

[Shri T.R. Shamanna]

and requested Central assistance for relief work.

It is said that as against Rs. 100 crores asked for, only Rs. 19 crores have been given. And the same has already been allotted to relief work. There is need for taking up extensive relief work in drought-affected areas.

It is reported that study teams have not yet visited the drought-prone areas. Delay in starting effective relief work will be harmful.

I make a strong appeal to the Central Government to get the matter examined on top priority basis, and provide liberal assistance for relief work in all drought affected areas of Karnataka.

12.24 hrs.

DISCUSSION RE: RECENT DEVELOPMENTS IN JAMMU AND KASHMIR

MR. SPEAKER: We now take up discussion on the Home Minister's statement. Shri Chitta Basu.

SHRI CHITTA BASU (Barasat): I beg to raise a discussion on the statement made by the Minister of State in the Ministry of Home Affairs in the House on the 26th July, 1984 regarding recent developments in Jammu and Kashmir.

At the outset, let me state that the dismissal.....

MR. SPEAKER: Before we proceed, all the Members may please note that time should be taken according to the allocations made, so that we can finish this subject today.

SHRI CHITTA BASU: But I think I will get some more time.

MR. SPEAKER: Yes, some more

SHRI CHITTA BASU: There is no doubt that the dismissal of the Farookh Government in Jammu and Kashmir has been in flagrant violation of all the norms of parliamentary democracy.

12.25 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

The parliamentary democracy, we are convinced, is the foundation stone on which we can preserve the unity and integrity of the country. It is also to be taken seriously note of that the abrogation of the system of parliamentary democracy, even deviation, breach or departure from this system of parliamentary democracy, I am afraid, would invite invariably disaster to the unity of the country and create irreparable damage to the national polity which we have built up today and the edifice of the parliamentary democracy we have so labouriously built up in our country.

As regards violation of the norms of the democratic system by the Governor of Jammu and Kashmir, let me mention the following facts showing how these norms have been violated:

Firstly, the action of the Governor in dismissing the government of Dr. Farooq Abdullah has violated the decision or other recommendations of the Speakers' Conference in 1969.

Secondly, this has also disregarded the recommendations of the Committee of the Governors of 1971. Both of them have unequivocally and unambiguously stated that the majority of the Chief Minister is always to be determined on the Floor of the Assembly and not elsewhere. Not only that, he did not oblige or did not agree with proposal made by Dr. Farooq Abdullah. Dr. Abdullah's case was that the majority should be determined on the floor of the

Assembly in accordance with the Speakers' Conference and the recommendations of the Committee of the Governors. This has been disregarded by the Governor of J. & K.

Thirdly, by doing this, the Governor has usurped all the rights of the legislature. The Governor has no right to usurp the rights of the legislature. While disregarding these two recommendations, the Governor has usurped all the rights of the Assembly of J. & K.

Fourthly, the Governor has refused to uphold the law of the land, as he has taken the oath for it. He has refused to uphold the law of the land of J. & K. namely, the Representation of the People Act 1979. It was his duty to uphold the law of the land; he did not do it. He has violated the oath he had taken before assuming the office.

Fifthly, the Governor has violated the Constitution of the State of J. & K. by not accepting Dr. Farooq Abdullah's advice for the dissolution of the Assembly.

Section 92 of the Constitution of Jammu and Kashmir specifically states that the Governor is bound by the Chief Minister's advice. The Governor of Jammu and Kashmir has violated this specific provision of the Constitution of Jammu and Kashmir.

Sir, in this connection I want to mention one precedent and that is that Mr. L.K. Jha dissolved the Assembly on the advice of Sheikh Abdullah when the Congress (I) withdrew its support to his Government. As far as I know, Sheikh Sahib's party had no majority in the House. But only because of the fact that he happened to be the Chief Minister, and the Chief Minister advised the dissolution of the House, Mr. L.K. Jha, the then Governor dissolved the House relying on the specific provision of Article 92 which I have mentioned earlier. Here Mr. Jagmohan has flouted that section, or

provision of Article 92 of the Constitution of Jammu and Kashmir.

Lastly, and it comes as the sixth charge against the Governor, he has usurped the authority of the Election Commission. He has got nothing to do with the Election Commission, as to whether the National Conference of Khalida has been the outcome of the split of the party, namely the National Conference, whether there has been a split or not it is the business of the Chief Election Commission to decide. The Governor has got no right to decide the point as to whether there is a split or whether there is no split.

AN HON. MEMBER : He should close his eyes.

SHRI CHITTA BASU : Therefore, the Governor usurped the right of the Chief Election Commissioner. And if I summarise everything into one, it comes to this, that the Governor usurped all the powers of the Assembly by determining the majority at the Raj Bhawan. The Governor also usurped all the powers of the Election Commissioner. The Governor usurped the authority of the Speaker. The authority of the Presiding Officers also was also usurped, by one single man, Mr. Jagmohan and this is reprehensible.

PROF. MADHU DANDAVATE (Rajapur) : So long as he does not usurp the Prime Minister's rights, he is all right.

SHRI CHITTA BASU : Yes. This is unimaginable. It is reprehensible and by this kind of approach, you cannot strengthen the edifice of Parliamentary democracy in our country. As I have mentioned earlier, it is Parliamentary democracy alone which can maintain the unity and integrity of the country. Otherwise, it would not be possible in a country like India with many languages, with many religious faiths, with such vastness to maintain the integrity. Therefore, it is not only an attack on the democratic rights of the people of

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Jammu and Kashmir, but if you allow me to say it is an attack on the very fundamentals of democracy,...it is an attack in that respect on the future scope of the national integration of our country also. The Governor has taken the stand that the recommendations of the Speakers Conference and the Governors' Committee are not binding on him. I can only say that this position of the Governor of J&K is nothing but an exhibition of arrogance which will spell disaster to the national unity. And I cannot expect much from him because he is too well known for his pliability to the ruling clique of the ruling party. A question arises as to why, in a State of defectors Government led by Mr. G.M. Shah, the Governor did not agree to the proposal of dissolving or imposing Governor's rule. The facts suggest that on July 2nd in the morning the Governor wrote a letter to the Chief Minister, Mr. Farooq Abdullah. In the post-script it is stated :

"We have since met and discussed the matter. You advised that I impose the Governor's rule under article 92 of the J&K Constitution and keep the Legislative Assembly under suspended animation. I shall be grateful if you send your confirmation in this regard in writing to me."

Then Dr. Farooq Abdullah suggested that Governor's rule might be imposed. Why was it not done? And from the statement I mentioned in the post-script it indicates clearly that he was also thinking in terms of having the Governors' rule imposed. He simply wanted a confirmation from the Chief Minister, Dr. Farooq Abdullah. But it did not happen. On the contrary, his Ministry was dismissed. Here comes the question as to why it was not done. My answer is that it was done at their behest. Here New Delhi comes in and they have to explain it.

THE MINISTER OF HOME AFFAIRS (SHRI P.V. NARASIMHA RAO) : Where is confirmation ?

SHRI CHITTA BASU : He wrote. If you take the position whether the letter was written by Dr. Farooq Abdullah, he had agreed to that and simply it was a matter of sending the letter. From these it appears that installation of Mr. G.M. Shah's defectors' Government was not merely a culmination or outcome of the realignment of political forces in J&K, but it was not an outcome of a normal nature of realignment of political forces in Jammu and Kashmir. What was it? As a matter of fact, it was the culmination of a process of destabilisation of the Government which was set in motion both in Delhi and in Srinagar right from the day when the victory of the National Conference was announced in the last Assembly elections. Dismissal of Farooq Government and installation of Mr. G.M. Shah was the culmination of that process; it was not a normal outcome, a usual outcome, of the alignment or realignment of political forces in Jammu and Kashmir. I have come to this conclusion and I think the House will also come to this conclusion if the Members analyse the background developments since the last Assembly elections in Jammu and Kashmir. I want to remind the House that in the last plenary session of the All India Congress Committee (I) held at Calcutta, the demand was raised by the delegates that the Kashmir Government or the Kashmir Ministry should be dismissed. Can they deny it? And, fortunately for us, and, of course, unfortunately for them, the *Hindustan Times* writes editorial commenting about the demand raised by the Congress (I) delegates for the dismissal of Farooq's Government. The caption of the editorial is 'Foolish Demand'. I quote :

"Dr. Farooq Abdullah is not in the good books of the Congress (I). But that is hardly a justification for some Congressmen to seek the dismissal of this Government and the imposition of the President's rule in Jammu and Kashmir. Those who raised that demand at the plenary session, do

not seem to know the rudiments of Constitutional propriety."

This is what I do not say, this Hindustan Times says, whose owner is one of the Hon. Members of the House, whom you have voted, whom you have supposed. It goes further on to say :

"The crux of the matter is that men have not yet reconciled themselves to the National Conference's victory in the last Assembly elections."

Is more explanation necessary? Are more facts to be pointed out to give a clear picture of the background? I think no more facts are necessary. How did the Congress men at Srinagar behave getting the clue from the Calcutta conference of the AICC(I). The Congress (I)—I do not call them hoodlums or hordes—started picketing the ports, they started blocking the roads, obstructing transport and some other things also which I do not like to mention because I do not like to mention all these things, and particularly provoked the police to fire, in which over a dozen people were killed from October 1983 to February 1984. This was the strategy taken up by the Congress (I) at Srinagar to create a condition of law and order so that the Government of Farooq could be harassed.

Sir you will be astonished to learn that Union Ministers—I do not see any of them here and I do not want to mention their names—some Union Ministers met the President of the country and submitted a memorandum, demanding the dismissal of the Government of Farooq Abdullah and imposition of President's Rule. Do you require more information on this in order to convince yourself that a process was started, a process of destabilising the Farooq Government, and that process was in tune with the deep-rooted policy of the Government of India to destabilise all non-Congress (I) Governments in the

country? I have cited two or three instances to substantiate it.....

(Interruptions)

Let us also know what was the final phase of the manoeuvre and what was the final phase of this process, contemplated and planned by them. I am told that the final phase of this manoeuvring process was finally planned and the date of dismissing the Government of Jammu and Kashmir was fixed for the 24th January 1984. But that did not happen, rather could not happen.....

(Interruptions)

MR. DEPUTY-SPEAKER : You have taken 25 minutes. You can take another five minutes and complete your speech before lunch.

SHRI CHITTA BASU : Sir, so many members interrupted me.

MR. DEPUTY-SPEAKER : Nobody is interrupting you. You have made a very nice speech. You complete it by 1 O'clock.

SHRI CHITTA BASU : That plan did not materialise, because the then Governor did not agree to sign on the dotted line. The former Governor is reported to have argued with the Government, and I am quoting from a very responsible newspaper :

"My State is most peaceful and the Chief Minister has taken the strongest action and steps against the anti-national and secessionist forces....As far as the Kashmir Liberation Front is concerned, it does not exist in my State. It is a London-based organisation..... Farooq Abdullah enjoys the support of a big majority of the House."

Therefore, you can very well understand why Shri Nehru was transferred and why Shri Jagmohan was appointed in his place. I know that Shri Jagmohan has done his job, as he was

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asked to do it. I know he was planted there only to play to the tune of New Delhi; and the final result came in the shape of dismissal of the Farooq Ministry. Somebody said he is a hang-man. If he is not a hang-man in person, he is a hang-man of the Parliamentary democracy. He has murdered the Parliamentary democracy. There is no doubt about it.

Sir, allegations have been made against Dr. Farooq that he has got some pro-Pakistani alliance. I do not know whether they can come out with any statement to substantiate these charges. Even in the fourteen communications, which are reported to have been sent to the Government of Farooq, there is a mention of it. I demand a copy of those communications sent by the Government of India to the Government of Jammu and Kashmir so that we know what they wanted the Jammu and Kashmir Government to do, what they wanted Dr. Farooq to do and how he did it or how he did not do it. Sir, I demand that those fourteen communications from the Centre to the State of Jammu and Kashmir should be placed on the table of the House in order to enable the House to know what were the instructions, what were the directives given to that Government; and how they were not implemented. Sir, it does not lie in their mouth to level such charges particularly while installing Shri G.M. Shah in his place. Is it not the fact that one Mr. Tariq Abdullah, who is one of his close allies joined. of Bhutto's delegation in the United Nations in 1965 to work against India. Therefore, the charge has got no substance at all unless otherwise proved.

Somebody was possessing a newspaper cutting of the BLITZ saying that Farooq Abdullah has some connections with the extremists in Punjab. Sir, on the floor of this House during the debate on White Paper on Punjab we had. if that was so, why it did not appear on the White Paper. If they were so sure that he was in collusion

with the extremist activities in Punjab, then why did it not find a place in the White Paper on Punjab?

Sir, some mention has been about the training camps of the Sikh Students Federation in Jammu and Kashmir. But what has happened in Uttar Pradesh? Are there not similar camps and that too in larger number in Uttar Pradesh? Have you sought any explanation from Sripati Mishra, the UP Chief Minister for allowing the training centres to be conducted in Uttar Pradesh? What about Himachal Pradesh where a large number of camps were held? Did you ask any explanation from the Chief Minister of Himachal Pradesh? No. And in Rajasthan also some training camps were reported. So, even if we assume there were some training camps there, this does not amount to a charge of dismissing a popular government there,

Some allegations have been made regarding smuggling of arms through the Kashmir border which ultimately found their way into the Golden Temple. What about Rajasthan? I hear that most of the arms, which were found in the Golden Temple, came through the border of Rajasthan.

PROF. MADU DANDAVATE :
Geography is readjusted ?

SHRI CHITTA BASU : Then did you take any action against them, or did you write any letter to them?

MR. DEPUTY-SPEAKER : Please conclude.

SHRI CHITTA BASU : Therefore, Sir, since you have run the bell and since generally I am not disobedient to the Chair, my conclusion is—and this conclusion, I think everybody will have to accept, because it is an inescapable conclusion—that the Farooq Government was dismissed in flagrant violation of all norms of Parliamentary democracy. Secondly, the dismissal was the culmination of the process of Centre's move to destabilise the non-Congress(I) governments in the country. Having regard to

this, I demand that the defectors' government at Srinagar headed by G.M. Shah should be immediately dismissed and the Assembly is to be dissolved.

SHRI SOMNATH CHATTERJEE (Jadavpur) : What is the present rate ?

SHRI CHITTA BASU : You can bargain.

Election is to be held and they should recall the Government which is responsible for this reprehensible attack and assault of the parliamentary democracy. (*Interruptions*).

I think Dr. Farooq Abdullah had committed one sin and that sin is that he made himself a co-partner in the struggle for the restoration of democracy in our country. His only crime was that he began the struggle of fighting against the trend of authoritarianism in the country along with other left and democratic forces of our country. He did not play to the tune of Mrs. Indira Gandhi. That was his sin. But I know it was not a sin. By his participation in the democratic movement in the rest of the country the process of integration of the people of India with the people of Jammu and Kashmir has been further strengthened and it remains to be strengthened—and by the action you have taken, if you allow me to say, you have disrupted that process of integration. This is a dangerous thing. Therefore, I would only request you that in the interest of the nation's unity and integrity, in the interest of preservation of parliamentary democracy in our country, such reprehensible steps are to be halted and I have made certain demands which should be considered.

Incidentally, I want to say one thing. Some have raised the demand that Article 370 of the Constitution which provides special status to Jammu and Kashmir should be scrapped. I am in disagreement with that demand. As a matter of fact, that should be retained

strengthen the democratic forces, secular forces in Jammu and Kashmir, and that will be a bridge between the secular and democratic people of India and the secular and democratic forces of Jammu and Kashmir which is an integral part of India.

MR. DEPUTY-SPEAKER : The House stands adjourned to meet at 2 p.m. The first speaker after Lunch will be Dr. Rajendra Kumari Bajpai.

12.59 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at eight minutes past Fourteen of the Clock.

[**Mr. DEPUTY-SPEAKER** in the Chair.]

DISCUSSION RE. RECENT DEVELOPMENTS IN JAMMU AND KASHMIR
—(CONTD.)

डा० राजेन्द्र कुमारी बाजपेयी : (सीतापुर) माननीय उपाध्यक्ष जी, मेरे से पहले माननीय सदस्य श्री चित्त बसु साहब कह रहे थे कि फारुक साहब की सरकार को जो बर्खास्त किया गया, वह संविधान के अनुसार नहीं है और गवर्नर साहब ने संविधान के अनुरूप काम नहीं किया। मैं समझती हूँ हमारे प्रजातंत्र में, हमारे देश में, ऐसी स्थिति एक बार नहीं बल्कि अनेकों बार और अनेक राज्यों में आई है। रूलिंग पार्टी के अल्पमत में आ जाने से ही गवर्नमेंट बदली है। यह जरूरी नहीं है कि उसके बाद तुरन्त ही गवर्नर रूल लागू किया जाय। दोनों तरह की मिसाल हमारे सामने मौजूद है। मैं, उत्तर प्रदेश से आती हूँ। उत्तर प्रदेश की एक घटना आपके सामने रखना चाहती हूँ। एक अप्रैल 1967 की बात है। हम सब असेम्बली में बैठे हुए थे। माननीय उपाध्यक्ष