of what was happening. I approached the Home Minister also at that time. Notwithstanding our apprehensions, the confidence with which the Government approached the problem and resolved the problem amicably is really a creditable

[Shri Sudhir Sawant]

one. That is why, I now have full confidence in the manner in which the Central Government is approaching the problem. I am sure that if we approach the problem in this manner, the problem will be resolved soon because after Hazratbal incident, there has been a certain improvement in the Valley because of which the militants are on the run; four important militants have been killed or eliminated—Shadhar, Andhadhar, Afgani and the rest of them.

The issue of unified command concept was brought out by Gen. Khanduri. I had also propagated this theory in 1991. It has been put into practice in the Valley. The unified command concept is very much in existence. There is a greater degree of coordination. My only suggestion is that this unified command concept along with the intelligence headquarters should be operative at every district level. If you want to curb terrorism, you have to react quickly.

I had also suggested that in every district, there should be a quick reaction team to act on the intelligence, which is available, promptly in every district. They should specifically fight out terrorism in areas like Sopore and Srinagar in Jammu and Kashmir. These are primarily problem areas. I congratulate the Government that Sopore has been cleansed and the terrorists have been removed from there. These are urban areas. If we concentrate on that, we can achieve a lot.

As far as the political process is concerned, I would request the Government to start from Panchayats. The Panchayati Raj system should be extended to the State of Jammu and

Kashmir. It has already been done. If we have elections from the village level to the block level and then to the district level, certainly the people who have been eliminated, that is, the youth, who wanted to participate in the democratic process of this country in 1987, would see some hope there. The political process would be there.

I appeal to all the sections of this House that this is not a partisan issue. This is a national issue on which the future of this country is dependent because Kashmir is the head. That is why we should throw all our petty considerations aside and take up this national issue. The Home Minister has appealed and held wide-ranging discussions. You must cooperate with him to resolve this problem permanently.

Lastly, I would request the Home Minister to set up a committee of certain Members of Parliament and also of people who have knowledge of this Bill so that proper advice can be obtained. We have given a signal that Jammu and Kashmir is a part of India. It will remain a part of India. There can be no compromise on it. We have done that. We have achieved our aim.

[*Translation*]

SHRI VIJOY KUMAR YADAV (Nalanda): Mr. Deputy Speaker, Sir, I would be brief because many hon. Members have already spoken here. I would like to submit one point. The problem raised by militants and Pakistan in Kashmir is already there. But now we should take a stand as to how to deal with America for the manner in which it is inciting terrorists and interfering in our internal affairs. The situation is getting

alarming. It is correct that in the wake of the new economic policy, our Government has yielded to American pressure to such an extent that our Government and the hon. Minister hesitate to refer to America even if the latter's activities pose a threat to the independence and sovereignty of our country.

I would like to suggest one thing here. Be it the issue of human rights or anything else, Members of American Parliament generally speak against India. Kashmir is an integral part of India. But they speak against this fact also. The Government of America claims that there has been no change in its foreign policy. The American President sometimes speaks against India. I do not want that you may also ask our President to react to it immediately.

19.00 hrs.

But the hon. Prime Minister, or at least Shri Mukul Wasnik or Shri Rahi should make a statement on it. The hon. Minister of Home Affairs is sitting here. He should make a statement on it. But he has remained silent in this regard. Even the President did not refer to America in his Address to the Parliament out of fear. I would suggest that the Government of India should launch a new strategy against America. A team of those countries who have suffered at the hands of America and who want to safeguard the unity, integrity and sovereignty of their countries should be brought together and an offensive propaganda should be launched against America. There is no need to be on the defensive.

[English]

SHRI RAMESH CHENNITHALA
(Kottayam): I wish to support the

Resolution moved by the hon. Home Minister. When we are discussing this Resolution, the Human Right Commission in Geneva is also discussing the so-called violation of human rights in Jammu and Kashmir. Even though Pakistan has pursued like anything for tabling a resolution for human rights violation in J&K, they did not get a seconder for the resolution. They are isolated in this case. I want to congratulate the India delegation for their efforts and success. I want to congratulate the delegation, the Prime Minister and the Government of India for the firm steps and the manoeuvring power that they have shown in the Geneva Conference. That discussion is going on and Pakistan wants to internationalise the issue. Members of the world body would prefer Islamabad people in New Delhi to solve the differences through talks. I came to know that Pakistan has agreed firmly on this but they are laying down unacceptable conditions so that they can manoeuvre in Geneva and other international fora to get the active involvement of the UN in the case of Jammu and Kashmir. As Mr. Chitta Basu and other Members mentioned about the statements made by the American President, Clinton. He has made many statements and contradicted those statements. The international community is watching this. He makes statements and time and again, contradicts them. This shows that India has immense power and immense manoeuvring capacity and the international fora and community are accepting our version in this regard. This shows the firm and capable diplomacy of our country. Kashmir is an integral part of our country and nobody can challenge this. Then, what is the basic problem? The basic problem is Pakistan's interference in the internal affairs of our country. They are trying to influence the youth of Jammu and Kashmir and aiding

[Shri Ramesh Chennithala]

the terrorist activities across the border. The moment Pakistan stops aiding terrorist activities, the same moment the calamities happening in J&K will come to an end. So, we have to deal with them politically, diplomatically and administratively. There is no dispute between India and Pakistan about the ownership. Under the Simla Agreement, there is no confrontation or confusion about the accession of Jammu & Kashmir to the Indian Union. There is a dispute only with regard to the line of control. But unfortunately, Pakistan is trying to make a claim that Jammu & Kashmir is a disputed area. So, my request to the Government is that they would make this point very clear.

I have a lot of points to make but due to the time constraint, I do not want to go into details. Sir, Pakistan is like a thief who after committing theft joins others and shouts 'thief, thief'. Whatever may be the outcome of their Geneva Resolution, one thing is very clear, Pakistan is isolated in this regard. Even the Islamic countries are not supporting them. Pakistan is wholly responsible for terrorist activities in Jammu & Kashmir. They are not only abetting and aiding terrorism but are also creating confusion in international fora by raising the bagey of the so called human rights issue. As rightly pointed out by our hon. colleague Shri Chitta Basu, today there is an effort for linking the human rights issue with developmental activities. Certain European countries are arguing that financial aid for developmental activities should be linked with human rights issue. These are the signals that are coming to our country now. The US Administration is

trying to interfere in our territorial issues. This, certainly, is a wrong signal. Our diplomatic corps and Government of India are trying to take all steps to prevent such things. We should be very vigilant over such matters. Our Intelligence Agencies should be strengthened. There is a news item in the latest issue of 'Newsweek' that Pakistan is financing a very dangerous fundamentalist group to hit many targets in India. The leader of this outfit Al Faqra is closely connected with the ISI of Pakistan. The report says that they have chosen certain targets in India which will be hit. To preempt such attempts, our Intelligence Agencies should be strengthened so that these infiltrators and militants will not be able to enter our borders.

Administratively and politically also, our Government is taking all possible steps to improve the law and order situation in Jammu & Kashmir. At this juncture, I would like to congratulate our Armed Forces who are trying their level best to check infiltration and other terrorist activities in this part of our country. They are functioning in a very difficult and hazardous situation prevailing in that area. The morale of our Armed forces and other paramilitary forces should be restored, otherwise, our boundaries cannot be protected. It is very easy to criticise their activities. But those people who are working in very unfavourable conditions and in a very hazardous situation in Kashmir to protect our Motherland should be congratulated for their valiant efforts. If there are certain excesses committed by certain individuals, I do agree that strict action should be taken against them and the guilty should be punished. But we should not blame the Armed Forces in general who are trying their level best to protect our country.

With these words, I support the Motion moved by the hon. Home Minister.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer): Mr. Deputy Speaker, Sir, our colleagues from the Congress Party were indulging in self praise and were applauding the Minister in conformity with their policy on Kashmir but through you, I want to submit that if Government of India goes on changing policies after every incident, then it clearly indicates that there is no clearcut policy and it has ups and downs like a hurdle race.

Mr. Deputy Speaker, Sir, through you I want to know that when there were advertisement in the newspapers in USA in the names of terrorists outfits of Kashmir and they were using abusive language against India, why did the Government of India not condemn it then and there and registered its protest? I am sorry to say that India is only awoke during the Human Rights Conference in Geneva but before that, the Government of India was in slumber and it did not do anything special to counter the Pakistani propaganda. The Organisation of Islamic Countries. OIC has offered to mediate in Kashmir issue. Their offer should be rejected outrightly. I would like to know the names of those countries, whose mercenaries are waging a war in Kashmir in the name of Islam in the guise of Kashmiri terrorists. If they are friendly nations, then we can lodge protest with them that their citizens are being pushed into India as mercenaries and dancing to the tune of Pakistan to fan armed terrorism in Kashmir.

Sir, I also want to state that on one hand this Government is killing patriots with bullets and on the other, the traitors are served Biryani. Will it not affect the

morale of our security forces? Our soldiers have not been given a free hand. Our soldiers are ready to eliminate each and every terrorist but for that, the Government will have to give them a free hand. They have clear-cut orders that they can fire only in case of self defence. Therefore, when 2-4 soldiers die, only then they take action. But then the Government of India reacts:

"Lamhon Ne Khata Ki, Sadion Ne Saza Pai."

In 1948, when Pakistan started war in Kashmir with the help of Kabbalis and terrorists, the Indian Army reached there to repulse the attack. At that time had Shri Jawaharlal Nehru not approached the Security Council and not acceded to its request for a cease-fire, probably the present portion of POK would have been recaptured by our forces. Likewise, we had captured Hajipeer pass alongwith a number of other parts in 1965 war. I am sorry to say that the present Government has shown its willingness to negotiate with Pakistan on the issue of Siachen. I would like to know as to what negotiations the Government want to hold over Siachen. Siachen is strategically important for our security, for which a number of soldiers have laid down their lives...(Interruptions). The Government has sent six proposals to Pakistan. The people of this country want to know as to what the Government propose to discuss about Siachen?

Sir, through you, I want to stress only one point that this Government is ruling the country with the power of "Danden Shasti Prajam." Sir, through you I want to tell that the countrymen are ready to sacrifice their lives. Our soldiers are ready to teach a lesson to Pakistan. "Bahadur Kab Kisi Ka Asra Lete Hain; Usi

[Prof. Rasa Singh Rawat]

Ko Kar Guzarte Hain Jo Dil Mein Than
Lete Hain, Dilavar Mard Ka Loha Sab
Mante Hain, Jo Kamjor Hota Hai Uske
Kaan Sab Pakad lete Hain." Therefore,
the Government of India should give up
its weakness. You should make a call
that:

"Jhoom Utho Ae Bharat Ke Veero,
Tum Ho Taqat Se Harpur,
Ek Baar Phir Maar Do Thokar,
Karo Shatruon Ko Chaknachur."

Only this type of language is
understood in the present day world. May
be America and England are major
powers of the world but we should tell
Mr. Clinton and Mr. Major in clear terms
that Kashmir is an integral part of India; it
is the crown of Mother India and one
cannot imagine the existence of body
without the head. If Pakistan says that
without Kashmir Pakistan is incomplete
then we should also tell them that without
Pakistan, India is incomplete. Pakistan
needs to be given a befitting reply.

With these words, I want to submit
that it is not good to burden the people
with the President's Rule and I wish that
elections should be held there very soon.

[English]

MR. DEPUTY SPEAKER: Nothing
will go on record.

(Interruptions)*

MR. DEPUTY SPEAKER: Hon.
Members. Mr. Vijoy Kumar Yadav spoke
literally for two-and-a-half minutes with

the result that many more hon. Ministers
could participate. Some other hon.
Members also have tried to restrict
themselves but they could not do so.
Anyhow, according to the list, one more
speaker is remaining and that is
Mr. Sriballav Panigrahi.

SHRI MUKUL WASNIK : Sir, he is
not speaking.

MR. DEPUTY SPEAKER: Thank
you very much.

19.17 hrs.

SHRI SRIBALLAV PANIGRAHI
(Deogarh): In deference to the wishes of
the hon. Members and also looking at the
time factor, I would just like to say that I
rise only to support the resolution and I
would give my views on another occasion.

MR. DEPUTY SPEAKER: As per
the list sent by the Whips of all the
political parties, all the names have been
covered. If I still permit some other hon.
Members, it will again lead to some
difficulties. May I now request the hon.
Minister to reply?

SHRI S.B. CHAVAN: Mr. Deputy
Speaker, Sir, I must express my gratitude
to all the hon. Members who have
supported the Resolution moved by me.
Members of each political party have their
own point of view which they had put forth.
In spite of having some kind of
reservation in their mind, they tried to
support the Resolution.

Sir, I am sure all the hon. Members
will be able to fully cooperate in treating
this issue as a national issue and without

any kind of reservation in their mind. Who is responsible? Who started the whole thing? If that becomes the genesis of the entire thing. I do not think that we will be able to put a kind of united opinion of all the political parties in the country. I must also make an appeal to some of the hon. Members who are really very enthusiastic to put forth their points of view of their respective parties here that this is a very delicate issue. We have reached a stage where we will have to have some kind of an understanding of the global phenomena also.

If we do not understand the context in which these issues are being discussed, may be we will be creating difficulties for ourselves, which I don't think the hon. Members are interested in creating that kind of a situation. But, sometimes due to emotions and sometimes due to a consistent stand that a political party has taken, it becomes a matter of habit, as one of the hon. Members has done just now. This is not the practice in the House.

[Translation]

You have mentioned 'Jai Bharat' in your speech, it is good, it seems that you quite often mention the same word in your speeches outside and the same has reflected in your speeches.

[English]

That is only my appeal to all the hon. Members that we have to understand the delicacies of the situation and sometimes try to control ourselves in such a manner that we should not be able to create conditions in which it may become very embarrassing for all of us to face the problem.

I must also, at this stage, make an appeal to the hon. Member, Shri Syed Shahabuddin. I am sorry, he is not there; may be because of the *ramzan* that he has not been able to be present in the House; but, at the same time, I am not quite able to understand what exactly was his problem about the Presidential Order being issued and for what purpose he wants an amendment to the Constitution of Jammu and Kashmir and extending the period for one year? He said something, but, somehow or other, either I have not been able to understand him properly or he could not express himself in such a manner that I should be able to understand it. But the sum and substance of the whole thing is that there is no confusion on this issue. We are absolutely clear legally and constitutionally. There is no difficulty. The President has the authority; he can issue that kind of an order. So, there should be no mistake on that account.

The next point about which I would like to refer to at this stage is this. Somehow, there seems to be some sort of confusion between some of the hon. Members when they feel that there is hardly any change. I am sorry; I must touch one more point. Please for God's sake, do not try to create an impression that the Army was trying to do something which the Government did not agree. It is absolutely a falsehood. There is no basis for the same. The Army, the paramilitary force and the unified command, how they are interested in creating this kind of a rift? This may be against the national interest. We should not unnecessarily create a problem where it does not exist. We have the unified command where all these people are represented; and if they had anything which they consider is not just and proper, certainly, they have every right to express it in that Meeting; and at

[Shri S.B. Chavan]

least, according to my information, nothing of the type has been done. Everybody was concerned in the matter. They go with perfect coordination and cooperation. So, let us not unnecessarily create this kind of an impression throughout the country as if some of the army people come and tell something which in fact has no basis. If he is really a soldier, I invite him to come and discuss with me and tell me how far this is correct; if that be a fact, I am sure, it was Mr. Atal Bihari Vajpayee most probably. I have great respect for him. But he made some kind of a speech either in Kanpur or somewhere else where he said that the Army should be given full freedom. I do not know what exactly is his idea, what exactly he would like to convey by saying that the Army should be given full freedom. There is no inhibition; there is no control; the only control is that the Army is there for assisting the civil authorities. We have to understand that the Army acting on its own and the Army acting for assisting the civil authorities are two different concepts, which you have to understand and there is a limitation within which they have to work.

There have been no problems. There is perfect understanding, perfect cooperation and coordination and still some of the hon. Members are saying that they are creating problems there. I do not know, probably the reasons best known to them, why do they want to project themselves as if they are the exponents on behalf of the army.

In fact, we have greatest respect for the role which the army is playing in Jammu & Kashmir in very difficult conditions. Both army and para-military forces including the police, everyone of them is doing a good job and the kind of

job which is entrusted to them is very difficult. They work under very difficult conditions. So everybody suffers the same kind of disability. If we try to unnecessarily create this kind of a situation between one and the other, I am sorry it will create misunderstanding among different forces. I am sure the hon. Members are not interested in creating this kind of condition. I feel equally proud of all the forces which are working in Jammu & Kashmir. So let us all give them full support that they are doing the job properly and in fact we feel so proud of them, no difference whatsoever.

One hon. Member has gone to the extent of saying that army is saying that 'though they are infiltrating it is none of our responsibility.' I am not prepared to believe the statement at all. Army will never say this. Army will be the last institution to say this kind of a thing that in front of them some people are entering and they say that it was none of their responsibility.

Responsibility we can decide later on. In front of you if something wrong happens it becomes the responsibility of everybody to see that wrong is stopped at that level and then we can decide. Let us not unnecessarily go on creating this kind of a situation.

Sir, another issue about which though not directly but in an indirect manner reference has been made.

[Translation]

One hon. Minister has said something about two flags.

[English]

which according to me refers to Article 370. You know the kind of conditions in which this thing has been done.

Marauders entered the J&K area; they were actually very near to Srinagar and Maharaja Hari Singh had no option left. He thereafter, though he had standstill agreement with Pakistan Government, wrote to Mountbatten, it is not Jawaharlal Nehru, who was the first Governor-General of India. He asked for military help from Indian Government. For doing that he also signed on the Instrument of Accession. They had signed that document and it becomes the responsibility of the Government of India that that part of India has to be protected and immediately army was sent in that area and necessary army personnel was sent. While signing this Instrument of Accession there were certain limitations which he had put down.

In spite of that, over a period of time there have been lot of changes because of this Article 370. Number of things which we are doing in India, where we find these, need to be applied to Jammu & Kashmir. When it was elected Government, with the consent of the elected Government those were inapplicable. Though it is not an elected Government now even then the Governor has to be consulted in the matter and if he sends his consent as a representative of Jammu & Kashmir then the President has an authority to make the laws passed by this Parliament applicable to Jammu & Kashmir. That is the procedure we have been following at this very important and delicate juncture.

SHRI SYED MASUDAL HOSSAIN (Murshidabad): At the time of drafting it was Article 356.

SHRI S.B. CHAVAN: I believe you have to read Article 370, the Government of India Act of 1935 and also the Independence Act.

All these three will have to be read together to come to a correct conclusion. In fact we have been considering these as sacrosanct. Everyone here has been talking of Kashmirian, Kashmirian does not mean necessarily only one particular section of the society. It comprises all the people living in Jammu and Kashmir. So, I can understand that everyone has the local pride. And that Kashmirian, that self-respect, that identification with that area, if they are asking for the same. I do not think that we have a right to change it. I can assure the hon. House that it will be the endeavour of the Government to see that this pride of Kashmirian is not changed at all. Let them not have any kind of suspicion in their mind that if we were to give full cooperation, might be that people will try to take disadvantage of the same.

Sir, I must take this opportunity to make one point. Unnecessarily a reference has been made to Jawaharlal Nehru and Sardar Patel. I am nobody to go into the matter. But these were great men. Both of them, in their own capacity, were top ranking people. And so many years after their death, by trying to justify one and condemning the other, I think, we are doing injustice. Might be that it is a matter of judgement. I am sorry if I have to say something, which might hurt you. In your case, we took a conscious judgement when you filed an affidavit in the Supreme Court, we believed you. But it is a matter of my judgement. If it is a judgement, I can also be wrong. I never say that I am infallible and I cannot commit any mistake. That is not my claim at all. But to say that Jawaharlal Nehru, while referring this matter to the UNO, had committed a blunder is not correct. After forty or fifty years, it is very easy to have a hindsight. Jawaharlal Nehru was a dominating personality not only in India

[Shri S.B. Chavan]

but also throughout the world. His words carry great weight and all statesmen of the world used to have friendship with Jawaharlal Nehru. It was because of his sincere belief, that all these people had tried to cooperate and the matter is very obvious. It is a part of India and the marauders and all others who were sent by Pakistan have no business to do this. And his understanding and assessment of the problem was that he would be able to muster strength at the UNO in getting the support. But he never thought that they would try to take political advantage of the situation. So also, there were other cases. He has his own ideals. As a philosopher and as a great statesman, he had his own assessment of different countries. So, let us not unnecessarily try to create a rift or some kind of a misunderstanding. We have the greatest respect for Sardar Patel and not that we considered him to be anyway inferior to Jawaharlal Nehru. He had his own role to play. But for him, the unity of India would not have been possible at all. There is no doubt about that in our mind. But, making a kind of insinuating comparison between Jawaharlal Nehru and Sardar Patel is not good. Both of them were very tall people and beyond our imagination. So, let us not unnecessarily go on saying something, which will unnecessarily create a misunderstanding. It is only an appeal which I thought that I should make. *(Interruptions)*

SHRI A. CHARLES (Trivandurm): They do not even accept Mahatma Gandhiji as the father of our nation.

SHRI S.B. CHAVAN: Now, they are accepting that. For the first time. I find that that change has been brought about in India.

There is one point on which there seems to be a complete misunderstanding. In fact, Government has an open mind on the question. I have no problem in discussing this issue with all the political parties. I had actually discussed it with some of the national political parties. I have discussed it myself and as soon as I get time I will discuss it individually with the rest of the people because in the National Integration Council a point was made that if you collectively ask us, we will give a totally different kind of opinion. But, if you ask me in my individual capacity, I will be able to speak more frankly. Since the hon. members are raising this issue in the House. I am sure, that their representative who came to talk to me, who did not seem to have conveyed that view to them. Otherwise, any small thing which we discuss here, next day we find in the newspapers that this matter was discussed. So, in a way, it was a good thing. But I believe and sincerely believe that this is an issue on which we should try to take everybody with us and there should be no difference of opinion. Let us collectively try to find some way where there can be discussion on our policies, you think that our policies are not upto expectations; they need some kind of a change. Certainly we are open to correction. There is no problem about it. But sincere efforts will have to be made. I am not so much bothered about what the other countries said. I am only concerned about winning the heart of the Jammu and Kashmir people. If I succeed in doing that, I will feel that our policies are correct. One aspect is absolutely clear now. You may or may not agree with me but the fact of the matter is that there is a qualitative change in the atmosphere in Jammu and Kashmir because in the beginning the violence was also there and the cooperation of the local people to the

militants was also there. Now, the second factor is not there. Only the first factor, i.e. violence is there and I am not divulging any secret by telling the House that we will have to live with this kind of violence for some time to come.

So long as the encouragement from different quarters is available, I am sure that Pakistan is going to create problem and we have to keep ourselves ready. So long as we succeed in getting the confidence of the local people, they would not get the kind of cooperation which they were getting before. The kind of atrocities which these people have perpetrated on them, have in fact antagonised the local people against all these terrorists. In fact, using the word 'militant' is also wrong. It will not convey the kind of sense that we would like to convey. They are not the militants but they are the real terrorists. In fact, Pakistan has so far been denying that they have nothing to do with them. I am sure, the U.S. Government is now fully aware of this. They were on the point of declaring Pakistan as a State sponsoring terrorism. But, again, they wanted to balance the game and that is why this human rights issue has come out of it. Why only Pakistan? Why not ask India also the same question, so that we should not be misunderstood? I can understand that this kind of a balancing game has its own mechanism. I understand it. But simultaneously when this Hazratbal issue was being solved, either deliberately or inadvertently—I would like to give that kind of a margin to that junior officer Robin Raphael—she made the statement and questioned the accession of Jammu and Kashmir to India. Three Senators belonging to the Republican party had come to see me. I put this question to them. We did not have the Ambassador from USA so far. When I posed this question to these three

Senators, they looked at the Charge-d'affaires, who was present.

The Charge-d'affaires had to say that this is not the policy of the U.S. Government. He said: "Our policy is absolutely clear. We would like to see that these issues are discussed bilaterally under Simla Agreement. This is your problem, you sort it out." I said: "In spite of this, this lady goes on repeating the same thing over and over again." Thereafter, there was a democratic Senator who came to see me, Mr. Moynihan. He was Ambassador here for some time. He was a very influential person. We had discussion with him. I brought to his notice that we are very much interested to improve our relations with the U.S. Government. I said: "We would like to remove the kind of misunderstanding that has been existing between India and U.S.A. and sincerely we are trying for the same. Now USSR has totally disappeared from the scene. You are the only super power left. You have to be more responsible. You have to be more balanced. If the super power itself were to become a party to a particular dispute, then, of course, you are bound to create a problem which, I am sure, you are not interested in creating."

SHRI LOKANATH CHOUDHURY:
You have illusion about that super power!

SHRI S.B. CHAVAN: Let us not presume certain things. I would like to give the margin. Let us not be narrow-minded because we just presume that they are going to do this or that. Might be that some mistakes, some aberration sometimes does take place. So, when he looked at the Charge-d'affaires, the Charge-d'affaires had no other say then to again repeat the same thing that this is

[Shri S.B. Chavan]

not the policy of the U.S. Government. He said: "I can assure you that this is not the policy of the U.S. Government." Unfortunately for me, before he left India, there was a statement by Mr. Bill Clinton. When the credentials were presented by the Pakistan Ambassador to him, he made a statement at that time wherein he said both the things. He said: "The entire Jammu and Kashmir issue is disputed and the Instrument of Accession is not acceptable to us." I have not been quite able to understand what *locus standi* they have. I can understand that Britain has some kind of a relationship with India. We were, in a way, their colony for some time. Britain taking this kind of a position is something which I can understand. I would not be divulging any secret if I were to inform this hon. House that I had also discussion with a very responsible member of the Cabinet of the U.K. and I was told by him that Great Britain does not feel bappy about the stand taken by the U.S. Government. I would not like to name the hon. Minister who had come to see me but this was what he had stated. Their stand is absolutely clear. Who is Mr. Clinton or the President of the U.S. Government? What right has he to accept or not to accept the Instrument of Accession? I have the list of thirteen States which have merger with Pakistan. Bhawalpur is the case that I would like to ask. Is he prepared to accept the position that the merger of all the States which have merged with Pakistan, is also open for discussion? Is he prepared to take that position? If that is not the case, then why is it that only in the case of Jammu and Kashmir they try to take this kind of a stand and unnecessarily create a kind of controversy? Especially at the time when the Human Rights Committee is discussing this very issue, this kind of a

statement is being issued. I am not prepared to believe that the President of U.S.A. has not been properly briefed. There is something more than what appeared in the papers.

It will be for my friend, Shri Bhatia to go deep into the matter and try to find out. But the matter seems to be absolutely clear to me that they are interested in Jammu and Kashmir. They are not interested in helping Pakistan. Pakistan is still taking pride as if they are helping Pakistan. Infact, they are not interested in helping Pakistan. They are neither interested in helping Pakistan nor in helping India. They would like to help themselves. We have to be on the guards. Their stand has become absolutely clear without any iota of doubt. We have to decide our attitude, discuss with them frankly and go deep into the matter and try to find out as to what exactly are the intentions of the U.S. Government. Whatever they might say privately, if they happen to be totally different from the public stance that they have taken, it becomes our responsibility to see how our response has to be in the changed situation. I cannot say anything more. It is entirely for the Ministry of External Affairs to look into the matter. What has been published in the paper. I have just mentioned without mincing the matter. But I am nobody to decide on the policy issue. The policy issue has to be decided by the Ministry of External Affairs and I am sure, keeping in view the interests of the country as a whole, they will decide it.

In fact, there is no reason why we should feel so apologetic. I fully agree with some of the hon. Members that we have the best case. Nobody in the world can possibly talk of the same language in which we can possibly talk. The entire history of ours is based on human rights

only. Who else can say that we are the most tolerant society in the world? Nobody can dispute this statement. America has been responsible for killing so many thousands of people when their integrity and sovereignty was questioned and openly they bombed the area and saw that thousands of people are killed. Now our friends are having sympathy for these chaps, who, in fact, have no business to talk about. Pakistan are telling this. Look to their Sindh area; look to their North-Frontier area; look to their Baluchistan area; look to their Gilgit area. All these areas can speak volumes as to what is the record of Pakistan. So, Pakistan teaching us human rights is something ridiculous. I can understand any other country trying to teach India as to how we should behave. I can merely say that there is no doubt about it. We thought our case being absolutely clear, nobody in the world will ever raise a finger.

But now everything, even human rights have also become a political issue. That is the unfortunate part of it, if the human rights issue has been treated as human rights issue, at least I have no doubt that if anyone in the world wants to go to Jammu and Kashmir, I am prepared to welcome him. Let him go there. But human rights issue is not being treated as human rights issue. I know for certain which are the countries who do not talk of human rights issue at all. This is a very congenial country where you can talk about anything. Certainly we have our own problems. We are not oblivious to the problems that we have to face. But at the same time, to say that because of poverty and the kind of assistance that we would like to have from some of the countries of the world—it is not charity that they are doing. I am sorry to say this.

We have been contributing to the IMF. So, it is for nothing that they are

paying us and they can see our track record as to how we have meticulously paid the instalments. Not even once, we have defaulted. We are paying even before schedule. Yesterday the Finance Minister was pleased to say that we will pay 1.4 billion dollars to the IMF. It is very good.

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Much more important is the enormous surplus that has been exploited by India.

SHRI S.B. CHAVAN: I do not want to enter into it now. I leave it to Dr. Manmohan Singh. He will be able to handle it properly. Ultimately, our entire foreign policy depends upon our internal strength. It is because of the bickerings, it is because of the weakness and all kinds of agitations that we weaken our society and then go to the international fora... I do not think that you can expect better treatment than what is being meted out to us. We have to create strength and on the basis of the domestic strength, you can generate that kind of confidence which, in fact, is required. (*Interruptions*)

I have informed that I am not coming. I have to inform the Prime Minister that since the hon. Deputy Speaker has been pleased to prolong discussion and because of the compulsions of a large number of members wanting to participate, I have to inform that I would not be able to attend the Cabinet meeting. That is why. I am speaking rather at ease. Some of the hon. Members were interested in trying my patience!

Anyway, I do not want to take much of your time. I have been able to refer to some of the important issues raised by hon. Members and I have no doubt and I have every hope that this House will pass this Resolution without any difficulty.

595 *Statu. Resoln. Re:*
Continuance of

MARCH 2, 1994

Proclamation in 596
respect of J & K

MR. DEPUTY SPEAKER: The question is :

"That this House approves the continuance in force of the Proclamation dated the 18th July, 1990 in respect of Jammu & Kashmir, issued under article 356 of the Constitution by the President, for a further period of six months with effect from 3rd March, 1994."

The motion was adopted.

MR. DEPUTY SPEAKER: The House stands adjourned to meet again tomorrow the 3rd March, 1994 at 11 A.M.

19.54 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, March 3, 1994/Phalgun 12, 1915 (Saka)
