

Trilok Chandra, Shri  
 Tripathi, Shri Kamalapati  
 Tripathi, Shri R.N.  
 Tudu, Shri Manmohan  
 Tytler, Shri Jagdish  
 Uike, Shri Chhote Lal  
 Unnikrishnan, Shri K.P.  
 Vairale, Shri Madhusudan  
 Vajpayee, Shri Atal Bihari  
 Varma, Shri Jai Ram  
 Varma, Shri Ravindra  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Chandradeo Prasad  
 Verma, Shri Deen Bandhu  
 Verma, Shri Raghunath Singh  
 Verma, Shrimati Usha  
 Vijayaraghavan, Shri V.S.  
 Vyas, Shri Girdhari Lal  
 Wagh, Dr. Pratap  
 Wasnik, Shri Balkrishna Ramchandra  
 Yadav, Shri Chandrajit  
 Yadav, Shri D.P.  
 Yadav, Shri R.N.  
 Yadav, Shri R.P.  
 Yadav, Shri Ram Singh  
 Yadav, Shri Subhash Chandra  
 Yadav, Shri Vijay Kumar  
 Yazdani, Dr. Golam  
 Zainal Abedin, Shri  
 Zainul Basher, Shri

NOES

Nil

MR. DEPUTY-SPEAKER : Subject to

correction, the result\* of the division is :

Ayes-394 ; Noes—Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. The Bill, as amended, is passed by the requisite majority in accordance with the provision of Article 368 of the Constitution of India.

*The motion was adopted.*

13-23 hrs.

### CONSTITUTION (FIFTIETH AMENDMENT) BILL

MR. DEPUTY-SPEAKER : Time allotted is one hour. Therefore, I would appeal to the hon. Members not to take more time so that we can pass the amendment in time.

THE MINISTER OF HOME AFFAIRS (SHRI P.V. NARASIMHA RAO) : Sir, I beg to move :

“That the Bill further to amend the Constitution of India, be taken into consideration.”

Sir, the proclamation issued by the President under Article 356 of the Constitution on the 6th of October 1983 with respect to the State of Punjab cannot be continued in force for more than one year, unless the special conditions mentioned in Clause 5 of Article 356 of the Constitution are satisfied.

Although the Legislative Assembly is in suspended animation and a popular government can be installed, yet having regard to the prevailing situation in the State, the continuance of the Proclamation beyond 5th October, 1984 may be necessary. To facili-

\*The following Members also recorded their votes for AYES : Sarvashri Jambuwant Dhote, Ajit Pratap Singh, Ramayan Rai, Ram Kumar Meena, A.M. Velu, P. Penchalaiah, Sanat Kumar Mandal, Satyasadhan Chakraborty, Subodh Sen and Dr. aradish Roy.

[Shri P.V. Narasimha Rao]

tate the adoption of a resolution by the two Houses of Parliament approving the continuance in force of the Proclamation beyond 5th October, 1984, it is necessary to amend Article 356 of the Constitution. It is, therefore, proposed to amend clause (5) of Article 356 so as to make the conditions mentioned therein for the purposes of the continuance in force of the said Proclamation up to one year more from 6th October, 1984, subject to necessary resolution being adopted by the two Houses of Parliament, if the need arises. The amendment, it would be noticed, is not only limited to Punjab but is specific to the Presidential Proclamation issued on 6th October, 1983.

In view of this position, I request the august House to approve the Constitution (Fiftieth Amendment) Bill, 1984.

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill further to amend the Constitution of India, be taken into consideration."

Time allotted for this Bill is one hour. Now, Mr. Amal Datta may speak.

SHRI AMAL DATTA (Diamond Harbour) : Sir, this is a very strange Constitution (Amendment) Bill which has been brought before the House. The purpose of this Bill is to enable the Government to extend the President's Rule under Article 356 of the Constitution in Punjab for a further period of one year. This has not been required so far in respect of any other State in India since the Constitution was enacted. This is now thought to be necessary although there is a Legislature in Punjab which has been put into suspended animation, although there is a Legislature which has got a substantial life left in it to restore popular rule in Punjab. Even then the Government in its wisdom has sought to bring forward a Bill to arm itself with the constitutional authority to extend the President's Rule by another year.

The first year of the President's Rule in Punjab expire on 4th October 1984 and therefore, the apprehension of the Government must be that it will not be able to

restore popular Government in Punjab by the time the said period of one year of President's Rule expires on 4th October 1984. Why is this apprehension? Is it because the Government thinks that Punjab is not a State which is fit for popular rule? Is it because of the fact that the Administration is in such a low ebb that it is not possible to rely upon the Punjab Administration or is it because it thinks that although the Ruling Party at the Centre has a majority in the Punjab Legislature, yet it thinks that the Ruling Party people in Punjab, the same Congress (I) people, will not be able to rule in Punjab.

13.22 hrs.

[SHRI CHINTAMANI PANIGRAHI  
in the Chair]

Sir, we have seen that after the Army operation in Punjab out of which the Government has taken enormous credit that by Army operation it has been able to restore law and order in Punjab—although we have decried this Army operation yet the Government has been saying that the Army operation has been successful in restoring law and order. Day in and day out, soon after this Army operation was over, bulletins were being issued, statements were being issued, that normalcy has been restored. They are saying that curfew has been withdrawn in most of the areas and that business is normal.

The Government's claim is that the situation in Punjab has become normal. If that claim is to be believed, if credibility is to be lent to the pronouncement of the Government, then where is the necessity of increasing the period of President's rule in Punjab?

It seems that the Government has no faith in the Punjab bureaucracy, the Punjab administration. The Government has appointed an expert Committee to go into the question of re-structuring Punjab administration. The Committee is headed by Shri Subramaniam, a retired I.A.S. Officer, previously Adviser to the Assam Government, but who has now become Adviser to the Punjab Government. The

Ex-Governor of Punjab who was brought suddenly from West Bengal to Punjab—Shri B.D. Pande—resigned all of a sudden, because of the difference with the Centre having appointed a Committee from outside rather than leaving it to the Governor to revamp the administration.

I see that the Home Minister is shaking his head. If what I am saying is not correct, he will correct me because we still do not know the reason—why the Governor Shri B.D. Pande, a noted administrator, had been sent to West Bengal in the wake of having got rid of Shri Tribhuvan Narain Singh, who was a much loved Governor in West Bengal. After getting rid of him Shri B.D. Pande was sent. But there, he made a good name. He has been suddenly sent to Punjab and all of a sudden, three or four weeks, after the Army operation he resigned.

The reason of his resignation has not been publicly stated. But it is known from papers and other sources that the reason was the appointment of a Committee to revamp the Punjab administration. No administration can be revamped in this fashion. They have now brought Chief Secretary to Punjab from another cadre—Bihar cadre. IAS officer has been brought as Chief Secretary of Punjab from Bihar cadre. It is something unheard of. But why all these things have been done. This is to establish the failure of the Punjab administration. Because of the turmoil in Punjab, they want to blame the administration, as previously they blamed the popular Government in Punjab for extremists activities. It is well known that the Punjab Government or Punjab administration has been paralysed by the Central intervention. Every instruction was being sent from here. The fact that Government and that administration could not tackle the extremists in the shape of Bhindranwale and his followers, was because of the instructions sent by the Central Government. That Central Government has to wash itself of the guilt of which it is only too conscious and, therefore, it has given first of all a bad name to the Punjab Government. Darbara Singh Government having been made to resign and then the administration is given a bad name.

MR. CHAIRMAN : One hour was allotted. Therefore, please...

SHRI SAMAR MUKHERJEE (Howrah) : It is a very important Bill. It should not be restricted to one hour.

SHRI HARIKESH BAHADUR (Gorakhpur) : In the BAC, it was said, it may be one hour.

SHRI AMAL DATTA : The main purpose why this is being sought to be done now is to show that Punjab is not capable of ruling itself. Punjab is not capable of having a popular Government. Punjab Government is in shambles. This is how what they are trying to show to prove to the rest of India and to the world because the entire world has now got interested in the Army action in the Golden Temple.

This nefarious action has attracted the attention of the whole world. They want to prove that it is not the Central Government but it is the State Government and the State administration which are responsible for the state of affairs in which they were compelled to take this military action in a place of worship. The entire administration, the entire Government had been demoralised by the Central intervention earlier. So, it is not the Punjab Government or the Punjab administration which is required to be revamped but it is the Central Administration, particularly the Central Government which requires to be revamped because it has all along been motivated by the interests to see that in the next election, the Congress gets the majority. They have a majority in the State Legislature today. In a Legislature having 117 Members, they have 65 members today. But they cannot dare to form a Ministry. The Congress units in Punjab are also demanding that popular government be restored. They are not paying any heed to that. Even it has gone to the extent of replacing the District Congress-I President of the Amritsar District, Urban Area. Preetam Singh has taken over charge at the instance of the Congress High Command.

SHRI R.L. BHATIA (Amritsar) : At least say the correct name. He is Preet Pal Singh and not Preetam Singh.

**SHRI AMAL DATTA :** In this first Press Conference, he told the Chandigarh correspondent of the *Tribune* that his first task would be to restore confidence of the Congress Party workers who had been ignored so long during the whole period.

**SHRI ATAL BIHARI VAJPAYEE** (New Delhi) : That is why they have organised the *Kar Seva*.

**SHRI AMAL DATTA :** This is the reason why the Congress Party is in a shambles and not the Punjab Government. The Congress Party is in a shambles and they want time to reorganise the Congress Party. So, they want to show the world on the one hand that it is the State Government, State administration which made this nefarious military action necessary by the Central Government and on the other hand, they want this time—another year's time—for the purpose of reorganising the State Congress which has been put in a shambles because of the attitude of the Central leadership and also the higher leadership of the Punjab Congress. They now want to have enough influence at the grass-root level which they have lost. That is the reason. There is no Constitutional reason or legal reason for bringing forward this Constitutional Amendment Bill.

Sir, you will find this in the Statement of Objects and Reasons :

“Although the Legislative Assembly is in suspended animation and a popular government can be installed, having regard to the prevailing situation in the State...”

What is the situation ? Day in and day out, they say, normalcy has been restored.

“...having regard to the prevailing situation in the State, the continuance of the Proclamation beyond 5th October, 1984 may be necessary.”

Why ? They have not given a single instance to show that normalcy has not been restored in Punjab and therefore the continuance of President's rule is necessary and a popular rule cannot be restored.

It further says :

“To facilitate the adoption of a resolution by the two Houses of Parliament approving the continuance in force of the Proclamation beyond 5th October, 1974, it is necessary to amend article 356 of the Constitution. It is therefore proposed to amend clause (5) of article 356 so as to make the conditions mentioned therein inapplicable for the purposes of the continuance in force of the said Proclamation up to a period of two years from the date of its issue.”

Sir, the Home Minister has not explained as to what is the prevailing situation. The Object clause is for the purpose of intimating the Members of Parliament beforehand why a particular Bill has been brought forward. But here when something has been said about “having regard to the prevailing situation”, it is the bounden duty of the Minister concerned to explain what is the “prevailing situation” which necessitates for bringing forward and passing of this Bill, which duty he has not discharged.

Another thing which is of vital importance and which I have to mention is that this is only a prelude to having such powers, to taking such powers for other States also. They are no longer content with having the power to have President's rule in a State for one year. So long they have been able to do with one year. Now they find that the situation has come to such a pass that they cannot do with President's rule in a State for only one year. They wanted to do it in Assam. But they failed to do so because the Opposition was not with them. They now want to do it, showing a finger to Punjab that military action in Punjab was necessary, saying that now also the situation remains bad and, therefore, they must extend President's rule to two years. Having set an example, having set a bad precedent for the rest of India, they will take this power again and again.

Not that we are supporting it. We are opposing it. We are opposing it not only in the context of the present situation in Punjab, not only because it is not warranted in the present situation but also because they are setting a bad precedent for the rest

of India. It must be opposed by everybody concerned to maintain democracy.

SHRI G.L. DOGRA (Jammu): Mr. Chairman, Sir, I am surprised to hear the arguments put forth by my hon. friend while saying that this amendment is not necessary. He could not give any cogent reasons for the same. He said that in Punjab the Congress Party is in a majority and, therefore, the Government should not have come forward with this amendment.

It is true that the President's rule or the rule of bureaucracy is not a substitute for popular rule. But in the circumstances obtaining in Punjab, when it was found necessary, President's rule was imposed and the State Assembly has been kept in suspended animation. Nobody can deny, after the President's rule was imposed and after the action was taken by the Central Government in Punjab, things have improved there. Things have become normal. But it is not only that normalcy is obtained but it must be stabilised. The Central Government is not against reviving popular rule. But they must have the time enough to satisfy themselves, once they have taken the responsibility on their shoulders, that things are in good condition and that the affairs of the State can be run properly by the State Government. They must satisfy themselves before giving the administration to the State Government. This is only an enabling provision, an enabling amendment, which has been brought before the House.

It is not necessary that for one year more the Central Government will keep President's rule there. It is only to enable themselves that so long as they are satisfied that it is necessary, they will keep it and, as soon as they are satisfied that popular rule can be restored, they will bring back popular rule and the State Government will start functioning. It is a fact that many steps are being taken to see that the State administration is revamped; and the whole structure is being examined. They are also seeing that there are no undesirable elements there. If I were to reply properly to the points raised by my hon. friend, that will create unpleasantness. I do not want to go into all that. But there are some State

Governments in India which have done certain things during their tenure in such a manner that the stability of the country is being affected. It has been manifested in various States. Naturally, I do not want to go into all these things and create unpleasantness.

I say that this amendment is very necessary. It is a precautionary measure; it is an enabling measure. It will enable the Central Government to satisfy themselves before they can restore popular rule there. I think none else other than the Central Government and the Congress Party can restore popular rule and hand over the responsibility to the people of Punjab so that they themselves can manage their own affairs.

It is neither the pleasure of the Congress party nor of the Central Government to keep things in chaos. It is necessary to discharge the responsibility. Let us look at the national problem in national context. Let us see things in Punjab. Let the situation further stabilise and with stability, popular Government in Punjab can be restored. Let us enable the Central Government to have enough time at their disposal. Even if popular rule is restored in Punjab before October, it should not give the impression that they have restored it out of constitutional compulsion. If it was some other party, probably you could have said that, that out of malice, the Central Government is keeping it because they belong to other party. But they themselves are coming forward for it. They do not deny that popular Government should be there. It should come at a time when it could function effectively.

With this submission, I support the Bill.

श्रीमती प्रमिला दंडवते (बम्बई उत्तर-मध्य): सभापति महोदय, यह जो कांस्टीट्यूशनल एमेंडमेंट लाया गया है, मैं उसका विरोध करती हूँ। इस बिल के द्वारा कांस्टीट्यूशन के आर्टिकल 356 को एमेंड किया जा रहा है, ताकि अगर देश के किसी भाग में आपातकाल की स्थिति हो, तो वहां पर राष्ट्रपति-शासन की मुद्त को बढ़ाया जा सके। मैं जानती हूँ कि इस बिल को सिर्फ पंजाब के

[श्रीमती प्रमिला दंडवते]

लिए रखा गया है और राष्ट्रपति-शासन की अवधि एक साल से बढ़ाकर दो साल की जा रही है। लेकिन जैसा कि मेरे पूर्ववक्ताओं ने कहा है, इस बात का डर है कि पंजाब से बढ़कर धीरे-धीरे सारे देश में राष्ट्रपति शासन हो जाएगा। लोगों के मन में यह भय जरूर है कि इस बात की सम्भावना है।

This amendment is an act of self-condemnation of the Government which does not work. It is an admission of its own failure to restore normalcy. It is a failure of the State Government, a failure of the Central Government and it is a failure of the civil administration.

SHRI ATAL BIHARI VAJPAYEE : It is a political failure also.

**श्रीमती प्रमिला दंडवते :** मैं समझती हूँ कि इस सरकार ने यह संशोधन लाकर दुनिया और देश के सामने यह स्वीकार किया है कि हम इस देश में शासन नहीं चला सकते, हम यहां पर नार्मैली नहीं ला सकते, हम पापुलर गवर्नमेंट के जरिये काम नहीं कर सकते—आज भी नहीं कर सकते, और आगे एक साल तक भी नहीं कर सकेंगे।

पंजाब की असेम्बली में सरकार की पार्टी की मैजोरिटी है। श्री दरबारा सिंह को राज्य सभा का मेम्बर बना दिया गया है। इसलिए शायद आपको चीफ मिनिस्टर न मिलता हो। अगर सरकार कार सेवा सन्तासिंह से करवा सकती है, सरबत खालसा करवा सकती है, जिसको पंजाब की जनता सरबत फालसा कहती है याने False Sarbat Khalsa, तो वह सन्तासिंह को ही पंजाब का चीफ मिनिस्टर बना दे। लेकिन वहां पर पापुलर गवर्नमेंट जरूर बनाई जानी चाहिए।

मैं पंजाब होकर आई हूँ। मेरे साथ कुछ लेडीज थीं, जो अलग-अलग क्षेत्र की हैं, नान-पोलीटिकल हैं, हमारी पार्टी या किसी भी पार्टी की नहीं है। मैं समझती हूँ कि पंजाब के हिन्दुओं और सिखों के

दुख को जानने की जिम्मेदारी इस देश के सब नागरिकों की है। इसके लिए आवश्यक है कि हम वहां के लोगों के साथ बात करें। अखबारों में प्रधानमंत्री और दूसरे लीडरों के वक्तव्य छपते हैं, लेकिन हम उनपर विश्वास नहीं कर सकते।

इस मामले के पोलीटिकल पहलू पर मैं बाद में कहूंगी। लेकिन मेरा मन दुख से भरा हुआ है। सिखों के मन में आर्मी के बारे में इस प्रकार के विचार आते हैं, तो यह बड़े दुर्भाग्य की बात है। पंजाब ऐसा क्षेत्र रहा है, जहां लोग आर्मी के लिए जान देने के लिए तैयार रहते थे। मुझे याद है कि जब पाकिस्तान के साथ वार चल रही थी, तो वहां की बहनें डरती नहीं थीं, एक ओर बम-शेल होता था तब भी जवानों के लिए खाना लेकर वह सरहदों तक जाती थीं। वह ऐसा एक प्रदेश था जहां आर्मी के साथ रहना और अपने बच्चों को आर्मी में देना एक बहुत अभिमान की चीज होती थी। आज दुख की बात है कि स्केप गोट हमने आर्मी को बना दिया है। मैं खुद गोल्डन टेम्पल होकर आई हूँ, हमारे जवान वहां खड़े हैं। जिस प्रकार से लोग उनको देखकर बोलते हैं उसको सुनकर क्या लगता होगा उस जवान को? क्या उसका गुनाह था, जो उसने वहां गोलियां चलायीं। उन्हें हुकम था, उनका काम था हुकम पर कार्यवाही करना। आज अगर वहां की जनता, स्त्री हो, पुरुष या बच्चे हों, अगर ऐसा समझते हैं कि ये हमारे दुश्मन हैं तो यह देश के लिए अच्छी बात नहीं है क्योंकि आखिर ये जवान हमारे देश की रक्षा करते हैं। अगर उनके बारे में किसी भी तबके के लोगों के मन में इस प्रकार के विचार आए हैं तो यह चीज क्या अच्छी है? हमारे देश में किसी न किसी को स्केप बोट बनाया जाता है।

मुझे दुख है, मैं भी एक मां हूँ, मेरा भी एक लड़का है, मैं जब उन जवानों को देखती हूँ तो मुझे ऐसा लगता है कि यह मेरा भी एक बच्चा होगा। मेरा बच्चा अगर देश के काम के लिए लड़ता है और मर जाता है तो मुझे उसमें खुशी होगी। लेकिन जिन माताओं के बच्चे उस लड़ाई में मरे, अपने ही लोगों पर गोली चलाकर खामखाह मर

गए, लड़े भी नहीं, क्या लगता होगा उनकी माताओं को? हमें दुख है, हमने पन्ना दाई की कहानी सुनी है। मुझे पता है अपने बच्चों को देश के लिए देने वाली पन्ना दाई जैसी माताएं हमारे यहां थीं। हमें पता है। हम चाहती हैं कि हमारे बच्चे हमारे देश के काम आए। लेकिन अपने ही लोगों से लड़ने के लिए और बिना लड़े मरने का जो यह काम हुआ, इससे मेरा मन बहुत दुख से भरा हुआ है। उनके ऊपर यह जो ठप्पा लगा हुआ है किसी भी तबके के, किसी भी समाज के लोगों के मन में, उसको निकालने के लिए हमें कुछ कोशिश करनी चाहिए। पंजाब में सब जगह मैं होकर आई हूं। वहां क्या चल रहा है? कारसेवा कहां है? कहीं भी कार सेवा मुझे दिखाई नहीं दी। मैंने वहां लोगों से जो काम कर रहे थे पूछा, उन्होंने कहा कि हमें बीस रुपया रोज देते हैं, फिर हम काम करते हैं। उसमें सरदार जी भी कोई नहीं थे। कई लोग बाहर से आए तो क्यू में खड़े थे। हमने पूछा कि आप क्यों आए हैं तो उन्होंने कहा कि अगर हम यहां कार सेवा के नाते से नहीं आएंगे तो हमें दर्शन भी नहीं मिलेगा, इसलिए हमने कहा है कि हम कार सेवा के लिए आ रहे हैं, कार सेवा के नाम में कुछ यहां से वहां करेंगे और फिर चले जाएंगे। मैं इसलिए कहती हूं कि हम अगर सच्चे माने में चाहते हैं कि वहां पापुलर गवर्नमेंट फिर आए, कांग्रेस की ही गवर्नमेंट हो, मैंने जैसा पहले कहा संता सिंह की भी गवर्नमेंट हो, उसको भी लाएं... (व्यवधान)... भिड़रावाले के बारे में मैं कहती हूं, हेड प्रीस्ट से भी हम मिले हैं, उन्होंने कहा कि भिड़रावाले ने जो किया हम उसका समर्थन कभी नहीं कर सकते हैं, लेकिन आज वहां की हालत यह है कि वहां आतंकवाद की हवा फैली रहे, यह काम चल रहा है। वहां के नौजवान मुझे मिले। उनकी बात मैं आपके सामने रखना चाहती हूं, गृह मंत्री जी इस पर ध्यान देंगे कि क्या यह बात सही है कि वहां पर पुलिस स्टेशन पर यह कहा गया है कि एवेरी डे फाइव केसेज आफ एकाउन्टर, ऐसे वहां पर घोषित करके बच्चों को, कोई जवान हो तो उसे मारकर लाना चाहिए। साथ-साथ वहां पर सात स्कूल जलाये गये हैं एक कांस्टीच्यूएंसी में,

मैं नाम नहीं लेती हूं, आपको पता है। उन जवानों का कहना है कि हमारे लोगों ने मतलब सिखों ने या आतंकवादियों ने यह काम नहीं किया है। जिन्होंने किया है उनको ढूंढ़कर निकालना सरकार का काम है।

तीसरी बात मैं आपसे कहना चाहती हूं कि अगर आप सच्चे माने में कुछ करना चाहते हैं तो करिये क्योंकि मैं वहां गई हूं, मैं रमेशचन्द्र जी के घर पर भी गई हूं, उनकी बीबी और घर के और लोगों से मिलकर आई हूं, बहुत लोग जो वहां पर गए थे दर्शन के लिए वह मरे हैं, सरकार ने भी इसको मान लिया है, मैं यह कहती हूं कि कोई मारने का इरादा नहीं था लेकिन आर्मी ऐक्शन जब होता है तो वह कहकर नहीं होता है। लोग अगर वहां मरे हैं तो उनको डेथ सर्टिफिकेट मिलना चाहिए। लेकिन कई लोगों को नहीं मिला है। उनके कुछ क्लेम्स हों, चाहे एल०आई०सी० का पैसा लेना हो या बैंक से पैसा लेना हो तो डेथ सर्टिफिकेट अगर नहीं दिया जाता है तो वह उनको मिल नहीं सकता है। आपको कुछ ऐसी व्यवस्था करनी चाहिए कि जितने लोग वहां पर मरे हैं उनके लिए डेथ सर्टिफिकेट मिल सके। इसके लिए हमें कुछ न कुछ करना चाहिए।

आखिर हम यह नार्मेलसी की हवा कैसे वहां फिर से लाएंगे? क्या आप चाहते हैं कि वहां पर पापुलर गवर्नमेंट न आए? किसी की भी सरकार हो लेकिन अगर हम सच्चे माने में चाहते हैं कि एक दिन कभी न कभी हमें पापुलर गवर्नमेंट वहां पर लानी है तो हमें उस प्रकार से कदम उठाना चाहिए। लेकिन जिस प्रकार के कदम आप उठा रहे हैं उससे लगता है कि आप चाहते हैं कि इस प्रकार की हवा चलती रहे और आप देश के सिखों को बदनाम करते रहें और राष्ट्रपति शासन का समय बढ़ाते रहें यह बताएं। आपको याद होगा कि हम लोगों ने आसाम के लिए कहा था कि हम आपकी मदद करते हैं, चुनाव मत कराइए। चुनाव कराएंगे तो वहां बहुत बड़े पैमाने पर हत्या हो जायगी। हमने कहा था कि दो तिहाई बहुमत आपको चाहिए, तो जनता पार्टी, लोक दल और



[श्रीमती प्रमिला दंडवते]

बी०जे०पी०, हम तीनों पार्टियों ने कहा था कि हम आपको समर्थन देने को तैयार हैं। कम्युनिस्टों ने आपको समर्थन नहीं दिया, लेकिन हमारे समर्थन से तो दो तिहाई बहुमत मिलता, लेकिन फिर भी आपने वहां चुनाव करवाए। चुनाव की वजह से वहां पर 10 हजार से भी ज्यादा लोग मारे गए, लेकिन सरकार का कहना है कि साढ़े चार हजार लोग मारे गए हैं। मासूम बच्चे मारे गए हैं। मैं वहां भी जगह-जगह घूमकर आई हूं। यह कैसा देश है, अपने ही लोगों की हत्या करके उनकी लाशों पर यह सरकार चल रही है और ऐसी सरकार चलाने के लिए आपको संविधान में संशोधन की जरूरत है। इसलिए मेरी सरकार से प्रार्थना है कि वह इस अमेंडमेंट को वापिस ले। गोल्डन टैम्पल की कार सेवा का अधिकार खड़कसिंह को और एस०जी० पी०सी०को दिया जाए। आर्मी को गोल्डन टैम्पल में से निकाला जाना चाहिए। अकाली दल के लीडर्स के बारे में आपने भी कहा था कि वह मोडरेट्स हैं। लेकिन उनके ऊपर इल्जाम लगाए गए हैं कि भिंडरावाला क्या कर रहा था उसकी खबर क्यों नहीं दी। आप कहते हैं कि अकाली दल के लोग डरपोक होंगे, लेकिन डरपोक तो सारे लोग हैं। जब हम मांग कर रहे थे कि भिंडरावाला को गिरफ्तार करो और वह हथियार लेकर घूम रहा है, तब कोई कार्यवाही नहीं की गई। आप डरते थे। आपके सेक्रेटरी डरते थे। इस सदन में भी भिंडरावाला के खिलाफ कोई आवाज नहीं उठाई गई। वह मरने से पहले सात दिन तक सन्त था, लेकिन मरने के बाद उसकी आलोचना शुरू हुई। मैं बम्बई में प्रेस कान्फ्रेंस में जिन्होंने हिस्सा लिया उन प्रेस के लोगों से वहां जाकर बात की और पता लगाया इसलिए मैं कहना चाहती हूं कि मरने से पहले भिंडरावाला सन्त था, लेकिन मरने के बाद कहा जाने लगा वह ऐसा था—वैसा था।

मैं आपको याद दिलाना चाहती हूं कि जब यहां पर पंजाब की बहस हो रही थी, तब मैंने खुद सदन में प्रधानमंत्री जी से पूछा कि आपने भिंडरावाले को गिरफ्तार क्यों नहीं किया? उन्होंने कहा—

कैसे करें। मैंने कहा—वह दिल्ली में आया था, बम्बई में आया, अस्त्र-शस्त्र लेकर आया था। लेकिन हमारी इन्दिरा जी, जैसे उन्होंने अभी कहा कि श्री रामलाल जी ने जो किया, वह उनको न्यूज एजेंसी से पता चला। वैसे ही उन्होंने कहा कि मुझे नहीं पता कि वह दिल्ली में आया या बम्बई में आया।... (व्यवधान)... हमारे देश की प्रधान मंत्री को यह नहीं पता कि भिंडरावाला दिल्ली में आया और बम्बई में आया। उनको खबरें अखबारों से मिलती हैं।... (व्यवधान)... हमारे कांग्रेस के लोग... (व्यवधान)... इसलिए मैं इतना ही आपको कहना चाहती हूं कि चुनाव में कुछ भी हो, आपके हाथ में बागडोर है, आपकी मैजोरिटी है, तो कांग्रेस के लोगों के हाथ में आपको सत्ता देनी चाहिए। लेकिन वहां पर पोपुलर गवर्नमेंट रहनी चाहिए। हमारा फर्ज है कि डरपोक लोगों के हाथ में राज नहीं देना चाहिए। लोग क्या करें? दिस अमेंडमेंट इज सैल्फ कन्डैमनेशन आफ दि गवर्नमेंट। इसलिए मेरी आपसे प्रार्थना है कि आप इसको वापिस लीजिए।

SHRI BHERAVADAN K. GADHAVI (Banaskantha): It is really a matter of anguish and agony for everybody that in a State like Punjab to-day we are considering the continuance of the Presidential rule. Congress is wedded to democratic ideology and this Bill is a manifestation of how even in the most trying circumstances the Government has kept cool and brought this Bill only with regard to imposition of President's rule made once on the 6th of October last year. The Government never wanted to exploit any opportunity to make a blanket measure for imposing Presidential rule in all the States. But I am sorry to observe from what the hon. Lady Member as well as the previous speaker speaking from the opposite spoke, even to-day I can very well infer that the mentality of the Opposition has become such that if we say that the distance from here to a particular column is this much feet, they are not prepared to agree. We have heard in Mahabharat that Duryodhan could not discern between land and water. That is your position.

SHRI K. MAYATHEVAR (Dindigul): Let the people say that. (Interruptions).



MR. CHAIRMAN : Why are you interrupting him ?

SHRI BHERAVADAN K. GADHAVI : We are as much the representatives of the people as you are.

Mr. Chairman, they cannot see the reality in Punjab in its proper perspective. (*Interruption*). They have forgotten that it was in Punjab when there was a popular rule, they were making a hue and cry that the Punjab Government had failed and President's Rule should be imposed. The very same people, when massacre of the people by the extremists was going on and when the police stations and railway stations were burnt and bridges were blown up by these people, were telling that we were drifting and we were not firm and were not taking firm action. But, when a firm action is taken, then, they are saying as to why we take firm action. When the army was entering the Golden Temple, they tried to incite extremists they are not appreciating this. Kindly think of the situation. (*Interruptions*). Take 15th of August. It has not gone far away. Have you not heard even outside the country, the people who are responsible for perpetrating the crimes in Punjab were bent upon creating disunity of the country even hoisted the flag of separatism, and they did not allow at the same places even our Ambassador to celebrate the 15th August which is our National Celebration Day ? If you cannot read this or if you cannot even see this, perhaps you could not properly examine these things in a proper perspective.

On the contrary, here is the Government wanting to do something. If they wanted to exploit the situation, they could have brought an amendment of the type in a similar situation whereby anywhere the President's rule can be extended by two years. But, Sir, this Bill is specifically relating to Punjab. Why ? Because we, the Congress, are dedicated more to the popular Government, more to the democracy and we have got the objective of fulfilling the wishes of the people. When Assam agitation was going on, they were all clamouring for extending the President's Rule at that time and some were telling that they would support that. (*Interruptions*).

The point here is that they are always wanting to blow hot and cold. Their principles are according to the conveniences.

For the Kar Seva, Sikhs not only from Punjab but also from Rajasthan, Bihar, Maharashtra, Gujarat, Delhi and Haryana and from everywhere were coming when Baba Santa Singh took up the holy task upon himself, the entire Sikh community was behind him. You said it was not an opportune time. You only have got an obscure vision.

MR. CHAIRMAN : Why do you look at them ? You look at me.

SHRI BHERAVADAN K. GADHAVI : I am looking at you also sometimes. Sir, the Opposition Members are not in a position to see what is happening in North, South, East or West ? All around the country, when the forces emerging which threaten the integrity and unity of this country, do you want to make Punjab a breeding ground ? We do not want to make it like that. We want that Punjab must be administered well and, therefore, in these present trying circumstances, this present Bill has been brought in. I welcome this Bill.

14 hrs.

I may also submit one thing. With all due regard and sincerity of the Members on the opposite side, I want to tell them that their responsibility to the patriotism has now gone to the winds. Because when the country is suffering and when we are trying to apply the healing touch ; when we are trying to heal the wounds and when we are trying to make it okay at that time they want to add fuel to the fire and add a pinch of salt on the wounds. Do you want to continue this Punjab as a dripping wound over the body of this country ? For the last two and a half years the situation went on Punjab and today the people in Punjab are heaving a sigh of relief. You can go and ask the common man in Punjab. It is not that some members of the Opposite have gone to Punjab. Others have also gone to Punjab and we have found that people are heaving a sigh of relief. They want the present administration should

[Shri Bheravadan K. Gadhavi]

continue for a longer time.

Sir, combing operations are going on even today. We hear some extremists in the encounters have been killed and some others nabbed. Sir, when combing operations are going on and healing touch is being applied to the injured who have suffered without any fault of their own then if some action is taken by the Government which you want to decry then I would only say that you are not understanding the real situation.

Therefore, Mr. Chairman, this being a very small Bill I support it.

**श्री जगपाल सिंह (हरिद्वार) :** सभापति जी, मैं संविधान में 50वें संविधान(संशोधन)विधेयक का जोरदार शब्दों में विरोध करने के लिए खड़ा हुआ हूँ और इसका कारण यह है कि एक तरफ तो यह सरकार और इस सरकार में बैठे हुए लोग आन्ध्र प्रदेश में जनतंत्र की हत्या कर रहे हैं और दूसरी तरफ यह 50वां संशोधन विधेयक इस सदन के अन्दर ला करके पंजाब में जनतंत्र की हत्या दोबारा करने की कोशिश की जा रही है।

इस पार्टी में ज्यादातर दो जुबान के लोग बैठे हैं, इस सरकार में दो जुबान के लोग बैठे हैं। जब हमने, हमारे नेता माननीय चरण सिंह और माननीय अटल बिहारी वाजपेयी ने संसद में और संसद के बाहर आसाम के मामले को लेकर यह आवाज उठाई थी और प्रधानमंत्री से मिलकर यह अनुरोध किया था कि आसाम में अभी चुनाव न कराए जाएं क्योंकि अगर चुनाव कराने की कोशिश की गई, तो लोगों की लाशें बिछ जाएंगी लेकिन चुनाव कराए गए और 12, 14 हजार लोगों को मारकर विदेशियों के वोटों पर वहां पर सरकार बना ली। उस वक्त संविधान में संशोधन करने के लिए हमारी पार्टी और भारतीय जनता पार्टी तैयार थी लेकिन प्रधानमंत्री श्रीमती इन्दिरा गांधी ने प्रेस में और अखबारों में यही बयान दिये और उस वक्त यह कहने की कोशिश की गई थी कि विरोधी दल संविधान में संशोधन कराने के

लिए हमारा साथ नहीं दे रहे हैं। उनकी यह बात गलत थी। हमारी पार्टी और माननीय अटल बिहारी वाजपेयी की पार्टी ने संविधान में संशोधन कराने की बात कही थी लेकिन उस समय संविधान में संशोधन नहीं किया गया और प्रधानमंत्री उस वक्त इस तरह बोल रही थीं कि अगर सारे विरोधी दलों के लोग उनको संविधान में संशोधन कराने के लिए समर्थन देते, तो आसाम के मामले में संविधान में संशोधन कराने के लिए वे तैयार थीं। मैं आज यह कहना चाहता हूँ कि आज एन्टायर अपोजीशन इसका विरोध करने जा रहा है और उस वक्त अगर श्रीमती इन्दिरा गांधी एन्टायर अपोजीशन की बात को मानने के लिए तैयार थीं और अगर एन्टायर अपोजीशन कहता, तो वे संविधान में संशोधन के लिए तैयार थीं, तो आज जबकि साग अपोजीशन इस विधेयक का विरोध कर रहा है और कह रहा है कि संविधान में इस मामले पर संशोधन न किया जाए, तो क्या श्रीमती इन्दिरा गांधी अपोजीशन की बात को मान जाएंगी। उस वक्त भी उन्होंने विरोधी दलों की बात नहीं मानी थी और आज भी विरोधी दलों की बात नहीं मानेंगी। मैं इसलिए इसका विरोध कर रहा हूँ कि वहां बाकायदा विधिवत चुनी हुई सरकार को आपने सस्पेंड किया और इस बिल को लाते वक्त जो इसके एम्स एण्ड ओब्जेक्ट्स हैं, उनमें कोई ऐसा आधार आपने नहीं बतलाया है जिससे राष्ट्रपति शासन की अवधि एक साल और बढ़ाने के लिए इस संविधान (संशोधन) विधेयक पर विचार किया जा सके। कोई कारण इसमें नहीं बताया गया है। एम्स एण्ड ओब्जेक्ट्स में ये कारण बताए जाने चाहिए थे। किन कारणों से ये संविधान में संशोधन लाना चाहते हैं? इसलिए इस बिल को वापिस लिया जाए। इसके लिए कोई पर्याप्त कारण नहीं बताए गए हैं। इसलिए मैं इसका विरोध करता हूँ।

इस बिल में बताया गया है कि पंजाब में सामान्य स्थिति है। प्रधानमंत्री जी कहती हैं कि सामान्य स्थिति है और गृह मंत्री जी भी कहते हैं कि सामान्य स्थिति है। मिल्ट्री आपरेशन के बाद में पंजाब की स्थिति सामान्य हो गई है, ऐसा कहते

हैं। जब स्थिति सामान्य हो गई है तो आप विधान सभा को बहाल क्यों नहीं करते? अगर उसको बहाल नहीं कराना चाहते हैं तो चुनाव क्यों नहीं कराते। ये दोनों चीजें आपकी नहीं चलेंगी। सामान्य स्थिति भी है और चुनाव भी नहीं कराना चाहते और विधान सभा को बहाल करना भी नहीं चाहते। ये सब ऐसे कारण हैं, जिनकी वजह से हम इसका विरोध कर रहे हैं। इन हालातों को देखते हुए तो केन्द्र सरकार को भी इस्तीफा दे देना चाहिए। मिल्ट्री आपरेशन के बाद पूरे पंजाब को मिल्ट्री के हाथों में सौंपकर भी आप स्थिति को सामान्य नहीं कर पाए हैं। इसलिए मेरा कहना है कि इसके जरिए संविधान का गलत इस्तेमाल किया जाएगा। जब हमने एक शर्त लगाई थी और संविधान के आर्टिकल 356 के संशोधन के लिए तैयार हो गए थे, उस वक्त यह क्यों नहीं किया गया। हमने शर्त लगाई थी कि इसका इस्तेमाल सिर्फ आसाम के लिए ही किया जाएगा। आसाम के सिवाए भविष्य में कोई इस तरीके का संशोधन नहीं किया जा सकता जो पूरे देश के राज्यों के ऊपर लागू किया जा सके। लेकिन इस तरीके का कोई आश्वासन नहीं दिया गया। आज उसी बात को दोहराया जा रहा है। आज तो बिना चुनाव और बिना राष्ट्रपति शासन के ही सरकारों को बदला जा रहा है। जम्मू-कश्मीर की सरकार को गिराया गया, आंध्र प्रदेश की सरकार को गिराया गया। मैं तो विरोधी दलों के नेताओं से कहना चाहूंगा कि इस तरह की जनतंत्र की हत्या को देखते हुए राष्ट्रीय स्तर पर एक रणनीति अपनानी चाहिए। नहीं तो ऐसा भी हो सकता है कि विरोधी दल चुनाव जीतकर आ जाए और शपथ दिलाने वाला वही काम न कर बैठे जो आंध्र के गवर्नर ने किया है। इसलिए मैं इसका विरोध करता हूं। मैं एक बार फिर मंत्री महोदय से अपील करूंगा कि पर्याप्त कारण इस बिल में नहीं बताए गए हैं। अगर जरा सी भी मारल है तो एम्स एण्ड आब्जेक्ट्स के आधार पर ही इस बिल को वापिस लिया जा सकता है।

इन शब्दों के साथ मैं अपनी बात समाप्त करता हूं।

SHRI R.L. BHATIA (Amritsar): Mr. Chairman, Sir, I have heard the speeches of my friends sitting on the Opposite Side. But I fail to understand why nobody touched the real problem. They have been beating about the bush. (*Interruptions*). The first speaker, Mr. Amal Dutta, while speaking, did not put up any arguments and the arguments which he was putting up were fallacious. The only thing that he said was that the Government in Punjab had failed and the Central Government had failed and that is the only point that he put forward in his argument. Then Shrimati Pramila Dandavate was telling about Amritsar. During the period of about 2-1/2 years nobody from that side came to Punjab including Mr. Amal Datta to see the conditions of Punjabis as to how they were suffering, under what circumstances they were living. But still here in Parliament they are passing judgements. When she went there, her own party men misinformed her about *Kar Seva*. They told her that in *Kar Seva* only hired people were there. It is absolutely wrong. When she went there, *Kar Seva* was already over, only the experts are now working on Akal Takhat. *Kar Seva* took place in great gusto, and many people took part in it. All the debris has already been removed. Every day five to ten thousand people were taking part in that. Lakhs of people have participated in *Kar Seva*, and as I said; now only experts are working there.

Now, I come to the main point of the failure of the Government in Punjab. In this context, I must say that the type of extremism that we faced in Punjab was of its own kind. It was of a very severe nature. The local administration could not cope up with it for the reason that the weapons which those extremists had got from abroad were of a nature, which the local police could not match. The extremists were well trained and they out-numbered the local police and were able to overpower the police quite often. This was because they had very good weapons, most modern and sophisticated weapons as compared to our policemen, who generally have 303 rifles. Under the circumstances, we were forced to face this problem and impose President's rule there.

I may also mention that during the Akali

[Shri R.L. Bhatia]

Dal rule, which was there three times, they always encouraged and enlisted men of their own party in administration. They gave wrong promotions; they promoted those people who belonged to their own party and the result was that we had an administration in Punjab which had no heart and no mind. After all, Government does not mean Ministers and M.L.As, it means administration. If the administration does not function properly and take care of the law and order problem particularly in a sensitive border State like Punjab, such a stage was quite natural.

When we were faced with such a situation, some changes in the Congress Party were brought about and a reference has been made to that. Now, it is something quite natural in any political party; they also bring about changes in their own party. The hon. Member was saying that even our party failed there, which is utterly wrong. For two and a half years who faced the extremists? It is not you. You did not hold even one conference over there to bring amity between the two communities. You did not go there to give solace to the people, and you are passing dictats and judgements sitting over here. What did you do there? You did nothing. What you did was this....(*Interruptions*). You were accusing the Government all the time that the Government was delaying talks with them, and every time we came forward to have talks with them, you know what had been happening. We accepted what you had said to have a tripartite conference, or do this or do that, to send letters and give them invitations. Are you not aware of their attitude? They were not at all co-operating with us. They said that they would not come to Delhi unless a letter was received from the Prime Minister or the Home Minister, and then they said that they would not come to Delhi, they would go somewhere else. We went to Chandigarh for talks. There was no question of any non-cooperation on our part, we were trying to cooperate with them. It was only the Akali Dal, who were not cooperating. And Akali Dal was supported by these people. They have been saying that their demands were all right till the Akali Dal burnt the

Constitution. Till then, they were blindly following them and saying that they were correct. Even the hon. Member, Shri Vajpayee, when they held their conference in Pathankot, said that their demands were all right and the Government was not accepting them.

He went to Amritsar only recently. He advised his Akali friends to shun extremism, but they have not accepted his advice. All of you have been supporting them for your political purposes, without caring what the consequences of this kind of a support to such a party would be.

The Akalis' position was very clear to us. Maybe it was known to you, and you were just trying to avoid it. But the Akalis at no stage agreed that the terrorists were inside the Golden Temple, or that the extremists were there. Every time they said they were not there. When we asked them whether they had weapons and arms inside the Temple, they said 'No'. It is these Akalis whom you were supporting.

Not only this. They were utilizing the extremism of Bhindranwale. They were giving them *saropas*. Not only that; they were giving them all shelter in Nanak Niwas; they were given food, money and everything that they required. We told these people that the Akalis were not interested either in river or water or Chandigarh, but were interested in getting power by hook or crook. They were always in a minority, but they wanted to usurp power. And you were supporting them in that. All that the people in the Opposition did, was to ask for a tripartite conference and similar things. But while we were fighting, and the Congress party was fighting in Punjab in such difficult circumstances, you were pointing your guns at Shrimati Indira Gandhi and the Congress party, without sharing any responsibility for it, without contributing anything or playing any role in Punjab. You dare not go there, and you did not go, even to sympathize with the people. You were only accusing the Government.

What has happened for 2-1/2 years in Punjab is that there was virtually a parallel Government; and only with a strong hand,

we could deal with it. The circumstances were such that we had to deal with it with a strong hand. All those friends said there was no Government, and that Government should take action. But when action has been taken now, many of these people are asking for the Army to be removed.

No doubt the situation has improved, but still extremism is not finished. We still have it. You read in the papers about it. Only the other day, seven schools were burnt, i.e. on 15th August. Many people are killed in the border areas. Till all those extremists are eliminated, this care is necessary. That is why we have brought in this Bill.

It is a national problem. We must look at it as such. If things had been absolutely normal, we would not have brought forward this amendment. But the thing is that there is need to take care. It is a national problem; and we should look at it from a national angle. For some more time we should extend this rule. That is why we have brought in this amendment.

We have also requested the Akalis to change their attitude. They should come forward to do it, but they have not. As I said, Vajpayee Ji has also pleaded with them, but there is no response. Only the other day the Central Government had told them that it was ready to give SGPC the opportunity to initiate *kar seva*. Three conditions were put forward by Central Government. Government have made this offer: the first condition is that the carrying of arms within the Temple will be strictly prohibited.

And the second is that they should give a solemn assurance that the Golden Temple complex and the holy precincts of Gurudwaras will not be permitted to be used as places of communal hatred. These are the things which nobody will object to, and the third point is, unequivocally condemn the demand of Khalistan. Well, if these things are done by the Akalis, we have no objection. They can do the *kar seva*; anybody can do the *kar seva*. Let Baba Kharak Singh come or any baba come. I have no objection. Government have gone forward saying that they will also order the release of all Akali leaders and they are prepared to give *kar*

*seva* to anybody who wants to do it. But the question is: is there any response from the Akalis? Have they said that these Gurudwaras will not be used for extremist purposes? Have they said that no arm will go inside? They will stop it. Have they abdicated the demand of Khalistan? None of the Akali leaders has replied to this thing and to the gesture, the initiative which the Central Government has taken? They are taking just the same attitude. They continue to help the extremists; they continue to believe in the Khalistan movement and they continue to keep Gurudwaras in the same fashion as they have been doing; and so long as this is being done, we shall continue this rule. Therefore, I support this Bill.

श्री सूरज भान (अम्बाला) : सभापति महोदय, पिछले साढ़े तीन साल में पंजाब के जो हालात रहे हमने उनको देखा। सरदार दरबारा सिंह की हुकूमत देखी, राष्ट्रपति शासन देखा, आर्मी ऐक्शन को देखा और आज यह अमेंडमेंट आया है इसलिए मजबूर होकर मुझे यह कहना पड़ रहा है, पंजाब के लोगों की आवाज़ है :

निगाहें मुन्तज़र थीं कब किरण फूटे सहर होगी,  
मगर यह रात कुछ और काली होती जाती है।

लोगों की उम्मीद थी कि शायद हालात सुधरेंगे, लेकिन ऐसा नहीं हुआ। आखिर यह संशोधन क्यों आया? पहले तो सरकार ने माना कि हम फेल हो गये। दूसरा कारण यह है कि इसके एम्स और औब्जेक्ट्स में लिखा है :

“Although the Legislative Assembly is in suspended animation and a popular government can be installed; having regard to the prevailing situation in the State, the continuance of the proclamation beyond 5th October, 1984 may be necessary.”

वहां के हालात ऐसे हैं कि राष्ट्रपति शासन आगे जारी रखना जरूरी है। हालात क्या हैं? कुछ आदमी मर जायें, यह तो दरबारा सिंह के राज में भी हो रहा था। हमने पहले मांग की थी उस वक्त क्यों नहीं राष्ट्रपति शासन लगा दिया? हालत यह

[श्री सूरज भान]

है कि आज पंजाब में मुख्यमंत्री किसको बनायें यह समझौता नहीं हो पा रहा है। अपने घर का झगड़ा है जिसका फैसला नहीं हो पा रहा है, और कांग्रेस के घर के झगड़े को निपटाने के लिए संविधान में संशोधन किया जाय। इससे ज्यादा दुर्भाग्य की बात और क्या हो सकती है ?

सभापति महोदय, एक बात और है, असम के मामले में विरोधी दलों ने कहा था कि वहां एक साल के लिए राष्ट्रपति शासन बढ़ा दिया जाय। लेकिन आपको चुनाव सूट करते थे इसलिए हमारी बात नहीं मानी। आपने वहां चुनाव करवाए। कितना वहां खून-खराबा हुआ उसका जिक्र मैं नहीं करना चाहता। इत्तफाक से असम में जब चुनाव हुए थे तो श्री सुब्रह्मण्यम वहां ऐडवाइजर थे। वही सज्जन अब पंजाब में ऐडवाइजर होकर गए हैं। क्या वही हालत पंजाब में आप फिर करवाना चाहते हैं इसीलिए श्री सुब्रह्मण्यम को पंजाब में भेजा है ?

एक बात और है, खासतौर से प्रधान मंत्री अक्सर कहती है कि मैं विरोधी दलों का सहयोग चाहती हूं। मैं पूछना चाहता हूं यह बिल लाने से पहले किसी विरोधी दल से सलाह मशिवरा किया गया ? फिर सहयोग की बात का क्या मतलब है ? नहीं पूछा गया।

हमने तो पहले मांग की थी कि राष्ट्रपति राज्य लाओ, असेम्बली को तोड़ो। आपने असेम्बली तो तोड़ी नहीं, उसे बेहोश कर रखा है। आप अभी भी कहते हैं कि बेहोश ही रहेगी। मैं पूछना चाहता हूं कि आप इसे क्यों नहीं खत्म करना चाहते ? आप किसलिए एम०एल०एज० को तनख्वाह दे रहे हैं ? करोड़ों रुपये का खर्च हो रहा है। जब उनसे काम नहीं लिया जा रहा तो उनका क्या फायदा ? इसका सीधा-सा तरीका है कि एक दिन का सेशन बुला लीजिए, उसके बाद 6 महीने के लिए सेशन बुलाने की जरूरत नहीं है। हमारे हरियाणा में भी यही हो रहा है। यह ड्रामा आप पंजाब में भी कर सकते हैं।

आसानी से किया जा सकता है, लेकिन आप करना नहीं चाहते।

आपने पंजाब में ब्लू-स्टार आपरेशन किया और उसके बाद यह विधान में जो तरसीम की बात है, यह ब्लैक स्टार आपरेशन आप ला रहे हैं। यह किसी को पसन्द नहीं आएगा। मैं इस बिल का विरोध करता हूं और जो कुछ ड्रामा पंजाब में कार सेवा के नाम पर सरकार सेवा हो रही है, वह बन्द होना चाहिए।

मैं इस बिल का विरोध करता हूं, यह सब नहीं होना चाहिए।

SHRI K. MAYATHEVAR (Dindigul) : The Punjab problem has been discussed in this august House more than one dozen times. The hon. Members from the Congress Party were speaking as though the opposition parties are responsible for not bringing any solution to the problem. I am shocked to hear such a kind of untruth and unpleasant talk from the hon. leading Members of the Congress Party. Almost all the parties supported suitable and effective action to bring about law and order and provide safety and security to the people there. We have been telling the Government to take action for the last 2-1/2 years. But you failed in your duty to take action at the appropriate time. Because of your belated action and because you defaulted in discharging your duties in time, all these problems have gradually cropped up and arisen. Now, you have come with an amendment which is not only unconstitutional but undemocratic and autocratic also, because it is like the Democles' sword hanging on the heads of the non-Congress ruling States except MGR Government. That is why we are opposing it.

We are against anti-nationals. The hon. leading Members from the Congress Party were talking as if we are supporting Khalistan. Who supported Khalistan ? Nobody supported that. You must put down all the anti-national, anti-social and anti-democratic forces. Why did you not do it some years back ?

MR. CHAIRMAN : You please address the Chair.



SHRI K. MAYATHEVAR : I will address you. (*Interruptions*)\*\*

MR CHAIRMAN : This will not go on record.

SHRI K. MAYATHEVAR : National interest is greater than any party, group or religion in this country. When there is a clash between individuals, national interest should prevail. If there is a fight, clash or quarrel between particular groups, parties or religions, national interest should be protected. That is the profound duty of all the opposition parties. We have repeated this many times. But you did not understand this at all.

The policy of the DMK Party is that Article 356 should be deleted and scrapped *in toto* from the Constitution.

Not one year's extension or two years' extension. That is our demand from the very first day of the inception of our party. They want that at the pleasure of the Central Government, all the non-Congress ruling parties should be at their discretion. We do not know what is your pleasure, whether you are pleased with the Opposition parties or not. When people are opposing you, when we are in power, you are dismissing us, that is, with the arms and ammunitions which are illegally stocked in your files. Therefore, I want the dismissal of Article 356 itself and recommend that this Article should be scrapped from the Constitution at all. In a quasi-federal or a federal State like this, continuance of Article 356 is quite unconstitutional. Now, who were in power in Punjab ? Were they Communist or Janata Members or some other Party members who were ruling ? You were in the administration, you were in the power, you were governing the State, but you could not solve the problem when you were ruling, when you were having your own Chief Minister—I will say Cheap Minister not Chief Minister—and that is why you imposed Governor's rule there.

MR. CHAIRMAN : Mr. Mayathevar, you address to me.

SHRI K. MAYATHEVAR : I am sorry, Sir, I will address you now. When you are having a democratic government under your Chief Minister, you could not solve the problem. Why ? Then the President's rule was imposed by you. The Central administration also could not bring any solution peacefully and then military action was taken. We are not opposing that action at all. Why are they blaming us unnecessarily without finding out the truth for which the Opposition was fighting for the last 2½ years ? Now they want to extend the period from one year to two years. But what is the guarantee ? If a married couple could not give birth to a child for ten years, have you get any guarantee that they will give birth after fifteen years ? I do not think so.

MR. CHAIRMAN : Mr. Mayathevar, I hope if you look to that side, you are getting more encouragement.

SHRI K. MAYATHEVAR : You are potent, Sir, that is why I am addressing to them. I know you are a very honest and able and efficient Member of the Congress, you are exempted from that. Therefore, we must have an assurance from the hon. Minister that it would be solved. But I do not think there is any guarantee for that. Therefore, tomorrow or day after or next day, you can come forward with the same kind of an amendment saying that you could not solve the problem, therefore, this two years' period should be extended to three and four and five years. But are you going to be here for five years ? Definitely you are not going to be here. So, before that, within your short life in power, you want to commit all mischiefs in the world and you want to defigure and deface the Constitution of India. Don't commit that mistake. The future generation.... (*Interruptions*)

MR. CHAIRMAN : Now conclude. Mr. Gupta is encouraging you.

SHRI K. MAYATHEVAR : Yes, I am concluding. This is the only peculiar State, wonderful State, because they were ruling in that State. The Assembly was kept under suspended animation. This is a very selfish



[Shri K. Mayathevar]

thing. The animation is because they know that if the Assembly is dissolved, they will also be eliminated by the people by giving vote against the Congress. That is why this kind of animation is there. When some in the non-Congress party ruling in an Assembly, you are dismissing that Assembly. Therefore, why should you follow a different discriminatory policy, so far as Punjab is concerned.

The Punjab situation could not still be improved, says the Government. I say this Government cannot, shall not and will not solve that problem, in spite of the unequivocal support of all the opposition parties. Therefore, the request for extension is not permissible morally, legally or constitutionally. That is why we are opposing it, as it leads to despotism, autocracy and tyranny.

Also, it may be applied to some other States tomorrow. What is the guarantee that this double-barrelled gun will not be directed against Andhra Pradesh? You are having the same Shri Ram Lal as Governor for such kind of purposes!

SHRI P.V. NARASIMHA RAO : I can assure you that this will not be applied to any other State.

SHRI K. MAYATHEVAR : But this assurance is not in the provisions of the Constitution. We cannot go by your oral assurance. You give so many assurances to the House and the nation but not acted upon those assurances.

SHRI P.V. NARASIMHA RAO : This will not be applied to any other State.

SHRI K. MAYATHEVAR : When the Pondicherry Assembly was dissolved, there was no election. You do not want elections because you know that the people have no confidence in you. You dismissed the N.T. Rama Rao Government. This Bill is against the spirit of democracy in this country. It is brutal murder by stabbing on the back of the democratic rights of States ruled by

non-Congress. That is why we are opposing it.

आचार्य भगवान देव (अजमेर) : सभापति महोदय, अभी मार्क्सवादी कम्युनिस्ट पार्टी, भारतीय जनता पार्टी, जनता पार्टी और लोक दल, पर लोक दल वालों ने जो बात की यहां पर। इनका एक भी प्रतिनिधि पंजाब में नहीं है। जिनका पंजाब में एक भी प्रतिनिधि नहीं है वह भी यहां पर चिल्ला-चिल्लाकर बोलते हैं तो इनकी बुद्धि पर बड़ा तरस आता है।\*\* मुझे ऐसा लगता है कि अन्धकार में भटक रहे हैं।

SHRI K. MAYATHEVAR : Sir, on a point of order. He says that we have failed to have one MLA in Punjab. Let them select some DMK member for Punjab.... (Interruptions)

SHRI CHANDRAJIT YADAV (Azamgarh) : The word\*\* is not in good taste.

MK. CHAIRMAN : It will not go on record.

आचार्य भगवान देव : सभापति महोदय, डी० एम०के०का प्रतिनिधि तो पंजाब में नहीं है।... (व्यवधान)... डी०एम०के० के जो मेम्बर हैं उनका तो कोई भी प्रतिनिधि पंजाब में नहीं है। उस व्यक्ति का और उन पार्टियों का पंजाब में एक भी प्रतिनिधि नहीं है... (व्यवधान)...

सभापति महोदय : आप पंजाब के बारे में ही बात करें।

आचार्य भगवान देव : मैं पंजाब के बारे में ही बात कर रहा हूँ। मैं यह कहना चाहता हूँ कि जिन पार्टियों का कोई प्रतिनिधि वहां नहीं है, जिन लोगों ने चाहे वह बंगाल वाले हों, चाहे डी०एम०के० वाले हों, चाहे वह कभी पंजाब में गए भी न हों... (व्यवधान)...

सभापति महोदय : आप पंजाब के बारे में बात करें।

**आचार्य भगवान देव :** मैंने कोई ऐसी बात नहीं की, मैंने कहा कि ये कभी वहां गए भी नहीं हैं। इसमें कोई असंसदीय बात नहीं है ? क्यों परेशान हो रहे हैं ? ये तो आसाम में घुस गए, रामाराव की बात करने लग गए... (व्यवधान) ...

MR. CHAIRMAN : You should address them as Hon. Members.

**आचार्य भगवान देव :** सभापति महोदय, इसमें कोई असंसदीय बात नहीं है। मैं यह कह रहा हूं कि जो लोग वहां कभी गए नहीं वह लोग भी जब इस प्रकार की बात करने लगते हैं तो सच्चाई से भटक जाते हैं। गृह मंत्री जी ने एक साल का समय बढ़ाने के बारे में संशोधन विधेयक पेश किया है। उसमें इन लोगों द्वारा कारण पूछा गया है—मैं कहना चाहता हूं कि क्या इनको कारण का पता नहीं है। अभी भी वहां पर स्कूल जलाए जा रहे हैं, लोगों को मारा जा रहा है। विदेशों में सम्मेलन हो रहे हैं और वहां पर अभी भी तथाकथित वेतन भोगी...

SHRI K. MAYATHEVAR : For your information Shri Dhandapani of the DMK Member of the Lok Sabha visited Punjab. I am telling you because you do not know anything about other parties.

**आचार्य भगवान देव :** सभापति जी, वहां पर जो तथाकथित वेतन भोगी ग्रन्थी हैं, उन्होंने भी चेतावनी दी है कि स्वर्ण मंदिर में जो पवित्र कार सेवा में हजारों लोग लगे हुए हैं, उनको हम तोड़ेंगे। उनकी इस चेतावनी के पीछे क्या राज छिपा हुआ है यदि उस बात को सुनकर विरोधी पार्टी के लोग अन्दाज नहीं लगा सकते हैं कि समय क्यों बढ़ाया जा रहा है। विरोधी पार्टी के नेताओं ने हमेशा यह मांग की है... (व्यवधान) ... कार सेवा के लिए कह रहा हूं... (व्यवधान) ... तरस तो खा रहा हूं इनकी बुद्धि पर... (व्यवधान) ... वहां पर तोड़फोड़ का कार्य चल रहा है और विरोधी दल के लोगों ने यह मांग की थी कि वहां पर प्रशासन तन्त्र के ढांचे के अन्दर परिवर्तन लाया जाए। जब वहां पर अकाली दल की हकूमत थी,

तब उन्होंने नियमों को ताक पर रखकर लोगों की नियुक्तियां की थीं। उसमें सुधार करने के लिए समय की बहुत बड़ी आवश्यकता है। परिवर्तन कोई एक झटके में नहीं होता है। परिवर्तन किया जाता है तो संसद में बिल लाकर और सबके विचार लेकर और बहुमत के आधार पर निर्णय लिया जाता है।

अभी हमारी बहन, श्रीमती प्रमिला दंडवतेजी, ने कहा कि मैं वहां पर होकर आई हूं। वाजपेयी जी भी वहां अपने साथियों को लेकर होकर आए हैं। मैं कहना चाहता हूं कि यदि वहां पर मिलिटरी द्वारा सख्त कार्यवाही नहीं की जाती, तो क्या वे वहां जरनैल सिंह के होते जा सकते थे। वहां माथा टेक सकते थे, मंदिर के दर्शन कर सकते थे, बिल्कुल नहीं कर सकते थे। अभी बहन ने कहा कि मैं वहां पर बहन से मिली। मैं पूछता हूं कि किस बहन से मिली, किस बच्चे की मां से मिली। जब वहां अटवाल को मार दिया गया, तो उनकी पत्नी से मिलकर आई उस वक्त क्या स्थिति थी ? जब लाल जगतनारायण को मार दिया गया, उस वक्त परिवार में क्या स्थिति थी ? आज जिन लोगों से उनको मिलना चाहिए, उनमें से नहीं मिलीं और यहां कहती हैं कि वहां सख्त कार्यवाही क्यों की गई। मेरे पास रिपोर्ट है, वाजपेयी जी और चौ० चरण सिंह जी व्यक्तिगत लोगों में कहते हैं कि श्रीमती इन्दिरा गांधी ने बड़ी बहादुरी से काम किया है, यह फौजी कार्यवाही करके। पंजाब में अब शान्ति हुई है, लेकिन अभी भी पूर्णरूप से नहीं हुई है। हकीकत यह है कि स्थिति सुधरी है, लेकिन सुधार और जरूरी है। प्रशासन में बहुत परिवर्तन लाना है। कुछ अराष्ट्रीय तत्व वहां मौजूद हैं, उनको हटाना है। राष्ट्र विरोधी तत्व जो बाहर घूम रहे हैं, तोड़फोड़ कर रहे हैं, उनके ऊपर भी कार्यवाही करने की आवश्यकता है इसलिए इन सब बातों को देखते हुए समय बढ़ाना अति आवश्यक है।

इसलिए मैं विरोधी पार्टी के लोगों से भी प्रार्थना करता हूं, जैसी कि आप लोग मांग कर रहे थे कि प्रशासन के अन्दर परिवर्तन लाइए, तो इस

[आचार्य भगवान देव]

काम के लिए स्वाभाविक है कि समय लगता है और उसके लिए समय देना चाहिए।

श्री अटल बिहारी वाजपेयी : कितना समय चाहिए।

आचार्य भगवान देव : यह आपको पता है सरकारी अधिकारी को बदलने में कितना समय लगता है। वाजपेयी जी यदि आपको पता नहीं है, तो मैं आपको क्या कहूँ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और आग्रह करता हूँ कि जब तक वहाँ पर सामान्य स्थिति पैदा न हो तब तक समय बढ़ाना उचित है। वैसे हमारी सरकार का वहाँ बहुमत है। कांग्रेस के एम०एल०एज० अधिक हैं, फिर इनको क्यों परेशानी हो रही है। हम जो चाहें, जैसा चाहें लोकतन्त्र के आधार पर कर सकते हैं। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI INDRAJIT GUPTA (Basirhat) : Sir, I would like to begin with the question which has just been asked by the previous Speaker at the end of his speech. He said that his Party has got a majority there in the Assembly and any time they want they can restore their own government.

इनको परेशानी क्यों हो रही है ? परेशानी इस लिए हो रही है—

because we are now dealing with the Constitution (Amendment) Bill. Otherwise there is no *pareshani*.

परेशानी तो आपको है। मैजोरिटी के रहते हुए भी आपको हिम्मत नहीं है कि अपनी सरकार वहाँ बैठा सकें।

प्रो० मधु दंडवते (राजापुर) : सरकार आपकी है लेकिन कांस्टीच्यूशन हमारा है।

SHRI INDRAJIT GUPTA : Sir, about this Constitution Amendment, we should not at any time, very lightly in a casual way, try to amend the Constitution. Not

that we always do that, but in this particular case I should say, it is the height of irresponsibility. It is a new Amendment, unprecedented in all these years, in these 34 years that the Constitution has been enforced. And we have had conditions of so-called insurgency or armed terrorism in many States, and this is not the first time. In the North-East, in Nagaland, in Mizoram—we know for a few years the Army was deployed in Nagaland which was supposed to be dealing with conditions of insurgency. Now, thank God ! You have got an elected government there at least and you are not relying on the Army. But never in all these years was it considered necessary to bring this particular amendment. Now, this is done for the first time. The Minister owes it to the House to explain what is there so unprecedented in the situation which necessitates this kind of deliberate circumventing of the provisions which are part and parcel of clause (5) of this Article 356. Two conditions were laid down by the wisdom of the framers of the Constitution. They said that this period of one year of President's Rule cannot be extended and should not be extended unless one or two conditions are fulfilled. One condition is that there should be a Proclamation of Emergency either in the whole of India or in any part of the State at the time of taking such a decision. At present there is no condition of Emergency or Proclamation of Emergency. Secondly, the Election Commission must certify that continuance in force of this Proclamation during the period specified in such resolution is necessary on account of difficulties in holding general elections to the Legislative Assembly of the State.

SHRI P.V. NARASIMHA RAO : That does not apply.

SHRI INDRAJIT GUPTA : It does not apply. But it refers here to the Legislative Assembly. In a way it broadly applies. Otherwise you have to have Lok Sabha elections.

So, these conditions do not apply, the Proclamation of Emergency does not apply also, I think. Or, is there an undeclared Emergency ? After all these 35 years, only

in the case of Punjab you have thought it necessary to bring this Amendment and said that this particular Amendment will apply only to the Punjab. That is true. But this is by the back-door, introducing a kind of new Ninth Schedule to the Constitution. This will become a Ninth Schedule. Today it may be Punjab, tomorrow it may be any other State. It does not have anything to do with insurgency and terrorism at all. Wherever political considerations demand, the Ruling Party can add to this clause. Today it is Punjab, tomorrow it can be some other State, on the third day it can be any other State. You are doing something which has never been done in these 34 years. You have dealt with conditions of insurgency and terrorism by other means, at other times, in other States. You never thought it necessary that the basic law of the country, that is, the Constitution, which has laid down certain conditions and safeguards must be changed in order to deal with the situation in a particular State. You have never done it before. Is it a light matter which has to be just passed over lightly without bothering about anything? As somebody said just now, you could have avoided this event, taking your own argument that President's Rule is necessary for some time further. I don't agree with it, but that is your argument. You could have avoided this Amendment by calling the Assembly for one or two days and then dissolving it. And then you can impose President's Rule again. You don't have to bring this Amendment. Why don't you do like that? You can do it.

Why should an amendment be incorporated in the Constitution which will be there now for all time and which will open the flood gate to a new kind of IXth Schedule for all those States in which this proclamation is to be extended. You could have done it. (*Interruptions*).

You reply when the time comes. You have become a Home Minister who is fidgetting all the time. You were not so when you were in the External Affairs. That is why we liked you. You were so calm, cool, patient, and unruffled. Now you are, it seems, hopping about on a hot brick all the time. (*Interruptions*).

PROF. MADHU DANDAVATE : These are home affairs.

SHRI INDRAJIT GUPTA : I am saying only that this Constitutional device, amendment, could have been avoided and still it can be avoided. Still you can have President's Rule. This is what you want. Please do not put in the Constitution which will become a potential danger for all the time. You may not always be in power. There is no dispensation saying that the Congress party will be in power for all time to come. But you are putting something into the Constitution which can be used by anybody any time when opportunity permits against any State. Why should you do that? At least I am totally opposed for this very reason.

Secondly, I should say—well, other Members have already said, I do not want to repeat it, the kind of President's rule which we are going to extend to Punjab is not the ordinary President's rule; whether we like it or not, virtually it has become a sort of army rule. I am second to none in my admiration for the Armed forces. I have said it several times when they are called upon to make sacrifices, when they are called upon to do something in defence of the country. We were in support of this army action though we thought it could have been avoided if some other steps had been taken earlier. But when it came; it was inevitable, we supported it. But many people in the Army, you know very well, they also feel that the Army should not be exposed too long, to this sort of confrontation with the public, with the citizens. It is not good for the Army. It is not good for the morale of the Army. It is not the primary job for which Army exists and is maintained. In fact your State administration has collapsed completely. You have not told us a single word what you have done in the last less than three months since the Army action took place. What are the concrete steps you have taken to clean out and overhaul administration in Punjab which was functioning, as Mr. Bhatia said, as a parallel Government. It was a Bhindranwale Government. It was not your Government, Punjab administration. What have you done since 5th or 6th of June to convince the country or the

[Shri Indrajit Gupta]

people that you are taking effective measures to clean out the administration and overhaul it. You have not said a single word. You have not said anything.

Mr. Bhatia was taunting us saying that some people on this side were continually supporting Akalies at a time when the Akalies were refusing to admit that there were arms inside the Temple or there were absconders and criminal people hiding inside the Temple. If they were doing or saying so, they were doing something very wrong. But shall I show the Press statements, statements issued by Shri Bhinder whom you sent and made I.G.P. Police. Shri Bhinder is on record. He has said that these reports are wrong and exaggerated.—there are no arms inside the Temple; there are no criminals inside the Temple. He was your I.G. Police. You wanted to tackle the situation with people like that. It is on record. I can produce it if you challenge. Do not say all these things. You messed up the whole situation. Your party earlier for political reasons encouraged and helped Bhindranwale to get the position to which he eventually came. You have not told us what steps you are taking after Army action. In the absence of any effective State administration, this extension of President's rule means that you will have to depend willy nilly on the Army. It is virtually army rule. I think it is bad for the Army, to put them in this position. Many high ranking people in the Army do not like it.

That was an emergency operation that they had to go and carry out in the Golden Temple. But they do not want that they should be prolonged indefinitely and remaining all the time facing the people. Secondly, you say in your Statement of Objects and Reasons, "Although the Legislative Assembly is in suspended animation and a popular government can be installed, having regard to the prevailing situation in the State..." This is what you have written. It means that the situation still exists. Which means, disturbing feature for you is what? It is disturbing not only for you, for us but for everybody. Obviously, the Hindus in Punjab are not in a state of

insurgency or likely to create any violence or terrorist action. Then, whom are you talking about? It means, what you are saying is by and large—of course, don't say there are exceptions here and there because there are always exceptions. But by and large, by what has happened in the last few months, you cannot depend now on the support of the Sikh community as a whole. They have got alienated. There is no doubt about it. And that is what you mean when you say the "situation prevailing." What is the situation prevailing? Do you mean that there are some terrorists who are at large? Have they not been at large in other States at other times? Does it require President's rule? It did not require. What is that situation? Please explain. What is so serious that you cannot function except under President's rule and with the help of the Army? It means, the Sikhs in Punjab have been rightly or wrongly alienated today. I say, rightly or wrongly, because I do not believe in mixing up of religion with politics. But that is the situation as it exists and it has happened. People's religious sentiments have been provoked and they are angry and hurt. People did not bother about what was happening inside the Temple before the Army went in. Of course, that is the tragedy of the whole situation. But this is the fact. You have to take facts as they exist at present. You cannot take reality in the way you want it to exist. You have to start from the situation as it exists, whether you like it or not. And, therefore, you want to continue this Army rule with the Army General there acting as Security Adviser to the Governor. What is it except Army rule? This is also a new thing. We never saw this before. There is a civil administration and the Security Adviser is the General of the Army. It may be all right for a short time, for a few weeks. But this is what you want to continue under President's rule for another year. Therefore, I want to say that really you have taken no political initiative after the Army action—no political initiative of any kind. Where is the healing touch, I want to know? Is the healing touch the imposition and extension of President's rule and that the Army should remain there? Let me say one thing. I am no expert on religious matters. And Baba Buta Singh is sitting



there. But I should say as a non-Sikh, I want to say, that in this matter of Kar Seva, as a non-Sikh, I personally do not feel like lecturing to anybody as to who should do the Kar Seva or who should not do the Kar Seva. This Kar Seva is the tradition, religious tradition and part of the Sikh community tradition. It is the responsibility of that community to decide who is going to do that Kar Seva. If all of them together do it jointly, I for one will be very very happy. But this Kar Seva should not be made into a issue of conflict, split and clashes within the community itself. And, therefore, those people who are not Sikhs should not lecture to others and to the Sikhs as to who should do Kar Seva and who should not do Kar Seva. That is my opinion.

But what have you done ? In the name of healing touch, the Government of India has intruded in this Kar Seva in such a way that the whole country, the entire people and the entire Sikhs are saying that somebody who is supported by the Government is brought there and imposed there in order to do the Kar Seva. I don't think this is a correct way of tackling it at all. I do not know this gentleman, Baba Santa Singh. He may be a very good man.

PROF. MADHU DANDAVATE : You are happy, if you do not know.

SHRI INDRAJI GUPTA : I do not know. But I am not neither for him nor against him. There is one Baba Kharak Singh about whom so much has been said and written that he is an old man who has got a long tradition of doing this Kar Seva.

The Government should have tried later to bring about a situation in which all these Babas and people could be brought together to do the work jointly. Instead of that, the Government took hold of one Baba, supported him, brought him there, imposed him there and that has further provoked and irritated other sections of the Sikhs.

Do you mean to say that everybody who is against Baba Santa Singh is a terrorist or an Akali or an insurgent fellow ? I do not think it is such a simple matter. If it had

been so simple, I would not have bothered.

15 hrs.

I think, no political initiative has been taken at all by the Government just as they earlier did not take. Please don't say, "we wanted talks with Akalis" whereas you had understood that the Akalis were not serious about talks and only we fools in the opposition went on saying that you must have talks with the Akalis. According to your White Paper, you were having so many secret talks of which we were not aware at all and we were never told about. It was said that the Akalis had said that they would not come to Delhi. But according to your White Paper, you were going around, secretly meeting them, in so many places, in somebody's private house, in somebody's guest house. Of course, you have not given the exact location. And accompanying you was a gentleman. I had said it earlier and I am going to say it again. I want a reply because it is tied up with the question why you cannot restore your own Government today in Punjab which you can easily do. Even for one or two days, you could do it and then you will not require this amendment to the Constitution.

The reason is that you cannot produce a Chief Minister on whom your own people will agree. You had in your secret talks with the Akalis one gentleman, Mr. Amarinder Singh, connected with the royal house of Patiala. Why was he present in those secret talks ? What was his *locus standi* ? Was he at that time your future aspirant for the Chief Ministership ? Is it that he scuttled your case completely because the moment the army action was taken in Punjab, he resigned from the Lok Sabha, from your party and everything ? He now wants to lead Shahidi Jathas and do all sorts of things. He has calculated his political future and he feels that it is better to go on to that side.

Today, you are not able to restore your own Government even for a day or two days and then impose President's rule. You cannot do it because your own people will not agree on the choice of the Chief Minister. This is the whole trouble. Because of

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that, the whole of Punjab and the country has to suffer President's rule for the sake of your own party which is incapable of overcoming their own factionalism and their own quarrels.

I consider this to be a thoroughly irresponsible and immoral thing that is being done to cover up the Congress Party's own internal sins and lapses. So, because of that, we have to suffer this kind of an amendment, the Fiftieth Amendment to the Constitution of India. For this purpose alone, the whole thing is to be brought in and you have to now set a new precedent which never existed for the last 34 years after the Constitution came into being. Why should we be asked to support such a thing? We will never support it.

It is very wrong to compare it with the situation in Assam. It is not that question at all. Last time, my Party at least never said that we were in favour of that Constitution amendment in the case of Assam. Maybe, you can say, you were wrong; you were proved wrong. But so much blood was shed during the elections in Assam. I am not saying that the blood that was shed was due only to the fact that elections were attempted to be held. There were so many other questions which are still there and which have not been solved in Assam. I hope, they will not burst out some day. Anyway, I do not want to go into all that in regard to Assam.

I am ending by saying about the amount of energy and the amount of time that the Government has spent on intruding into this Kar Seva business in the way in which it has done. I am not in favour of delaying or stopping Kar Seva. I am not one of those who want all those ruins and shattered buildings of the Akal Takht to remain standing there. There are some people who want that.

PROF. MADHU DANDAVATE : Nobody wants that.

SHRI INDRAJIT GUPTA : I told the Prime Minister one day earlier just after the army action that if they cannot find out

people who can do Kar Seva without the support of the Sikh community—I was half joking—it is better you make a declaration tomorrow that “After all, my army is primarily responsible for shattering the Akal Takht. So, it is the responsibility of the Government to repair it”; you do not allow anybody to go near there, you hurry up and get it repaired by the army. You can say, “We have destroyed it. We will re-build it. That is our moral responsibility. We are very sorry for what has happened.”

“But it is my responsibility to the Sikh community.”

“We broke the Akal Takht and, therefore, we should restore it but the way to restore it is not like this. The way to restore it should be in such a way that that there should be a feeling of reconciliation and a healing touch in the minds and hearts of Sikhs. You should do it in a different way. Don't bring somebody along and patronise somebody and impose him there. If you can take so much time and energy to do that, for goodness sake, take some political initiative. You seem to have abandoned all political initiatives! You want to depend only on yourself, army and bullets, police and what not! Take some political initiative.

You have not bothered even once in the last three years to consult us at all. You have written us off completely! Why did you not call us? Also informally have an exchange of views what should be done now.

Even today, after so many years, the Sikhs do not know whether Chandigarh will be theirs or not. What will happen to the river water and the other problems? The Akalis may not be interested in those things. But lakhs and lakhs of ordinary Sikhs are interested and we are also interested that those ordinary Sikh people should be made to feel that they are getting some justice after what has happened. But you did not do it.

You are going ahead steam-rollering and a big majority has been marshalled today to avoid yesterday's *faux pas*. So, they want to steam-roller it through.

But, we are going to oppose the Bill with



whatever capacity we have. We are bound to oppose it.

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS, SPORTS AND WORKS  
AND HOUSING (SHRI BUTA SINGH) :  
Sir, it was never my intention to join issue  
with hon. Shri Indrajit Gupta as he is one of  
our most seasoned parliamentarians. But  
unfortunately he has given such a twist to  
one or two issues upon which I feel called  
upon to say a few words to put the record  
straight.

I will not dwell on all the issues because  
the hon. Minister for Home Affairs is there  
to meet all the points that he has made.  
Some of the suggestions that he has made  
are quite healthy for the future of our de-  
mocracy.

But on two issues on which Shri Indrajit  
Gupta mentioned my name also and also the  
issues concerning the entire Sikh Com-  
munity, I feel that I must put the record  
straight.

On the issue of Kar Seva, every one was  
concerned about it and, as he said, it would  
have been a very simple job for the army to  
finish it and come out. But, having regard  
to the feelings of the entire Sikh community,  
it was thought, why not we find out how  
best we can involve the Sikh community so  
that they can come forward and since it is a  
place of worship, it should not be done other  
than in the traditional way. On the 7th of  
June, the army action was over. On 10th  
June, I received a telephone call from  
Great Baba Kharak Singh in my capacity as  
one of the representatives of Punjab and  
Sind, in which he said many other things  
including his own health and his Ashram.  
In response to that call, I visited Amritsar.  
The holy saint is very advanced in age and  
cannot move himself. He requires two to  
three assistants to move about. But, after  
meeting him, I went to the Golden Temple  
and there I met the Head Priest of the  
Golden Temple who made a very fervent  
appeal that "Look, this is all what has  
happened." On the same day or the next  
day, he made an appeal to the rest of the  
people of the country also. But then he said  
"There was no SGPC. There was no Akali

Dal. I do not know where they had gone  
after having done all that to the Golden  
Temple." But there was nothing except the  
Head Priest and he told me that "You have  
Kharak Singhji. Why not, please, use your  
good offices and your influence and try to  
see that the SGPC and the five Priests are  
brought together so that they can decide the  
issue as to what could be done to this demo-  
lition or this damage to the holy place ?"

On his asking, I again went to Baba  
Kharak Singhji. I requested him "Babaji,  
you have been doing the Kar Seva through-  
out your life. Why not you come forward  
and do this ?" He suggested me the way  
"You better collect the five Priests."

Then also the Head Priest of the Golden  
Temple told me "Get some of the officials  
of the SGPC released so that they can sit  
here. They can organise some kind of  
organisation to look after the day to day  
worship in the temple and also they can do  
something for the Kar Seva."

It was at that stage that I moved from  
village to village. It was very difficult to  
find all the five priests. Though the priests  
are supposed to be present, because every  
day they have to be present at the time of  
worship, unfortunately other than the  
Golden Temple head priests none was there.  
But I was able to mobilise and bring all the  
five priests there. Then Baba Kharak  
Singhji suggested to me, "There is one  
officiating President of the SGPC some-  
where ; go and get a letter of authority from  
that officiating President of the SGPC and  
authorise the five priests so as to make it  
possible for them to issue a hukamnama for  
doing the Kar Seva". I did that also. I  
found out that officiating President of the  
SGPC. He consulted all that he could within  
the short span of time and he sent a letter of  
authority through his own trusted man to  
the five priests, and then they were asked to  
issue a sort of an order to one of the saints  
to do the Kar Seva. If I remember right,  
the date was perhaps the 17th June when  
the first meeting of the five priests took  
place and they issued a sort of an order to  
two saints based in Delhi to do the Kar  
Seva, and not to Baba Kharak Singhji. That  
was their own independent choice. They

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issued an order to Baba Harbans Singh and Baba Karnail Singh and requested them that the damage to the Akal Takht and the other areas in the Golden Temple premises be repaired immediately. There was no condition attached, there was no other thing mentioned in that hukamnama. It was a two-line thing and unconditional. These two saints were asked to do that. Unfortunately, I have to put all these things now on record because Mr. Indrajit Gupta thinks that this is what we have done. In the meantime, the political manoeuvring of some of the Akali leaders and the SGPC office-bearers saw to it that the order of the five priests was not carried. They got together; some of the remnant members of the SGPC were brought together; a meeting was called; in that meeting it was to be decided whether to honour the order of the five priests or not. Unfortunately, they kept on meeting for days together, for weeks together. Not an order was passed, not a Resolution was passed. Then, instead of passing an order for *kar seva*, that meeting passed an order for organizing *shaheedi jathas*. Another serious situation was sought to be created in Punjab. When the *shaheedi jathas* were to start, on that very day, Baba Santa Singh who was camping somewhere in Bhatinda district, who is a known saint in his own right—his organization took birth right from the times of Guru Gobind Singh, the last of the ten Masters of the Sikh Gurus—wrote to Baba Kharak Singh. Baba Santa Singh was the first saint to write to Baba Kharak Singh: 'Kindly start the *kar seva*, and I am prepared to assist you with all my *jathas*, I will come with my men to help you'...

AN HON. MEMBER: Why is he opposing then?

SHRI BUTA SINGH: He is not opposing. Baba Santa Singh was the first saint to write to Baba Kharak Singh. Let me tell you the story and then you can come to your own conclusion. As you know, the *morchha* was again revived in the name of *shaheedi jatha*. I want to make one thing very clear about the *shaheedi jatha*. The first *shaheedi jatha* was sent, not to release the Gurudwara—as they now say—from the

control of the army; the first *shaheedi jatha* if you go through the newspaper, was sent to commemorate those martyrs who were supposed to have died inside the Golden Temple and Akal Takht. I say this subject to correction. But I can challenge Mr. Indrajit Gupta. If this is not politics, what else is politics? As I said, Baba Santa Singh wrote to Baba Kharak Singh, 'You start the *kar seva*; I will come'. Not only Baba Santa Singh, but more than a dozen Sikh saints from all over Punjab, from all over India, wrote to Baba Kharak Singh.

But Baba Santa Singh was perhaps the first to write to him. Unfortunately, Baba Kharak Singh made a condition that 'unless I am given in writing by the High Priests, by the SGPC, by the Akali Party and by all the Sikh priests, I will not start the *Kar Seva*.' I got all these documents before Babaji. I even mobilised the Akali Dal Ad Hoc Committee Chairman to go and talk to Baba Kharak Singh, 'Please do the *Kar Seva*'. Then Baba Kharak Singh said, 'My only condition now is that I am so old that I cannot walk. You kindly pave a road upto the Akal Takht so that I can take my car and stand there and start the *Kar Seva*.' We did that also and in that exercise we had to demolish some of the portions of those buildings which were coming in the way. We took the road to the Akal Takhtsahib. The car was to go there. But unfortunately these Akali leaders prevented the Baba. Baba had performed his prayer to come to the site and do the *kar seva*. But, unfortunately, these Akali leaders wanted those ruins, those demolished buildings to be used as a political weapon in their politics. That is why they prevented Baba Kharak Singh from going to the site and start the *kar seva*. In these circumstances, Baba Santa Singh came forward. Mind it, Sir. Baba Santa Singh is not a new person. He is known at least to the Sikhs all over the world....

PROF. MADHU DANDAVATE: Just a clarification—it will help us to understand. When we went there to Amritsar, we were told by reliable persons—the Army authorities were also there. They said, 'You made very good efforts. Please see that common

arrangement is made and unitedly the *kar seva* can be undertaken.' You had talks and some agreement was almost arrived at, of course, informally and you said, 'I don't think there will be any difficulty in getting this agreement put through and within 2 to 3 days unitedly this *kar seva* can begin.' You came to Delhi and when you returned from Delhi you said, 'This agreement cannot actually be gone through,' and as a result of that this division started.

SHRI BUTA SINGH : I am happy you said it. Prof Dandavateji, never an agreement was mentioned to me or to my colleague, Sardar Gurdial Singh Dhillon, a former Speaker of this august House. What happened was that Babaji was not given this kind of resolution which he wanted and the last date for the Shaheedi Jatha was approaching. Then some of the leaders of the SGPC and the Akali Party approached the General there—perhaps on the advice of some of the hon. Members from the Opposition, saying 'Why are you involving Buta Singh ? He is a Congressman.' They went straight to the General. They said, 'We would not like this credit to go to a Congressman. We would like you to take this credit. Please come and help us.' You know the Generals. They negotiated.

You know the motives behind this because this particular kind of situation is also sought to be used as a political weapon. They arrived at a broad agreement. But the Generals are not politicians. They said, 'Please reduce 1, 2 and 3 in writing and sign it and give it to us. Then only we will take it to the Government.' At that time they backed out. No less a person than an officer of the rank of Officiating Chief of the Army, Gen Oberoi about whom so much was said in the Press had gone there. They were approached and they went there and an agreement was nearly in sight. Then those leaders, those leaders of the SGPC, those leaders of the Akali Party refused to sign the conditions which they orally agreed. That is why that agreement could not be signed.

Therefore, the issue is not at all that the Government wanted to impose somebody, that we are doing the *kar seva* under the garb of Baba Santa Singh. Let me tell you

one thing again. This *kar seva* inside the Golden Temple is not a thing of the recent times. Since time immemorial, since the time the Golden Temple itself was built, this *kar seva* is going on and it will continue to go on because in the Golden Temple something is always under construction whether it is gold, it is light, it is the walls, whether it is the stones or the painting. It continues and from time to time wherever they need an expert service, they approach the Government of Punjab and the Punjab Government has been lending this kind of service to the SGPC or to other historic places like Durgiana Mandir or any other Mandir.

It is permitted in the Punjab Government that if you want to take a loan or the services of an officer or an expert of an organisation of Punjab Government, it is always advanced ; it is always granted. I should say, because it does not behove of me, as a humble Sikh, that the Government of Punjab, during Giani Zail Singh's time or during Sardar Darbara Singh's time, have made their contributions in a substantial amount by way of Kar Sewa. The latest example was that Government of Punjab advanced Rs. 25 lakhs to provide a channel of fresh water from a canal to the Golden Temple and the holy tank. That was also done at the cost of the Government. Nobody bothered at that time ; nobody said it was interfering with the religion. Sir, if we are doing the same *pavitra sewa* and if the Government has been requested by the SGPC for the help, Baba Santa Singh is equally entitled to ask for any help from the Government of India or Government of Punjab. We have not. But, Sir, as Mr. Indrajit Gupta said, we could have done it since there was an army action. But, Sir, we have not done it to simply respect the sentiments of the Sikh community especially when there is a misunderstanding that what happened there was not to be told to anybody. The people in Punjab know that the Sikhs in general, particularly, those who are connected with the religious affairs of the Golden Temple, know why the things have happened inside the Golden Temple premises. All these things will be dealt with by my colleague, the Home Minister. I wanted to put the records straight that Baba Kharak Singh

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was welcome at that time and is welcome at any time. But, Sir, Akal Takht Sewa is nearly complete by Baba Santa Singh Ji. The things are going on and people are talking about that. In the meantime, another Baba who is known for Kar Sewa, Baba Mangal Singh, came forward to do the Kar Sewa in the rest of the premises. But, unfortunately, he was forced to go out of it because he was threatened by some of the elements that if he joined the Kar Sewa, he would meet the same fate at the hands of those who did not like it. Therefore, in the circumstances, I do not think that Government of India or Government of Punjab has done anything wrong. Baba Santa Singh has come on his own. Everybody and the people from all over the country are coming forward to help Baba Santa Singh.

SHRI K.P. UNNIKRISHNAN (Badagara) : Sir, I never thought that the Golden Jubilee Amendment of the Constitution, that is, the Fiftieth Amendment of the Constitution, would be so disturbing a piece of amendment that should cause deep concern.

It is important in the sense because we are discussing an important amendment which is not only an assault on the spirit of the Constitution but it is also related to the events in the Grecian Tragedy, that is, in Punjab.

Sir, I am not one of those who hold this Constitution in Subba Rao's words, to be transcendental, sacrosanct or immutable. I never held that view and I shall never hold that view in times of changes and in tune with the dynamics of social change, the Constitution will have to undergo changes; the Constitution will have to undergo such transformation as would be required from time to time.

But, Sir, when it comes to the question of certain institutional framework that the Constitution has provided and when it comes to the valuable personal liberties and democratic rights given to the people of this country which they have secured over

decades of struggle, then, we have to be careful.

Sir, I consider this amendment to be a dangerous precedent and it is violative of the principle of the Constitution because it is an assault to basically exceed the parameters of the Union power over the States by the institutional arrangements, that is the content of our Constitution. I would like to mention a word about the very amending process and the constituent powers of Parliament. We have seen to-day an attempt is being sought to rush through a certain piece of constitutional amendment.

Sir, Parliament's exercise of constituent power is very different from its ordinary exercise of legislative power. Therefore, the Constitution makers or the Drafting Committee of the Constituent Assembly took abundant caution and all these provisions regarding the amending process of the Constitution were gone into several times and a special procedure for amending of the Constitution prescribed. It is because we cannot approach the amending process and exercise the constituent powers of the Parliament by a casual approach to this problem and that is exactly what is being done today.

Sir, before I come to certain other points which have been raised by many hon. Members on the other side and particularly by Sardar (Baba) Buta Singh, this tends to change Clause 5 of Article 356. I do not want to narrate or go into the details or background of this question whether it be the dismal record of Sardar Darbara Singh's government but—he may be accused of any other thing, he could be accused of inefficiency—it needs reiteration that here was a man who stood with the nationalist forces throughout his political career and that proved to be his undoing. When there were people in this House, distinguished members on the other side who eloquently defended Antulays and various other luminaries who produced massive mandates since 1980 in different States there was none to defend this man. It goes to a lasting infamy. Not only you sacked him but you did not also defend him. On the contrary Delhi became a centre of conspirators against this Govern-



ment so that he could not function in Punjab as Chief Minister. And that is phase number one of the problem.

Whatever may be his other shortcomings you had President's rule, you imposed President's rule for 9 months and there was a Governor who talked about improvement in climate of industrial relations when people were dying like flies in the streets and when you were talking not only in the tripartite meetings but you were also talking behind our backs trying to manoeuvre the situation by carrying on another set of negotiations with the Akali Party whom you want now to pull down. But this amendment—to which my distinguished friend, Shri Indrajit Gupta referred to as another Ninth Schedule—falls into a different category. It is so dangerous a thing that State after State in spite of the assurances which have been given a little earlier, maybe casually, I am sure it will be reiterated by the Home Minister, this sets a dangerous precedent. Sir, the last spell of President's rule in Punjab led us to the slippery path towards a precipice leading to Army action. Now, Sir, it only became a cover for continuing political manoeuvre. The basic thing has been a refusal to accept this reality that there are other elements in Punjab, political elements—whether Akalis or others—with whom you have to resolve certain problems which have come up. Please don't try to confuse or frighten us with the Anandpur Sahib resolution. When we were talking with our Akali friends, asking them to interpret the Resolution we were told suddenly one fine morning that religious demands have been accepted.

Religious demands have been accepted. Well, we said even if some of them are dangerous, if they provide—a framework for a solution, we have no quarrel. On a number of things they have gone back, whether religious or secular. There is no mention about those essential issues which led to an agitation. On the contrary, an attempt has been made in the White Paper to completely change the entire context of the problems of Punjab so that it becomes a defence for governmental action or inaction. Sir, the question simply is this. Mr. Bhatia, my esteemed friend and very dear friend, raised certain questions about the success of

the Punjab policy. Is it your glory, a success that the entire brave Sikh Community stood isolated, alienated from the national mainstream (*Interruptions*)

PROF. N.G. RANGA (Guntur) : It is a total success.

SHRI K.P. UNNIKRISHNAN : Prof. Ranga, I have great respect for you. I hold you in great esteem. Please come with me and we shall meet some people in Punjab. I am open to correction, we are open to correction. There is no use of hiding fact. For that you cannot find solution. Therefore, is it your success? What your success is that an impenetrable wall of distrust has been created between the brave Sikhs and brave Hindus of Punjab in the most sensitive State. Is it not that the Sikh community of your State bore the brunt not only in our country's defence and its security but also contributed to our national economic well-being by providing food for us, feeding us? Is it the reward that you are giving to the people of Punjab? You will have, Mr. Ranga, to do violence to facts to suggest that you have brought normalcy in Punjab or any of these things. On the contrary, it is the political bankruptcy that has led to army action. It is nothing but political bankruptcy of the leadership which is called charismatic, which is called second to none in the world, which is called international in its dimensions. It is the bankruptcy of that leadership which has brought Punjab and this country into this precipice.

15.30 hrs.

[SHRI F.H. MOHSIN *in the Chair*]

Sir, certain references were made. Now, Mr. Buta Singh, is not here unfortunately. I wanted to clarify one or two more points. Now, in regard to 'kar seva' business, I do not want to enter into any controversies about the individuals. It has actually added insult to the injury. Whether it is a 'kar seva' or 'Sarbat Khalsa', every step that you are taking, it is not the so called healing touch of which we have heard in the first week soon after. Can you have anything more ridiculous than to see the Baba come on the national network of TV on 8th July

[Shri K.P. Unnikrishnan]

and not only condemn Bhindranwale but praise the army action? Now, by the middle of the month, he is arrested, taken into custody and the entire national press, Punjab press, comes out with photographs of masks used by the terrorists recovered from his house and huge haul of weapons and arms and ammunitions from his first disciple's house and in another 10 days, he becomes a 'Baba'—a great glory to Punjab. He is introduced, after tortured, as is alleged by him or his followers, as leading the 'kar seva'. Sir, you tell me : Can any man accept that there is no force used in these things ? You go and ask anybody in Amritsar. They will laugh at you. Ask anyone in Punjab, Hindu or Sikh or anybody, you will know the fact.

Sir, there is a very small point on which I want a clarification. SGPC has been referred to as somebody's personal property. The Punjab Gurudwara Act was enacted in 1925 after a prolonged struggle by the Sikh masses against the Mehant Udasi.

SHRI NIHAL SINGH : Who took Bhindranwale to Gurudwara? (*Interruptions*)

PROF. MADHU DANDAVATE : If he provokes us I will tell under whose order actually he was released when the Chief Minister was prepared to arrest him. (*Interruptions*).

SHRI NIHAL SINGH : It is SGPC people who took him inside.

MR. CHAIRMAN : Some of you can reply to him later on. This is not the way to interrupt.

SHRI K.P. UNNIKRIISHNAN : This prolonged struggle was won by the Sikh masses, because, as I said, I must also mention that it was this Mehant Udasi who honoured General Dyer with *saropa*. There is a historic background to SGPC. Don't try today to put before the people of this country that this is a bunch of traitors, this institution. Please do not try to do that. You are again injuring the feelings of millions of people in this country by doing so. There is a Punjab Gurudwara Act which is

on the Statute Book today ; it has not been repealed. SGPC is a creation of this Punjab Gurudwara Act. Section 56 of the Act says—whatever may be, I hold no defence for Mr. Tohra or anybody of the SGPC. (*Interruptions*). You have done them. You do whatever you want, but you respect the law, you respect the rule of law ; that is the question I want to pose. Section 56 clearly says that nobody can undertake any repair, modification or otherwise under any circumstances of any Gurudwara in Punjab without the clear approval and permission of SGPC. Have you repealed this Act or is it on the statute ? What is the attitude of your Union Government to this Act ? Forget. You put him behind the bars. That is a different thing. Whatever he may or may not have done, he can defend himself. (*Interruptions*). I can give only the facts. If he cannot understand it, I am sorry for it. (*Interruptions*).

MR. CHAIRMAN : You may not agree with him, but let him continue. You can have your say later on. He should be allowed to speak unless he uses derogatory language ; he is not using it. You may differ with him, but that is not the reason for interruption.

SHRI K.P. UNNIKRIISHNAN : Therefore, I want to reiterate it because this is very important in the context of this Bill and the developments in Punjab. Here is a legislative enactment which you are bound to respect not only because of its background, but, as I said, Mahatma Gandhi, when this Act was passed, said, "The first battle for freedom has been won." Therefore, you are bound to respect this enactment for another reason, because there is a commitment under the Constitution to a minority. On the one hand this is the law of the land which you are bound to respect constitutionally, legally and morally ; and another dimension is that you are bound to respect it because this relates to faith and protection of faith and centre of worship belonging to a minority. What is your attitude to this ? Tomorrow you can say that it is a different thing. I am not a religious person at all. When some of us went and called on Baba Kharak Singh, who is respected by everyone in Punjab regardless of any party affiliation and who

has 75 years of dedicated social service in that State in that part of the work, he said one thing which moved many of us : "I have nothing in this world. I was a friend of your former Speaker Dhillon, he knows me for many years. I know everybody in all the parties. I told all of them : you can come and have your food. You can pray here. You can stay here but no politics here." This has been his approach. He says that he told the same thing to some Fateh Singh and Mr. Dhillon. He said regretfully that his gurudwara and adjacent prayer hall were searched for firearms. All that they could find was a walking stick. He said : I am prepared to do kar seva. Please go and tell Shrimati Indira Gandhi to restore Hindu-Sikh amity in Punjab. That is all that I want to have. And with this white beard I am prepared to polish her chappals. This is what he said. It is a tragedy that you could not involve such a man in kar seva. Why ? He referred to some specific incidents. Is it a fact or not that there was an agreement on 13th and 14th of July between the representatives of SGPC and General Oberoi and his Army ? Why is it that Delhi rejected it ? (*Interruptions*).

Why was it rejected ? Was it rejected because in the Sikh tradition, in the Golden Temple complex, kar seva always began with the talab and this order of priority is going on in the Sikh tradition from Talab to parikrama and other things—Akali Takht, Harmandir—and that was not acceptable to you because of certain political reasons ? In 1973 when kar seva was held under the leadership of Baba Kharak Singh, on the very first day 2.5 lakh people both Hindus and Sikhs, from Generals to industrialist to rickshaw pullers queued up in the streets of Amritsar. You did not want that to happen for the simple reason that if they had come and started with the talab, they would have seen the extent of damage in the rest of the Temple complex. You want to scuttle it. My charge is that you wanted to do this sarkari seva and not kar seva. This is why, this arrangement which was agreed upon could not be implemented.

He had also said that the army will be withdrawn. It is a fact that there are only half a dozen pickets, even the entry for

worshippers into the Toshakhana and other places is a regulated entry. Can you call that there is free entry into Golden Temple for those who want to go and worship ? It is not. Therefore, an extraordinary situation, not of normalcy but of abnormalcy prevails in Punjab. What I want to say is if you persist in this approach of confrontation, there can be no peace in Punjab. There is only one way for bringing normalcy in Punjab, or I would say in the nation, and that is the method of consensus. You cannot run this country. You can get a massive mandate, you can have established majorities in Legislatures or in Parliament, but you cannot govern. That is the situation we have been reduced to because this massive mandate does not carry with it moral authority, this leadership has no moral authority and morally they have become bankrupt. Therefore, I know that they are in search of a consensus. Somebody asked why we were not consulted ? Why should you have these illusions that they will consult you, just as they are having the illusions that the Sikh community is all with them ? Some people from my constituency were going on tour the other day. When they were inside the Lal Quila to see a show there, their bus was taken away, the day previous to the *Sarbat Khalsa*. We know how people have been taken, how from Haryana, under the great Bhajan Lal, every police station was asked to take people for *Sarbat Khalsa* and for *Kar Seva*. Everybody knows that. In every village in Haryana or in Punjab, people know this. You can carry on this situation. Therefore, there can be no peace in Punjab. I also wish to say that you cannot escape the consequences of the situation, whatever you may do. This Constitution amendment or no amendment, you cannot escape the consequences.

MR. CHAIRMAN : I may inform the hon. Members that only one hour was allotted for this discussion and we have already taken 2½ hours. This subject has been discussed more than half a dozen times, so, I would request the future speakers to take as less time as possible.

PROF. MADHU DANDAVATE : How can they destroy the Constitution in one hour, Sir ?



MR. CHAIRMAN : Now Shri Chitta Basu.

SHRI CHITTA BASU (Barasat) : Sir, I rise to oppose this Constitution (Amendment) Bill. The reason for my opposition is that this amendment seeks to erode certain institutional framework of the Constitution. Article 356, as you know, has been used for not less than seventy times and Presidential rule imposed not always for Constitutional breakdown. From this side of the House, by many Constitutional pandits, it has been alleged that on many occasions this provision of the Constitution has been used for partisan interests of the ruling party at the Centre. It has also been used even to resolve the internal dispute of the ruling party.

15.50 hrs.

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

After the Emergency, when the Janata Party was returned to power by the people so that democracy would be restored, Parliament brought about certain amendments, reducing the period of the President's rule. That does not mean that the Janata Party could fulfil its pledge for the restoration of democracy, but I would say it was a partial fulfilment of the commitment for restoring democracy, as the period of the President's Rule was reduced.

Now you want to extend it by another year, of course in the context of a specific situation prevailing in a particular part of the country. That is the only argument which seems to many plausible. But, naturally, it raises the apprehension that, if a similar situation takes place in a different part of the country, at a different point of time, you would not hesitate to destroy the institutional framework of the Constitution.

Just to meet the situation in a particular State, at a particular given period of time, it would be unwise, immoral, unjustified and improper to make the Constitution itself a play thing. Since a particular provision of the Constitution does not suit the ruling party to deal with a situation in a particular

area at a particular period of time, you would not hesitate to amend the Constitution, make it pliable, to see that the particular political strategy of the ruling party is fulfilled. Even for such purposes, such tinkering with the Constitution is resorted to. It is on this account that I am opposing it. You cannot make the Constitution of the country a play thing ; you cannot make the amendment of the Constitution in order that you can take advantage of the situation. That is the main ground of my objection to this amending Bill. If that tendency becomes stronger, ultimately you will change it in such a way that it will become a dangerous amendment.

Therefore, it is unwise to allow this kind of Bill to be passed by this House. Many questions have been raised, especially the specific situation prevailing in Punjab today. Sir, since you are there, I am very unhappy that you will automatically start ringing the bell, the moment you are pleased to sit there. Therefore, I cannot discuss it in detail. I know my limitation.

It is correct, as some of my friends from that side have said, we on this side have not been too harsh on the Akali Dal. I know that the Akali Dal cannot be absolved of the responsibility for the situation they have created. But, that does not mean that the Government is not responsible for the situation which has developed in Punjab today. In fact, Congress(I), which is the ruling party, is more responsible, for it. You will have to pay the penalty for it.

Even today, while the Government policy has been announced as one of healing the wounds, the steps which have been subsequently taken do not create conditions for the healing touch.

But I would only remind you that wounds may be healed up by certain methods, but the scar remains. And the scar on the Hindu and Sikh unity is more dangerous and dangerous from the point of view of the nation's unity and security. If somebody from that side accuses us that we are less patriotic, that we are not also equally concerned about the unity and integrity of the country, they will merely be committing certain mistakes. But the problem, as the

situation prevails, is to bring about a political solution of the Punjab problem. Instead of making renewed efforts in the changed condition where both the parties are required to recoil from the position already taken, this particular step does not contribute towards an amicable settlement or building up of amity or creating a condition which leads ultimately to a political solution.

Sir, the intention is very clear even from the Statement of Objects and Reasons that the Government wants time to have a government there. And for that you have had several rounds of secret talks, but have failed to come to an agreement amongst yourselves. So, you ask the Parliament to give you time so that you can manipulate to have an accepted Chief Minister. Therefore, you are asking us to give that authority to you by way of accepting this Amendment. But how can we equate the nation's interest with your party's interests? This is the grave charge which I want to make that the whole intention behind this amending Bill is that you want to equate the nation's interest, which in this particular case is to restore normalcy, to create conditions for Hindu-Sikh unity, to create a climate conducive for working towards a political solution of the problem and your party's interest to find an acceptable person to become the Chief Minister. Therefore, Sir, this is not fair, this is not justified and this is not proper. I think this House should not be a party to this act of yours.

I don't think that the Constitution cannot be changed. Constitution can be changed. I do not accept that theory of unchangeability of the Constitution. But changeability for what objective? This is not the objective. We cannot be a party to the amendment of the Constitution for your own partisan interests. Therefore, Sir, I oppose the Bill with all emphasis at my command. I think the House should reject this because it will set a dangerous precedent.

**SHRI HARIKESH BAHADUR** (Gorakhpur): Sir, so much has been spoken on this matter. Therefore, I will not take much time.

Sir, I rise to oppose this Bill because I

find there is no justification for this Constitutional Amendment. In fact, I treat it as a constitutional subversion, because we are finding everywhere that this Government is either subverting the Constitution or destroying the Constitution or violating the Constitution.

Throughout the country, everywhere we are finding that this kind of thing is being done. Recently, what has been done in Andhra Pradesh? This is a very clear example of what I have said. As it has already been stated here, there is an internal dispute in the Ruling Party, they are failing to find out suitable leadership for Punjab, that is why they are going to the extent of amending the Constitution for taking a year to resolve that crisis. It is very unfair, and it is a very dirty activity so far as this particular amendment is concerned.

16 hrs.

Now, I would like to say that there has been insurgency in several States in the North-East region of this country. We have discussed this matter time and again in this House and we are finding that Army is there to assist the civil authorities in those States, in many of the North-eastern States, and we are finding that popular governments are already working there. There is no need of President's Rule in any one of those States and it is a very correct stand of the Government that without imposing President's Rule you are trying to solve the problem with the help of the popular government and if you are finding any necessity, you are sending the Army there to assist the civil authorities. The same thing you can do here also. But you are not doing it. Here you are amending the Constitution in order to have Punjab under your control and not trying to instal the popular government there. Here, on the floor of this House the honourable Home Minister had said that 7½ times the Army had been called in various States to assist the civil authorities during these four-and-a-half years. If this is the situation, what is wrong in installing a popular government in Punjab and if there is any necessity of the Army, then the Army can go and assist the popular government there. But you are not doing

[Shri Harikesh Bahadur]

this. This continuance of the Army is a very dangerous thing and it will finally create a big problem even for the integration of the country and it will ruin the basic character of our Army also. That is why continuance of the Army for a longer period is deplorable and the Government should not insist on that.

So far as the problems there are concerned, the Government is not solving the problems, they are not finding any political solutions of those problems. About territorial dispute, about water dispute etc. the question is whether any negotiation is going to take place, whether the Government is planning for any negotiation, and whether there are really seriously concerned to solve these problems. If these problems are not properly solved and political solutions are not found for these problems, certainly there will be no peace and certainly there will be disturbance. Therefore, I request the Government, through you, that they should try to find out some political solutions to these problems and this can be done only after the installation of the popular government. The Assembly is there under suspended animation. That can be brought into existence if you like and a popular government may be installed there.

Shri Nihalsinghwal is not here. I would like to say that he was talking of Bhindranwale and he was also talking as to who had allowed him to enter into the Golden Temple and all that. I would like to say one thing very clearly. Bhindranwale was created, encouraged, strengthened, used and finally killed by the Ruling Party. The entire country knows it. You may deny it hundred times, but nobody is prepared to accept it. I would like to say that since this Government has failed in solving the problem of Punjab and since they are unable to control the situation, they should tender their resignation. You are removing the Governor, you are removing a Home Minister, and everybody, but the person who is mainly concerned with the whole problem, that person is not resigning, and she is the Prime Minister. And unless she resigns, there will be no solution of the problem. By amending the Constitution

you are not going to solve the problem, rather you are aggravating this problem. This is my charge against you.

With these words, I oppose this Bill.

श्री जयपाल सिंह कश्यप (आंवला) : उपाध्यक्ष महोदय, मैं बहुत ही थोड़े शब्दों में अपनी बात कहना चाहता हूँ। मैं संविधान (50वां संशोधन) विधेयक का विरोध करता हूँ।

यह संविधान (संशोधन) बिल नहीं है, बल्कि संविधान और प्रजातंत्र पर एक बलात्कार है। कहा जाता है कि हमने पंजाब की समस्या बहुत सीमा तक हल कर ली है। लेकिन यह बिल इस बात को सिद्ध कर रहा है कि सरकार पंजाब को एक और साल के लिए नौकरशाही के हवाले करना चाहती है। हम जानना चाहते हैं कि वहां पर प्रजातंत्र कब बहाल होगा। मंत्री महोदय एक निर्धारित समय बतायें, जब वहां से सेना को हटा लिया जाएगा। यह बिल इस सरकार की असफलता का प्रतीक है।

सरकार को पंजाब की समस्या का समाधान करना चाहिए था। लेकिन वह इस कोशिश में लगी हुई है कि चाहे संविधान में संशोधन करना पड़े, चाहे संविधान की हत्या करनी पड़े, चाहे प्रजातंत्र की हत्या करनी पड़े, लेकिन सत्तारूढ़ दल का हित-साधन होता रहे।

एक अजीब सी बात रोजाना सुनने में आ रही है। मंत्री महोदय और सरदार बूटा सिंह से हम जानना चाहते हैं कि वहां पर कौन सा सुनहरी बाज आता है। क्या वह बाज हमारे दसवें गुरु गोविन्द सिंह जी महाराज का है? देश में तरह-तरह की अफवाहें फैलाई जा रही हैं। उनका कोई खुलासा होना चाहिए। क्या वह वाकई गुरु गोविन्द सिंह जी महाराज का बाज है? या वह बाबा बूटा सिंह या बाबा सन्ता सिंह का बाज है?

आज वहां पर बाबा सन्ता सिंह कार सेवा कर रहे हैं। मेरी मांग है कि कम से कम स्वर्ण मंदिर के भीतर से सेना को हटाया जाए और स्वयं

सेवकों पर यह जिम्मेदारी डाली जाए ।

इन शब्दों के साथ मैं इस बिल का विरोध करता हूँ ।

SHRI CHANDRAJIT YADAV (Azamgarh) : I think we do not contest the Home Minister's contention that this amendment applies only to Punjab, because it is a very specific amendment and even the date is given, the State is given and the situation has also been explained. Therefore, we do not contest on that account. But what we are contesting is that this is a dangerous precedent which the Government is setting up for very lightly making amendment in our Constitution. I think the Home Minister wanted to know from us the previous day and wanted us to cite certain examples where the majority or minority had been tested on the floor of the Assembly. I would like to ask him whether any time since our Republic came into existence, this kind of amendment has been brought which is temporary in nature, very specific situation and does not deal with any basic things ? The Constitution of the country always deals with certain basic principles and certain basic structure. In the Constitution's basic structures, constitutional amendments are not brought like this that you do certain thing for a temporary and specific period and then it becomes infructuous. This amendment will *suo motu* become infructuous after one year because it relates only to a particular situation in Punjab. Then you will have to bring another amendment to repeal this provision unless not want to put extraneous things on the body of the Constitution.

16.07 hrs.

[MR. SPEAKER *in the Chair*]

Therefore, what we are fearing is this—that this amendment sets a dangerous precedent. Whenever anything will suits the Government convenience and for their political purpose, they will be bringing this kind of amendment.

Another thing which this amendment shows is the Government's total inability to

solve a political problem which needs a political solution. The Home Minister may kindly look into the debate of the Constituent Assembly when this particular article was being discussed. At that time there was a lengthy debate and suggestion from three months to six months was made because people were very hesitant that this can be always misused and in a democratic set-up, there should not be any President's rule imposition or the suspension or dissolution of Assembly, once the people elect the Assembly and their own representative institution. Then, with great difficulty, a compromise was reached that in no situation should it be more than a year. And that is why, during the last 35 years, there was no need of bringing any amendment or extension of the President's rule beyond one year. Now, Sir, the Government has in its wisdom broken all the traditions and have gone against all basic principles of the amendment of the Constitution by bringing this kind of amendment which is worse than an ordinary enactment or ordinary law. Sir, does the Home Minister really feel that only extension of President's rule is going to solve the Punjab problem ? If you could not do it in one year, tell us what is the guarantee, what is the assessment that you are going to do within next one year ? What is the guarantee for that ? Have you done anything to find a political solution to the Punjab problem ? In spite of all efforts during the last 20 years, no solution has been found for Chandigarh ; no solution has been found for territories ; no solution has been found for waters and now things are getting aggravated day by day.

I do not want to bring all those things that the entire Sikh community is antagonised. Therefore, I am not bringing all those things. But is it not a fact today ? Should we not really feel concerned that the Sikh community is hurt though they are peaceful, they are by and large not supporting the demands of Khalistan, they do not indulge in violence – and all credit to Sikh masses in Punjab ? That is, in spite of so many provocations and so many humiliations of the Sikh community from the Asian Game time to the entry of the Army into the Golden Temple, the Sikh masses by and large remained peaceful. They remained non-violent. And nobody knows better than

[Shri Chandrajit Yadav]

you, Mr. Speaker, that in Punjab villages, villages after villages, hundreds of villages where 85% Sikhs are living and may be 10% or 15% Hindus, there is no mass attack and no mass burning. And nothing of that sort except these misguided extremists were indulging in violence and creating terror and killing Hindus as well as Sikhs. Innocent Sikhs were also killed ; innocent Hindus were also killed. Nobody supported them. But today I am really surprised at what the Treasury Bench has chosen. If we suggest anything concrete or any positive thing and draw the attention of the House to certain dangerous situation, then they feel that we are outright supporting S.G.P.C. Akali Dal and outright supporting extremists, and we are not for solution, they feel that we are creating hindrances. But will you not really put your hand on your chest and find out what has happened in Montreal ? Today, we are not able to send our High Commissioner to Canada because we need special security for our High Commissioner. (*Interruptions.*) You may say 'No' but he told me the other day in the Central Hall, I am not going because our Government is asking for certain special security. You may deny it. But I am telling you what he told me personally that because of that fact he was not going. Our national flag is being insulted. It is a shame. I think that it is not that they have become unpatriotic but perhaps out of anger. Mr. Buta Singh will bear testimony to this fact that after our Army entry into the Golden Temple, Sikh community feels much more hurt emotionally and religiously.

Now, the Prime Minister says, "I want to give a healing touch". The best healing touch would have been to reconstruct the Akal Takht with the consent of the entire Sikh community and the things should have been left to them. Mr. Buta Singh narrated his own efforts. We are not contesting his efforts. But this is also a fact that I want to confront him with. Either let him tell us or let the Home Minister tell us. When some of the leaders of the Opposition visited Amritsar last time, we had a meeting jointly with the Akali Dal and the SGPC. They showed us an agreement ; draft certain amendments were made on the original copy in the handwriting of Gen. Oberoi. They

said that in regard to certain things which they had objected to, Gen. Oberoi made these corrections ; these corrections were in his own handwriting ; he went to Delhi, came back and said, "Sorry, this agreement is not acceptable to Delhi. Therefore, this agreement does not hold good." So, you have finished this matter here. You are now saying that they backed out. They are saying that this is the situation. They showed us the original document, the 10-point draft agreement.

Again, here, the Prime Minister said that the Akali Dal and the SGPC want to keep it as a monument of ruin whereas in that agreement, there was a clause wherein they have said that let Baba Kharrak Singh do the Kar Seva and that within three days of this agreement, the Kar Seva will start ; the Akal Takht will be repaired. They did not say, "We want to keep it as a monument of ruin." There was a specific clause in that agreement that within three days the Kar Seva will start. But now the Government has backed out.

I would like to say one more thing. The Government should give a serious thought and, particularly, the Home Minister, to one thing that Punjab situation is basically a political situation and that needs a certain political solution. Unless and until you find a political solution, there will be no peace ; there will be no harmony and it will be bad for Punjab ; it will be bad for the whole country and it is not only for the Sikh community but it is for the Sikhs and Hindus and all Punjabis. The Government must change their attitude and stop taking political advantage out of it. Instead of solving the basic problems which concern the entire Punjab in regard to Chandigarh, territorial and water disputes, they thought it necessary to solve first the religious problems.

THE MINISTER OF AGRICULTURE (RAO BIRENDRA SINGH) : What about Haryana ? Should Haryana be ignored ?

SHRI CHANDRAJIT YADAV : We do not want to ignore Haryana at all. We have said that Haryana Canal should immediately be dug up. We have said that the question of Fazilka and Abohar should be solved, whatever part is to go to Haryana should go

to Haryana. We have said that Haryana new capital should be built and that the Government of Punjab and the Central Government must give financial support in building up that capital. We do not want to ignore Haryana's claim. Nobody is ignoring Haryana's claim. But in the name of Haryana, there were certain elements which were trying to block an amicable settlement. And that is how the entire problem came up. What I am saying is that the Government must start again negotiating with the people who really matter in this political solution without making it a prestige issue.

Another thing about which I would like to warn the Home Minister is that there is talk that SGPC is going to be abolished. Please do not do this kind of a dangerous thing. It will be like playing with fire. The SGPC authority and its existence was achieved after a great deal of struggle. The SGPC even today is the creation of law. You are already doing an unlawful thing by ignoring its existence. If the Government starts doing an unlawful thing, how will the common citizen abide by law. Without the SGPC's approval, nothing can be done, neither repair nor alteration, nor even reconstruction of Akal Takht. But that has been overlooked. I, therefore, say that the Government must change its attitude. The Government must find a political solution and, without a political solution, there will be neither peace nor harmony in Punjab and that will always create a major problem not only for Punjab but for the whole country.

SHRI BUTA SINGH : I am sorry because I have to again budge in because Shri Chandrajit Yadav has repeated another patent point about Kar Seva. I am sorry I have to come time and again on record to say that the responsibility squarely rests on those who are trying to use this particular situation and incident for their political reasons.

I have with me the message received from General Oberoi in which he has clearly state that "This is the message. The report on negotiations carried out by me with representatives of the Akali Dal and the SGPC is given in the succeeding para-

graphs."

I will read only the concluding one because that contains the points which the hon. Member needs :—

"The negotiations broke down...."

And mind it, it is from the General.

"for the following reasons :—

No Army Guard even in Civil Courts, as nowhere, small in strength, will be allowed in the complex."

This is for the Akalis. Then

"They could not start Kar Seva within 3, 4 days. Once Kar Seva was handed over to Baba Kharak Singhji, they have no hold over the time-schedule and all that. They could not guarantee that work in Akal Takht would commence. And in view of this rigid stand by the Akalis and the SGPC, the representatives' talks finally broke down by 19.30 hours on July 16."

I cannot add any thing more to this. Simply because as I said..

PROF. MADHU DANDAVATE : You had told me before going to Chandigarh...

SHRI BUTA SINGH : I am also out of the picture. You are also out of the picture because coincidentally on that very day I was in Amritsar. I was keeping myself available so that things could be smoothened out. Right from the beginning, we have been striving very hard for the not to allow the previous bloodshed to continue and that these holy precincts should be repaired with the cooperation of all.

One thing I want to say, from the words of Baba Kharak Singhji. He said it. He put Akalis in my presence and in the presence of Mr. Gurdial Singh Dhillon and said that the day he will swart Kar Seva, he will also try to see that all sections, Akalis, Congress, Communist, everybody, comes for the Kar Seva and the Akalis said "No". But I am not going into the details of that. The problem



[Shri Buta Singh]

is unfortunately the Leaders of the Opposition, in their anxiety to put forth the viewpoint of the Akalis forget that there is a past also attached to the whole situation and in view of that past, they are free to make allegations and point their fingers towards the Government. But, for Heaven's sake, at least for once, they should make indepth study as to why this situation was created. Did they at any time address their colleagues and their bosom friends, the Akalis? Why have you been all along allowing the situation to come to this climax, that the whole thing came to such a pass? This is the question which they have not addressed even to their friends. I am sorry out of this the whole misunderstanding comes. The Kar Seva was a very holy thing and we were very keen that it should be done in an atmosphere free from acrimonies and from any kind of malice. And the Akalis and their leadership did not cooperate in that. And that is what I want to say 101 times.

SHRI P.V. NARASIMHA RAO : Mr. Speaker, It is not for the first time that at the end of a debate I have made a fervent appeal that we come back to the subject of the debate !

I did expect that this very brief, very pointed, amendment to the Constitution which is necessitated for obvious reasons, would expand itself into a general debate on the Punjab situation.

But I must say again and again that the focus is on one particular measure.

Points were raised in regard to the need or the desirability of this measure. If we had confined ourselves to these points, maybe, we could have completed this debate much earlier.

Mr. Indrajit Gupta, whom I consider as one of the less unreasonable Members of the Opposition, put this point in bold relief. He said : 'Why don't you have people's government for two days? Then you will not need this'. How I would like to say that this was precisely the choice to be made by the Government. We have a date, a

date which cannot be altered by any means, that is, the 6th of October. Now, do we put ourselves in a position where as the date is approaching our blood pressure also goes up and finally we end up with a wrong decision, the decision being that in a hurry we do something for two days, only to repent the third day, and bring the President's rule back? This is not my idea of working a Constitution or working a responsible government in a State. What did we do? We have not ruled out formation of a people's government. Since Assembly is there. We can do it, maybe ten days hence. But we have a date before which we have to do it, we have to have this amendment of the Constitution, and that is the 6th October. Even now I say that we may not have to press into service the provisions of this Constitutional amendment...

PROF. MADHU DANDAVATE : You could have thought about it earlier.

SHRI P.V. NARASIMHA RAO : There is no question of earlier because the question of bringing about normalcy has arisen only in June and July. Do not talk of one year. That is what you have been trying to say. Out of the last one year, ten months have gone in something which we all know about, which we have discussed about. We had only two months, and within these two months or two and a half months, we had to do a lot of cleaning up. That has been undertaken. I would be able to give all the details to the House on this, but because the purpose of this Bill is something different, I would only say in brief that I am satisfied that the pace of this cleaning-up has been as it should be. You cannot force it too much, you cannot force it beyond a point, mind you. Administration in a State is a very sensitive thing. If it has gone wrong for various reasons—we know, it has gone wrong for various reasons, but it is a sound administration essentially—you cannot possibly change it overnight from top to bottom and create more problems for yourselves. We have to deal with it with care, with caution, with a certain circumspection, and see that it is made to work. Something which had gone wrong as a result of so many unusual circumstances can-



not be set right overnight. So, we needed some time. We have taken some time ; we have done what was possible within these two and a half months. But I have never claimed that there is absolute normalcy. This was also one of the points of criticism : that on the one side, the Government says that normalcy has come, and on the other side, Government is bringing this Bill. I did not say that normalcy had come completely. But normalcy is returning at a pace which, from my point of view, is satisfactory. Maybe, I would like to bring it even sooner. But then, as I said, we cannot force the pace beyond a point. There is something which has gone wrong, and it can be righted in its own time, and we have to be quite careful about that time. That is why, we want to equip ourselves with this provision which is confined to a State, confined to a Proclamation, confined to a situation, which, I hope, I pray to God, will not repeat itself in future. But the point is that it has confronted us now. And what do we do ?

Last year we had a situation like this, something akin to this, not quite identical but something akin to this, in Assam. Now I am not going into that—why a constitutional amendment then was not brought and why the other alternative of election was chosen. I am not going into that. But I will certainly refer to that because that is a parallel to some extent and Constitutional amendment that would have been unprecedented then as it is unprecedented to-day and this would have been the second unprecedented amendment. But, of course, we had to pay a price in Assam and that price we do not want to pay once again because a heavy price has been paid here also already. So it is only for abundant caution and in order to be able to take decisions in their own good time and also see that a popular government is brought about in a manner which does not smack of a decision being forced on us or the Democles' sword hanging on our heads. This is the intention of bringing this amendment. It is quite possible that this may not be used at all. But we do not want to take that risk. That is why this amendment is being pressed. There is no need to go into any other issue. If the House wants and if you have the time,

you can have another discussion on Punjab. I have no objection. I am here to reply. Only I had to request Baba Buta Singh...  
(Interruptions)

SHRI BUTA SINGH : I think it is high time that I go with folded hands and become a real Baba.

SHRI P.V. NARASIMHA RAO :...to intervene twice because I do consider that point to be very very crucial. I want the hon. Members from the Opposition to realise this. Whatever version has been given to them is not correct. The version which Mr. Buta Singh gave is the correct one and in any case you do not get any benefit in raking that up. It is a question of looking to the future as I have been saying again and again. So, with these words, I commend the Constitution (Fiftieth Amendment) Bill to the approval of the House.

MR. SPEAKER : Before I put the motion for consideration to the vote of the House, this being a Constitution Amendment Bill, voting has to be by division. Let the Lobbies be cleared.....

The Lobbies have been cleared.

The question is :

“That the Bill further to amend the Constitution of India, be taken into consideration.”

*The Lok Sabha divided.*

Division No. 12]

[16.39 hrs.

AYES

Abbasi, Shri Kazi Jalil

Ahmed, Begum Abida

Ahmed, Shri Gulsher

Ahmed, Shri Kamaluddin

Ajit Pratap Singh, Shri

Alluri, Shri Subhas Chandra Bose

Anand Singh, Shri

Ankineedu, Shri M.

Ankineedu Prasada Rao, Shri P.

Ansari, Shri Z.R.  
Anuragi, Shri Godil Prasad  
Anwar Ahmad, Shri  
Appalanaidu, Shri S.R.A.S.  
Arakal, Shri Xavier  
Arunachalam, Shri M.  
Arya, Shri Kumbha Ram  
Ashfaq Hussain, Shri  
Azad, Shri Bhagwat Jha  
Azad, Shri Ghulam Nabi  
Azmi, Dr. A.U.  
Bagun Sumbrui, Shri  
Bairwa, Shri Banwari Lal  
Baitha, Shri D.L.  
Bajpai, Dr. Rajendra Kumari  
Baleshwar Ram, Shri  
Bansi Lal, Shri  
Barrow, Shri A.E.T.  
Behera, Shri Rasabehari  
Bhagat, Shri B.R.  
Bhagat, Shri H.K.L.  
Bhagwan Dev, Acharya  
Bhakta, Shri Manoranjan  
Bhardwaj, Shri Parasram  
Bhatia, Shri R.L.  
Bheekhabhai, Shri  
Bhoi, Dr. Krupasindhu  
Bhole, Shri R.R.  
Bhoje, Shri Reshma Motiram  
Bhuria, Shri Dileep Singh  
Bhuyan, Shri Bhubaneswar  
Birbal, Shri  
Birender Singh, Rao

Bishnu Prasad, Shri  
Boddepalli, Shri Rajagopala Rao  
Brar, Shrimati Gurbrinder Kaur  
Brijendra Pal Singh, Shri  
Buta Singh, Shri  
Chakradhari Singh, Shri  
Chandrakar, Shri Chandu Lal  
Chandrashekharappa, Shri T.V.  
Charanjit Singh, Shri  
Chaturvedi, Shrimati Vidyawati  
Chaudhuri, Shri A.B.A. Ghani Khan  
Chavan, Shri S.B.  
Chavan, Shri Yeshwantrao  
Chennupati, Shrimati Vidya  
Chingwang Konyak, Shri  
Chinnaswamy, Shri C.  
Choudhari, Shrimati Usha Prakash  
Chouhan, Shri Fatehbhan Singh  
Chowdari, Shri Chitturi Subba Rao  
Dabhi, Shri Ajitsinh  
Daga, Shri Mool Chand  
Dalbir Singh, Shri  
Dalbir Singh, Shri  
Damor, Shri Somjibhai  
Das, Shri A.C.  
Dennis, Shri N.  
Desai, Shri B.V.  
Dev, Shri Sontosh Mohan  
Devarajan, Shri B.  
Dhote, Shri Jambuwant  
Dogra, Shri G.L.  
Doongar Singh, Shri  
Dubey, Shri Bindeshwari  
Ekka, Shri Christopher  
Engti, Shri Biren Singh

Era Anbarasu, Shri  
 Faleiro, Shri Eduardo  
 Fernandes, Shri Oscar  
 Gadgil, Shri V.N.  
 Gadhavi, Shri Bheravadan K.  
 Gaekwad, Shri R.P.  
 Gaikwad, Shri Udaysingrao  
 Gamit, Shri Chhitubhai  
 Gandhi, Shrimati Indira  
 Gandhi, Shri Rajiv  
 Gavit, Shri Manikrao Hodlya  
 Gehlot, Shri Ashok  
 Ghorpade, Shri R.Y.  
 Ghufraan Azam, Shri  
 Gireraaj Singh, Shri  
 Gogoi, Shri Tarun  
 Gohil, Shri G.B.  
 Gomango, Shri Giridhar  
 Gounder, Shri A. Senapathi  
 Gouzagin, Shri N.  
 Gowda, Shri D.M. Putte  
 Gowda, Shri H.N. Nanje  
 Hakam Singh, Shri  
 Hembrom, Shri Seth  
 Jadeja, Shri Daulatsinhji  
 Jaffer Sharief, Shri  
 Jaideep Singh, Shri  
 Jain, Shri Bhiku Ram  
 Jain, Shri Nihal Singh  
 Jain, Shri Virdhi Chander  
 Jamilur Rahman, Shri  
 Jena, Shri Chintamani  
 Jitendra Prasad, Shri  
 Kahandole, Shri Z.M.  
 Kailash Pati, Shrimati

Kamal Nath, Shri  
 Kamla Kumari, Kumari  
 Karma, Shri Laxman  
 Kaul, Shrimati Sheila  
 Kaushal, Shri Jagan Nath  
 Ken, Shri Lala Ram  
 Keyur Bhusan, Shri  
 Khan, Shri Arif Mohammad  
 Khan, Shri Malik M.M.A.  
 Khan, Shri Zulfiquar Ali  
 Kharlukhi, Shri Bajuban R.  
 Kidwai, Shrimati Mohsina  
 Kosalram, Shri K.T.  
 Krishna, Shri S.M.  
 Krishna Pratap Singh, Shri  
 Krishnan, Shri G.Y.  
 Kshirsagar, Shrimati Kesharbai  
 Kuchan, Shri Gangadhar S.  
 Kunhambu, Shri K.  
 Kunwar Ram, Shri  
 Kurien, Prof. P.J.  
 Lakkappa, Shri K.  
 Lakshmanan, Shri G.  
 Laskar, Shri Nihar  
 Madhuri Singh, Shrimati  
 Mahabir Prasad, Shri  
 Mahajan, Shri Vikram  
 Mahajan, Shri Y.S.  
 Mahala, Shri R.P.  
 Mahendra Prasad, Shri  
 Makwana, Shri Narsinh  
 Mallanna, Shri K.  
 Mallick, Shri Lakshman  
 Mallikarjun, Shri

Mallu, Shri A.R.  
 Mane, Shri R.S.  
 Mani, Shri K.B.S.  
 Manni Lal, Shri  
 Mavani, Shri Ramjibhai  
 Mishra, Shri Gargi Shankar  
 Mishra, Shri Ram Nagina  
 Mishra, Shri Uma Kant  
 Misra, Shri Harinatha  
 Misra, Shri Nityananda  
 Mohanty, Shri Brajamohan  
 Mohite, Shri Yashawantrao  
 Mohsin, Shri F.H.  
 More, Shri Ramkrishna  
 Motilal Singh, Shri  
 Mukhopadhyay, Shri Ananda Gopal  
 Murthy, Shri Kusuma Krishna  
 Murthy, Shri M. Rajashekhara  
 Murthy, Shri M.V. Chandrashekhara  
 Muttemwar, Shri Vilas  
 Muzaffar Hussain, Shri Syed  
 Nagina Rai, Shri  
 Naidu, Shri P. Rajagopal  
 Naik, Shri G. Devaraya  
 Naikar, Shri D.K.  
 Nair, Shri B.K.  
 Namgyal, Shri P.  
 Nandi Yellaiah, Shri  
 Narayana, Shri K.S.  
 Nehru, Shri Arun Kumar  
 Netam, Shri Arvind  
 Nihalsinghwal, Shri G.S.  
 Nikhra, Shri Rameshwar  
 Nurul Islam, Shri  
 Oraon, Shrimati Sumati

Pandey, Shri Krishna Chandra  
 Panigrahi, Shri Chintamani  
 Panika, Shri Ram Pyare  
 Parashar, Prof. Narain Chand  
 Pardhi, Shri Keshaorao  
 Parmar, Shri Hiralal R.  
 Parthasarathy, Shri P.  
 Patel, Shri Ahmed Mohammed  
 Patel, Shri C.D.  
 Patel, Shri Mohan Lal  
 Patel, Shri Shantubhai  
 Patil, Shri A.T.  
 Patil, Shri Balasaheb Vikhe  
 Patil, Shri Chandrabhan Athara  
 Patil, Shrimati Shalini  
 Patil, Shri Shivraj V.  
 Patil, Shri Uttamrao  
 Patil, Shri Veerendra  
 Patil, Shri Vijay N.  
 Patnaik, Shrimati Jayanti  
 Pattabhi Rama Rao, Shri  
 Pattuswamy, Shri D.  
 Pawar, Shri Balasaheb  
 Penchalaiah, Shri Pasala  
 Phulwariya, Shri Virda Ram  
 Pilot, Shri Rajesh  
 Poojary, Shri Janardhana  
 Potdukhe, Shri Shantaram  
 Pradhani, Shri K.  
 Prasan Kumar, Shri S.N.  
 Pullaiah, Shri Darur  
 Qazi Saleem, Shri  
 Quadri, Shri S.T.  
 Raju, Shri P.V.G.

Ram, Shri Ramswaroop  
 Ramalingam, Shri N. Kudanthai  
 Ramamurthy, Shri K.  
 Ramulu, Shri H.G.  
 Rana Vir Singh, Shri  
 Ranga, Prof. N.G.  
 Ranjit Singh, Shri  
 Rao, Shrimati B. Radhabai Ananda  
 Rao, Shri Jagannath  
 Rao, Shri Jalagam Kondala  
 Rao, Shri M. Nageswara  
 Rao, Dr. M.S. Sanjeevi  
 Rao, Shri M. Satyanarayan  
 Rao, Shri P.V. Narasimha  
 Rath, Shri Rama Chandra  
 Rathawa, Shri Amarsinh  
 Rathod, Shri Uttam  
 Raut, Shri Bhola  
 Ravani, Shri Navin  
 Rawat, Shri Harish  
 Reddi, Shri G.S.  
 Reddy, Shri G. Narsimha  
 Reddy, Shri K. Brahmananda  
 Reddy, Shri K. Vijaya Bhaskara  
 Reddy, Shri M. Ram Gopal  
 Reddy, Shri P. Bayapa  
 Reddy, Shri P. Venkata  
 Reddy, Shri T. Damodar  
 Roat, Shri Jai Narain  
 Rothuama, Dr. R.  
 Sahi, Shrimati Krishna  
 Sahu, Shri Narayan  
 Sahu, Shri Shiv Prasad

Sajjan Kumar, Shri  
 Saminuddin, Shri  
 Sangma, Shri P.A.  
 Sankhawar, Shri Ashkaran  
 Sathe, Shri Vasant  
 Satish Prasad Singh, Shri  
 Satya Deo Singh, Prof.  
 Sawant, Shri T.M.  
 Sebastian, Shri S.A. Dorai  
 Sen, Shri A.K.  
 Sethi, Shri Arjun  
 Shailani, Shri Chandra Pal  
 Shaktawat, Prof. Nirmala Kumari  
 Shakyawar, Shri Nathuram  
 Shankaranand, Shri B.  
 Shanmugam, Shri P.  
 Sharma, Shri Chiranji Lal  
 Sharma, Shri Kali Charan  
 Sharma, Shri Nand Kishore  
 Sharma, Shri Nawal Kishore  
 Sharma, Shri Pratap Bhanu  
 Sharma, Dr. Shanker Dayal  
 Shastri, Shri Dharam Dass  
 Shastri, Shri Hari Krishna  
 Shingda, Shri D.B.  
 Shiv Shankar, Shri P.  
 Shivendra Bahadur Singh, Shri  
 Shukla, Shri Vidyacharan  
 Sidnal, Shri S.B.  
 Singaravadivel, Shri S.  
 Singh, Shri C.P.N.  
 Singh, Shri D.G.  
 Singh, Kumari Pushpa Devi  
 Singh Deo, Shri K.P.  
 Sinha, Shrimati Ramdulari



Solanki, Shri Babu Lal  
 Soren, Shri Harihar  
 Soundararajan, Shri N.  
 Sreenivasa Prasad, Shri V.  
 Subburaman, Shri A.G.  
 Sukhbuns Kaur, Shrimati  
 Sultanpuri, Shri Krishan Dutt  
 Sunder Singh, Shri  
 Suryawanshi, Shri Narsingrao  
 Swami, Shri K.A  
 Swaminathan, Shri R.V.  
 Tandon, Shri Prabhunarayan  
 Tapeswar Singh, Shri  
 Tayeng, Shri Sobeng  
 Tewari, Shri K.P.  
 Tewary, Prof. K.K.  
 Thorat, Shri Bhausahab  
 Thungon, Shri P.K.  
 Tiwari, Shri Chandra Bhal Mani  
 Tripathi, Shri Kamalapati  
 Tripathi, Shri R.N.  
 Tudu, Shri Manmohan  
 Tytler, Shri Jagdish  
 Uike, Shri Chhote Lal  
 Vairale, Shri Madhusudan  
 Varma, Shri Jai Ram  
 Velu, Shri A.M.  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Deen Bandhu  
 Verma, Shrimati Usha  
 Vijayaraghavan, Shri V.S.  
 Vyas, Shri Girdhari Lal  
 Wagh, Dr. Pratap  
 Wasnik, Shri Balkrishna Ramchandra  
 Yadav, Shri D.P.

Yadav, Shri R.N.  
 Yadav, Shri Ram Singh  
 Yadav, Shri Subhash Chandra  
 Yazdani, Dr. Golam  
 Zainul Basher, Shri  
  
 NOES  
  
 Acharia, Shri Basudeb  
 Agarwal, Shri Satish  
 Barman, Shri Palas  
 Basu, Shri Chitta  
 Bhim Singh, Shri  
 Biswas, Shri Ajoy  
 Chakraborty, Shri Satyasadhan  
 Chatterjee, Shri Somnath  
 Chaudhary, Shri Motibhai R.  
 Choubey, Shri Narayan  
 Choudhury, Shri Saifuddin  
 Dandavate, Prof. Madhu  
 Datta, Shri Amal  
 Dhandapani, Shri C.T.  
 Digamber Singh, Shri  
 Era Mohan, Shri  
 Ghosh Goswami, Shrimati Bibha  
 Giri, Shri Sudhir  
 Gopalan, Shrimati Suseela  
 Goyal, Shri Krishna Kumar  
 Gupta, Shri Indrajit  
 Halder, Shri Krishna Chandra  
 Hannan Mollah, Shri  
 Harikesh Bahadur, Shri  
 Horo, Shri N.E.  
 Jharkhande Rai, Shri  
 Kandaswamy, Shri M.  
 Kulandaivelu, Dr. V.  
 Lawrence, Shri M.M.

Mahata, Shri Chitta

Maitra, Shri Sunil

Mandal, Shri Sanat Kumar

Masudal Hossain, Shri Syed

Mayathevar, Shri K.

Mehta, Prof. Ajit Kumar

Mirdha, Shri Nathu Ram

Mukherjee, Shri Samar

Ngangom Mohendra, Shri

Nihal Singh, Shri

Parulekar, Shri Bapusaheb

Paswan, Shri Ram Vilas

Pathak, Shri Ananda

Patil, Shri J.S.

Rai, Shri M. Ramanna

Rajan, Shri K.A.

Ram Kinkar, Shri

Riyan, Shri Bajju Ban

Roy, Shri A.K.

Roy, Dr. Saradish

Roypradhan, Shri Amar

Saha, Shri Ajit Kumar

Saha, Shri Gadadhar

Selvaraju, Shri N.

Sen, Shri Subodh

Shamanna, Shri T.R.

Shastri, Shri Ramavatar

Shejwalkar, Shri N.K.

Sinha, Shri Dharam Bir

Sinha, Shri Nirmal

Sinha, Shri Pitambar

Soz, Prof. Saifuddin

Suraj Bhan, Shri

Tirkey, Shri Pius

Unnikrishnan, Shri K.P.

Varma, Shri Ravindra

Yadav, Shri Chandrajit

Yadav, Shri Vijay Kumar

Zainal Abedin, Shri

MR. SPEAKER : Subject to correction, the result\* of the Division is : Ayes—322 ; Noes—68.

The Motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

*The motion was adopted.*

MR. SPEAKER : Now, we take up the Clause by Clause consideration of the Bill.

Before I put Clause 2 to the vote of the House, this being a Constitution Amendment Bill, voting has to be by a Division.

I think the lobbies have been cleared. Do you need more clearance again ?

SOME HON. MEMBERS : Yes. Let the Lobbies be cleared again.

MR. SPEAKER : Let the Lobbies be cleared....

The question is :

“That clause 2 stand part of the Bill.”

*The Lok Sabha divided.*

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\*The following Members also recorded their votes :

AYES : Sarvashri P.C. Sethi, R.G. Tiwari, R.S. Sparrow, Ramayan Rai, Shankarrao Patil, Rizaq Ram and Mrityunjaya Naik ;

NOES : Sarvashri Harish Gangwar, P.K. Kodiyan, Maganbhai Barot and Chaturbhuj.

Division No. 13]

[16.45 hrs.

Bhakta, Shri Manoranjan

AYES

Bhardwaj, Shri Parasram

Abbasi, Shri Kazi Jalil

Bhatia, Shri R.L.

Ahmad, Shri Mohammad Asrar

Bheekhabhai, Shri

Ahmed, Begum Abida

Bhoi, Dr. Krupasindhu

Ahmed, Shri Gulsher

Bhole, Shri R.R.

Ahmed, Shri Kamaluddin

Bhoye, Shri Reshma Motiram

Ajit Pratap Singh, Shri

Bhuria, Shri Dileep Singh

Alluri, Shri Subhash Chandra Bose

Bhuyan, Shri Bhubaneswar

Anand Singh, Shri

Birbal, Shri

Ankineedu, Shri M.

Birender Singh, Rao

Ankineedu Prasada Rao, Shri P.

Bishnu Prasad, Shri

Ansari, Shri Z.R.

Boddepalli, Shri Rajagopala Rao

Anuragi, Shri Godil Prasad

Brar, Shrimati Gurbrinder Kaur

Anwar Ahmad, Shri

Brijendra Pal Singh, Shri

Appalanaidu, Shri S.R.A.S.

Buta Singh, Shri

Arakal, Shri Xavier

Chakradhari Singh, Shri

Arunachalam, Shri M.

Chandrakar, Shri Chandu Lal

Ashfaq Hussain, Shri

Chandrashekharappa, Shri T.V.

Azad, Shri Bhagwat Jha

Charanjit Singh, Shri

Azad, Shri Ghulam Nabi

Chaturvedi, Shrimati Vidyawati

Azmi, Dr. A.U.

Chaudhary, Shri Manphool Singh

Bagun Sumbrui, Shri

Chaudhuri, Shri A.B.A. Ghani Khan

Bairwa, Shri Banwari Lal

Chavan, Shri S.B.

Baitha, Shri D.L.

Chavan, Shri Yeshwantrao

Bajpai, Dr. Rajendra Kumari

Chennupati, Shrimati Vidya

Baleshwar Ram, Shri

Chingwang Konyak, Shri

Bansi Lal, Shri

Chinnaswamy, Shri C.

Barrow, Shri A.E.T.

\*Choubey, Shri Narayan

Behera, Shri Rasabehari

Choudhari, Shrimati Usha Prakash

Bhagat, Shri B.R.

Chouhan, Shri Fatehbhan Singh

Bhagat, Shri H.K.L.

Dabhi, Shri Ajitsinh

Bhagwan Dev, Acharya

Daga, Shri Mool Chand  
 Dalbir Singh, Shri  
 Dalbir Singh, Shri  
 Damor, Shri Somjibhai  
 Das, Shri A.C.  
 Dennis, Shri N.  
 Desai, Shri B.V.  
 Dev, Shri Sontosh Mohan  
 Devarajan, Shri B.  
 Dhote, Shri Jambuwant  
 Dogra, Shri G.L.  
 Doongar Singh, Shri  
 Dubey, Shri Bindeshwari  
 Dubey, Shri Ramnath  
 Ekka, Shri Christopher  
 Engti, Shri Biren Singh  
 Era Anbarasu, Shri  
 Faleiro, Shri Eduardo  
 Fernandes, Shri Oscar  
 Gadgil, Shri V.N.  
 Gadhavi, Shri Bheravadan K.  
 Gackwad, Shri R.P.  
 Gaikwad, Shri Udaysingrao  
 Gamit, Shri Chhitubhai  
 Gandhi, Shrimati Indira  
 Gandhi, Shri Rajiv  
 Gavit, Shri Manikrao Hodlya  
 Gehlot, Shri Ashok  
 Ghorpade, Shri R.Y.  
 Ghufraan Azam, Shri  
 Gireraaj Singh, Shri  
 Gogoi, Shri Tarun  
 Gohil, Shri G.B.  
 Gomango, Shri Giridhar  
 Gounder, Shri A. Senapathi

Gouzagin, Shri N.  
 Gowda, Shri D.M. Putte  
 Gowda, Shri H.N. Nanje  
 Hakam Singh, Shri  
 Hembrom, Shri Seth  
 Jadeja, Shri Daulatsinhji  
 Jaffer Sharief, Shri C.K.  
 Jaideep Singh, Shri  
 Jain, Shri Bhiku Ram  
 Jain, Shri Nihal Singh  
 Jain, Shri Virdhi Chander  
 Jamilur Rahman, Shri  
 Jena, Shri Chintamani  
 Jitendra Prasad, Shri  
 Kahandole, Shri Z.M.  
 Kailash Pati, Shrimati  
 Kamal Nath, Shri  
 Kamla Kumari, Kumari  
 Karma, Shri Laxman  
 Kaul, Shrimati Sheila  
 Kaushal, Shri Jagan Nath  
 Ken, Shri Lala Ram  
 Keyur Bhusan, Shri  
 Khan, Shri Arif Mohammad  
 Khan, Shri Malik M.M.A.  
 Khan, Shri Zulfiqar Ali  
 Kharlukhi, Shri Bajuban R.  
 Kidwai, Shrimati Mohsina  
 Kosalram, Shri K.T.  
 Krishna Shri S.M.  
 Krishna Pratap Singh, Shri  
 Krishnan, Shri G.Y.

Kshirsagar, Shrimati Kesharbai

Kuchan, Shri Gangadhar S.

Kunhambu, Shri K.

Kunwar Ram, Shri

Kurien, Prof. P.J.

Lakkappa, Shri K.

Lakshmanan, Shri G.

Laskar, Shri Nihar Ranjan

Madhuri Singh, Shrimati

Mahabir Prasad, Shri

Mahajan, Shri Vikram

Mahajan, Shri Y.S.

Mahala, Shri R.P.

Mahendra Prasad, Shri

Makwana, Shri Narsinh

Mallanna, Shri K.

Mallick, Shri Lakshman

Mallikarjun, Shri

Mallu, Shri A.R.

Mane, Shri R.S.

Mani, Shri K.B.S.

Manni Lal, Shri

Mavani, Shri Ramjibhai

Mishra, Shri Gargi Shankar

Mishra, Shri Ram Nagina

Mishra, Shri Uma Kant

Misra, Shri Harinatha

Misra, Shri Nityananda

Mohanty, Shri Brajamohan

Mohite, Shri Yashwantrao

Mohsin, Shri F.H.

More, Shri Ramkrishna

Motilal Singh, Shri

Mukhopadhyay, Shri Ananda Gopal

Murthy, Shri Kusuma Krishna

Murthy, Shri M. Rajashekhara

Murthy, Shri M.V. Chandrashekhara

Muttemwar, Shri Vilas

Muzaffar Hussain, Shri Syed

Nagina Rai, Shri

Naidu, Shri P. Rajagopal

Naik, Shri G. Devaraya

Naikar, Shri D.K.

Nair, Shri B.K.

Namgyal, Shri P.

Nandi Yellaiah, Shri

Narayana, Shri K.S.

Nehru, Shri Arun Kumar

Netam, Shri Arvind

Nikhra, Shri Rameshwar

Nurul Islam, Shri

Oraon, Shrimati Sumati

Pandey, Shri Krishna Chandra

Panigrahi, Shri Chintamani

Panika, Shri Ram Pyare

Parashar, Prof. Narain Chand

Pardhi, Shri Kesharao

Parmar, Shri Hiralal R.

Parthasarathy, Shri P.

Patel, Shri Ahmed Mohammed

Patel, Shri C.D.

Patel, Shri Mohan Lal

Patel, Shri Shantubhai

Patil, Shri A.T.

Patil, Shri Balasaheb Vikhe

Patil, Shri Chandrabhan Athara

Patil, Shrimati Shalini

Patil, Shri Shankarrao

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patil, Shri Veerendra

Patil, Shri Vijay N.

Patnaik, Shrimati Jayanti

Pattabhi Rama Rao, Shri S.B.P.

Pattuswami, Shri D.

Pawar, Shri Balasaheb

Penchalaiah, Shri Pasala

Phulwaria, Shri Virda Ram

Pilot, Shri Rajesh



Poojary, Shri Janardhana  
 Potdukhe, Shri Shantaram  
 Pradhani, Shri K.  
 Prasan Kumar, Shri S.N.  
 Pullaiah, Shri Darur  
 Qazi Saleem, Shri  
 Quadri, Shri S.T.  
 Raju, Shri P.V.G.  
 Ram, Shri Ramswaroop  
 Ramalingam, Shri N. Kudanthai  
 Ramamurthy, Shri K.  
 Ramulu, Shri H.G.  
 Rana Vir Singh, Shri  
 Ranga, Prof. N.G.  
 Ranjit Singh, Shri  
 Rao, Shrimati B. Radhabai Ananda  
 Rao, Shri Jagannath  
 Rao, Shri Jalagam Kondala  
 Rao, Shri M. Nageswara  
 Rao, Dr. M S. Sanjeevi  
 Rao, Shri M. Satyanarayan  
 Rao, Shri P.V. Narasimha  
 Rath, Shri Rama Chandra  
 Rathawa, Shri Amarsinh  
 Rathod, Shri Uttam  
 Raut, Shri Bhola  
 Ravani, Shri Navin  
 Rawat, Shri Harish  
 Reddi, Shri G.S.  
 Reddy, Shri G. Narsimha  
 Reddy, Shri K. Brahmananda  
 Reddy, Shri K. Vijaya Bhaskara  
 Reddy, Shri M. Ram Gopal  
 Reddy, Shri P. Bayapa  
 Reddy, Shri P. Venkata  
 Reddy, Shri T. Damodar  
 Rizaq Ram, Shri  
 Roat, Shri Jai Narain

Rothuama, Dr. R.  
 Sahi, Shrimati Krishna  
 Sahu, Sri Narayan  
 Sahu, Shri Shiv Prasad  
 Sajjan Kumar, Shri  
 Samiuddin, Shri  
 Sangma, Shri P.A.  
 Sathe, Shri Vasant  
 Satish Prasad Singh, Shri  
 Satya Deo Singh, Prof.  
 Sawant, Shri T.M.  
 Sebastian, Shri S.A. Dorai  
 Sen, Shri A.K.  
 Sethi, Shri Arjun  
 Sethi, Shri P.C.  
 Shailani, Shri Chandra Pal  
 Shaktawat, Prof. Nirmala Kumari  
 Shakyawar, Shri Nathuram  
 Shankaranand, Shri B.  
 Shanmugam, Shri P.  
 Sharma, Shri Chiranjil Lal  
 Sharma, Shri Kali Charan  
 Sharma, Shri Nand Kishore  
 Sharma, Shri Nawal Kishore  
 Sharma, Shri Pratap Bhanu  
 Sharma, Dr. Shanker Dayal  
 Shastri, Shri Dharam Dass  
 Shastri, Shri Hari Krishna  
 Shingda, Shri D.B.  
 Shiv Shankar, Shri P.  
 Shivendra Bahadur Singh, Shri  
 Shukla, Shri Vidyacharan  
 Sidnal, Shri S.B.  
 Singaravadivel, Shri S.  
 Singh, Shri C.P.N.  
 Singh, Shri D.G.  
 Singh, Kumari Pushpa Devi  
 Singh Deo, Shri K P.  
 Sinha, Shrimati Ramdulari  
 Solanki, Shri Babu Lal

Soren, Shri Harihar  
 Soundararajan, Shri N.  
 Sparrow, Shri R.S.  
 Sreenivasa Prasad, Shri V.  
 Subburaman, Shri A.G.  
 Sukhbuns Kaur, Shrimati  
 Sultanpuri, Shri Krishan Dutt  
 Sunder Singh, Shri  
 Suryawanshi, Shri Narsingrao  
 Swami, Shri K.A.  
 Swaminathan, Shri R.V.  
 Tandon, Shri Prabhunarayan  
 Tapeswar Singh, Shri  
 Tayeng, Shri Sobeng  
 Tewari, Shri K.P.  
 Tewary, Prof. K.K.  
 Thorat, Shri Bhausaheb  
 Thungon, Shri P.K.  
 Tiwari, Shri Chandra Bhal Mani  
 Tiwari, Shri R.G.  
 Tripathi, Shri Kamalapati  
 Tripathi, Shri R.N.  
 Tudu, Shri Manmohan  
 Tytler, Shri Jagdish  
 Uike, Shri Chhote Lal  
 Vairale, Shri Madhusudan  
 Varma, Shri Jai Ram  
 Velu, Shri A.M.  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Deen Bandhu  
 Verma, Shrimati Usha  
 Vijayaraghavan, Shri V.S.  
 Vyas, Shri Girdhari Lal  
 Wagh, Dr. Pratap  
 Wasnik, Shri Balkrishna Ramchandra  
 Yadav, Shri D.P.  
 Yadav, Shri R.N.  
 Yadav, Shri Ram Singh

Yadav, Shri Subhash Chandra  
 Yazdani, Dr. Golam  
 Zainul Basher, Shri

# NOES

Acharia, Shri Basudeb  
 Agarwal, Shri Satish  
 Barman, Shri Palas  
 Barot, Shri Maganbhai  
 Basu, Shri Chitta  
 Bhim Singh, Shri  
 Biswas, Shri Ajoy  
 Chakraborty, Shri Satyasadhan  
 Chatterjee, Shri Somnath  
 Chaturbhuj, Shri  
 Chaudhary, Shri Motibhai R.  
 Choudhury, Shri Saifuddin  
 Dandavate, Prof. Madhu  
 Dandavate, Shrimati Pramila  
 Datta, Shri Amal  
 Dhandapani, Shri C.T.  
 Digamber Singh, Shri  
 Era Mohan, Shri  
 Gangwar, Shri Harish  
 Ghosh Goswami, Shrimati Bibha  
 Giri, Shri Sudhir  
 Gopalan, Shrimati Suseela  
 Gupta, Shri Indrajit  
 Halder, Shri Krishna Chandra  
 Hannan Mollah, Shri  
 Harikesh Bahadur, Shri  
 Horo, Shri N.E.  
 Kandaswamy, Shri M.  
 Kodyan, Shri P.K.  
 Lawrence, Shri M.M.  
 Mahata, Shri Chitta  
 Maitra, Shri Sunil  
 Mandal, Shri Sanat Kumar

Masudal Hossain, Shri Syed

Mayathevar, Shri K.

Mehta, Prof. Ajit Kumar

Mirdha, Shri Nathu Ram

Mukherjee, Shri Samar

Ngangom Mohendra, Shri

Nihal Singh, Shri

Parulekar, Shri Bapusaheb

Paswan, Shri Ram Vilas

Pathak, Shri Ananda

Patil, Shri J.S.

Rai, Shri M. Ramanna

Rajan, Shri K.A.

Ram Kinkar, Shri

Riyan, Shri Baju Ban

Roy, Shri A.K.

Roy, Dr. Saradish

Roypradhan, Shri Amar

Saha, Shri Ajit Kumar

Saba, Shri Gadadhar

Selvaraju, Shri N.

Sen, Shri Subodh

Shamanna, Shri T.R.

Shastri, Shri Ramavatar

Shejwalkar, Shri N.K.

Sinha, Shri Dharam Bir

Sinha, Shri Nirmal

Sinha, Shri Pitambar

Soz, Prof. Saifuddin

Suraj Bhan, Shri

Tirkey, Shri Pius

Unnikrishnan, Shri K.P.

Varma, Shri Ravindra

Verma, Shri Phool Chand

Yadav, Shri Chandrajit

Yadav, Shri Vijay Kumar

Zainal Abedin, Shri

MR. SPEAKER : Subject to correction, the result\* of the division is : Ayes—328 ; Noes—70.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

*The Motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 1—(Short title)*

*Amendment made :*

“Page 1, line 3,—

for “Fiftieth” substitute “Forty-ninth” (2)

(SHRI P.V. NARASIMHA RAO)

MR. SPEAKER : The question is :

“That Clause 1, as amended, stand part of the Bill.”

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

*The Enacting Formula and the Title were added to the Bill.*

MR. SPEAKER : The Home Minister, Mr. Narasimha Rao.

SHRI P.V. NARASIMHA RAO : I beg to move :

“That the Bill, as amended, be passed.”

MR. SPEAKER : I think we can now put it to the vote of the House.

\*The following members also recorded their votes :

AYES : Sarvashri Chitturi Subba Rao Chowdari, Ashkaran Sankhwar, Ramayana Rai, G.S. Nihalsinghwal and Mrityunjaya Nayak ;

NOES : Dr. V. Kulandaivelu and Shri Narayan Choubey.

SHRI SATYASADHAN CHAKRABORTY (Calcutta South) : Sir, you please allow Mr. Mehta to speak for three minutes and afterwards I will take only two minutes.

MR. SPEAKER : All right. Motion moved :

"That the Bill, as amended, be passed."

Shri Ajit Kumar Mehta, you will take only three minutes.

प्रो० अजीत कुमार मेहता (समस्तीपुर) : अध्यक्ष महोदय, बात यह है कि जब कोई संविधान की साइक्लोस्टाइल प्रति जलाता है तो हम उसे अपराध मानते हैं, वह अपराध है, मानना भी चाहिये, यह सही है, लेकिन संविधान को लागू नहीं करना क्या अपराध नहीं है? क्या संविधान की अवहेलना करना अपराध नहीं है?

पंजाब के बारे में अभी श्री बूटासिंह ने जो एक बात कही

(व्यवधान)

गृह-कार्य मंत्री जी ने कहा कि यह अधिकारिक सूचना है, मुझे तो सन्देह है। जब प्रधान मंत्री स्वयं कहती हैं किसी अन्य अवसर पर कि उन्हें भी सूचना अधिकारिक सूत्र से नहीं मिल रही, समाचार पत्रों के माध्यम से मिलती है,

अध्यक्ष महोदय : कहां की बात कह रहे हैं?

(व्यवधान)

प्रो० अजीत कुमार मेहता : मैं यह कह रहा हूं कि प्रधान मंत्री को भी सही सूचना नहीं मिलती है अपने निवास-स्थान की। मैं जानना चाहता हूं कि क्या प्रधान मंत्री को यह मालूम है कि उनके एसिस्टेंट प्राइवेट सेक्रेटरी की पत्नी अभी 10 मंजिल इमारत से गिरी हैं, उसमें कौनसा षडयंत्र है और कहां से क्या हुआ है?

(व्यवधान)

अध्यक्ष महोदय : आपसे यह उम्मीद नहीं थी।

प्रो० अजीत कुमार मेहता : मैं यह कहना चाहता हूं (व्यवधान)

SHRI SATYASADHAN CHAKRABORTY : Mr. Speaker, Sir, I will take only three minutes. Sir, because of their majority here, they are going to win the battle here. But I want to make it clear that they are going to lose the war outside.

The framers of the Constitution promised to the people that Article 356 would be a dead letter. I would like to remind the words of Dr. Ambedkar. When this particular provision was being debated in the Constituent Assembly. Dr. Ambedkar said that this will not be used and for all practical purposes it will be a dead letter. The Congress Party have used this particular provision more than 60, 70 times and also only for their political purpose, not for the national purpose. The Home Minister has said in his speech that it may not be necessary to use this. If he thinks that it is not necessary, then why is it that you are going in for such a constitutional amendment? The constitutional amendment is only done when it is absolutely necessary, and when the country cannot do without it. (Interruptions). Much has been said about kar seva. Mr. Santa Singh, who is doing kar seva, has he condemned Bhindranwale?

MR. SPEAKER : How is it relevant?

SHRI SATYASADHAN CHAKRABORTY : Why are you not allowing me to speak?

MR. SPEAKER : This is not relevant.

SHRI SATYASADHAN CHAKRABORTY : This is a pertinent question. The man whom you are supporting, has he any power to issue a licence to hold gun? He has not condemned Bhindranwale. It means you are not against terrorists. You are not using it against any man who declares allegiance to your party; and that is why you are doing it. The Minister owes it to the House and to the nation that why is it that a person like Mr. Santa Singh is

being used for kar seva who has not condemned Bhindranwale and got the right to do it ?

SHRI A.K. ROY (Dhaanbad) : If you look to me in such a way I cannot speak. There is an impressive mobilization from the ruling side to strengthen and prolong the President's Rule in Punjab. Yesterday, two good Bills had to fall through because they could not mobilise their persons. That shows a particular motive and their line of thinking in the case of tribals. For extending ninth schedule and for Tribals they do not have people, but for the President's Rule,..... (*Interruptions*).

Secondly, I would like to know : with all your vast majority and this impressive show, why are you afraid that within 4th October things should not be normal so that you will have to prolong the President's rule ? Why are you not confident ? Why have you lost confidence in yourself ? We have some confidence in you. But why have you lost confidence in yourself ? Why do you anticipate ? This entire Bill is based on your mis-trust that things should not be normal and President's rule should prolong. I do not want to quote all those debates in the Constituent Assembly. But I can tell you that you cannot wipe out communalism, regionalism, terrorism without believing the people. Only the people can fight. You believe your own party there. My party is not ruling there. Your party would be forming the Ministry. You believe in it. Sir, you did not have the misfortune to preside over this Chair for a long time. I tell you that all the bills are coming for curtailing freedom of the people. The democratic people, the secular people and all those who can combat communalism and extremism have to go to the shelter. They are retiring into the camera trial. They are going underground. And all sorts of Constitution Amendment Bills are coming curtailing the democratic principles with which only the people of India can fight communalism in Punjab. That is why, I oppose the Bill because it is counter-productive and another obstacle in your way to tackle it.

SHRI KRISHNA CHANDRA HALDER (Durgapur) : This amendment to Article 356 clause 5 is anti-democratic, anti-people.

This is curtailing the autonomy of the State Governments. The Government has totally failed to bring about a political solution in Punjab. And for their utter failure they want to curtail the democratic rights. And they have come here to extend the President's rule for another year in Punjab. The Home Minister earlier said that it would be applied only in Punjab. But the ruling party has never honoured their assurances. It will be used for toppling the non-Congress State Governments, because they purchase MLAs...(*Interruptions*) They may again come for another constitutional amendment to extend President's rule in other State for another year. So, by this amendment not only the democratic rights are curtailed in Punjab, but it will also be used to topple the non-Congress(I) Governments. MLAs will be purchased through their money power and if MLAs do not join Congress(I), President's rule will be imposed. And there the President's rule will be there not for one year but it will be extended to another year by amending the Constitution. So, I oppose tooth and nail this anti-democratic and anti-people measure.

SHRI RAJIV GANDHI (Amethi) : I would just like to comment on what Prof. Chakraborty has said. He has charged the Congress with amending the Constitution—I do not know 60, 70 times—for the political ends of the Congress. I accept that. But I would like to remind him that the political ends of the Congress were freedom of this country and the political ends of the Congress are democracy in this country. (*Interruptions*) And I would further like to ask him as to what are his political ends. (*Interruptions*)

17 hrs.

SHRI SATYASADHAN CHAKRABORTY : For the people.

MR. SPEAKER : I think everybody is here representing the people.

SHRI P.V. NARASIMHA RAO : When I said that this provision may not be needed, I think it is understood that it may be needed also under certain circumstances. 'May not be needed' is not the same as 'will



[Shri P.V. Narasimha Rao]

not be needed, So, that part of it is taken care of. As I have said, it is to meet a particular contingency and by way of abundant caution, we are bringing it. Mr. A.K. Roy is very eager to see a Congress government in Punjab. I thank him.....(*Interruptions*).

MR. SPEAKER : Why don't you fulfil his wish ?

AN HON. MEMBER : We will.

SHRI P.V. NARASIMHA RAO : For the solicitude which he has shown for a party which is not his own but I would like to assure him that we are no less keen on it. The only thing is that we would like to do it at the right time, in the right way and that is why this has become necessary.

MR. SPEAKER : Now, before I put the motion that the Bill as amended....

(*Interruptions*)

THE PRIME MINISTER AND THE MINISTER OF EXTERNAL AFFAIRS (SHRIMATI INDIRA GANDHI) : An incorrect statement has been made about Baba Santa Singh. Sir, you yourself know that the Baba was perhaps the only Sant and Baba, who criticised Shri Bhindranwale at the very beginning. Shri Bhindranwale was at his strongest. When Bhindranwale was installed as a Sant, Baba Santa Singh did not go to the function. He made it clear that Bhindranwale is not the right person to succeed his master.

PROF. MADHU DANDAVATE : Do you know that there are criminal proceedings against him ?

MR. SPEAKER : One thing more. You say some good things about anybody but on the record, according to the rules, I will not let anything go if it is defaming or defamatory or incriminatory against any person who is not present in the House. I think you will uphold this view.

PROF. MADHU DANDAVATE : I withdraw my statement that there are

criminal proceedings against him.

SHRI SATYASADHAN CHAKRABORTY : On a Point of Order, Sir. How can you do it ? I have not said anything defamatory. You can not expunge it, Sir.

MR. SPEAKER : I am not expunging, I am only stating a fact that if there is anything defamatory.....

(*Interruptions*)

MR. SPEAKER : That is what I have said.....

(*Interruptions*)

SHRI SATYASADHAN CHAKRABORTY : I just wanted to know.....(*Interruptions*).

MR. SPEAKER : Now he is satisfied.

Before I put the motion that the Bill, as amended, be passed, to the vote of the House, this being a Constitution (Amendment) Bill, voting has to be by Division. Let the Lobbies be cleared.

The Lobbies have been cleared. The question is :

"That the Bill, as amended, be passed."

*The Lok Sabha divided :*

Division No. 14]

[17 09 hrs

AYES

Abbasi, Shri Kazi Jalil

Ahmad, Shri Mohammad Asrar

Ahmed, Begum Abida

Ahmed, Shri Gulsher

Ahmed, Shri Kamaluddin

Ajit Pratap Singh, Shri

Alluri, Shri Subhash Chandra Bose

Anand Singh, Shri

Ankineedu, Shri M.

Ankineedu Prasada Rao, Shri P.  
 Ansari, Shri Z.R.  
 Anuragi, Shri Godil Prasad  
 Appalanaidu, Shri S.R.A.S.  
 Arakal, Shri Xavier  
 Arunachalam, Shri M.  
 Ashfaq Hussain, Shri  
 Azad, Shri Bhagwat Jha  
 Azad, Shri Ghulam Nabi  
 Azmi, Dr. A.U.  
 Bagun Sumbrui, Shri  
 Bairwa, Shri Banwari Lal  
 Baitha, Shri D.L.  
 Bajpai, Dr. Rajendra Kumari  
 Baleshwar Ram, Shri  
 Bansi Lal, Shri  
 Barrow, Shri A.E.T.  
 Behera, Shri Rasabehari  
 Bhagat, Shri B.R.  
 Bhagwan Dev, Acharya  
 Bhakta, Shri Manoranjan  
 Bhardwaj, Shri Parastram  
 Bhatia, Shri R.L.  
 Bheekhabhai, Shri  
 Bhoi, Dr. Krupasindhu  
 Bhole, Shri R.R.  
 Bhoys, Shri Reshma Motiram  
 Bhuria, Shri Dileep Singh  
 Bhuyan, Shri Bhubaneswar  
 Birbal, Shri  
 Birender Singh, Rao  
 Bishnu Prasad, Shri  
 Boddepalli, Shri Rajagopala Rao  
 Brar, Shrimati Gurbrinder Kaur  
 Brijendra Pal Singh, Shri  
 Buta Singh, Shri

Chakradhari Singh, Shri  
 Chandrakar, Shri Chandu Lal  
 Chandrashekharaappa, Shri T.V.  
 Charanjit Singh, Shri  
 Chaturvedi, Shrimati Vidyawati  
 Chaudhary, Shri Manphool Singh  
 Chaudhuri, Shri A.B.A. Ghani Khan  
 Chavan, Shri S.B.  
 Chavan, Shri Yeshwantrao  
 Chennupati, Shrimati Vidya  
 Chingwang Konyak, Shri  
 Chinnaswamy, Shri C.  
 Choudhari, Shrimati Usha Prakash  
 Chouhan, Shri Fatehbhan Singh  
 Chowdari, Shri Chitturi Subba Rao  
 Dabhi, Shri Ajitsinh  
 Daga, Shri Mool Chand  
 Dalbir Singh, Shri  
 Dalbir Singh, Shri  
 Damor, Shri Somjibhai  
 Das, Shri A.C.  
 Dennis, Shri N.  
 Desai, Shri B.V.  
 Dev, Shri Sontosh Mohan  
 Devarajan, Shri B.  
 Dhote, Shri Jambuwant  
 Dogra, Shri G.L.  
 Doongar Singh, Shri  
 Dubey, Shri Bindeshwari  
 Dubey, Shri Ramnath  
 Ekka, Shri Christopher  
 Engti, Shri Biren Singh  
 Era Anbarasu, Shri  
 Faleiro, Shri Eduardo  
 Fernandes, Shri Oscar  
 Gadgil, Shri V.N.

Gadhavi, Shri Bheravadan K.  
 Gaekwad, Shri R.P.  
 Gaikwad, Shri Udaysingrao  
 Gamit, Shri Chhitubhai  
 Gandhi, Shrimati Indira  
 Gandhi, Shri Rajiv  
 Gavit, Shri Manikrao Hodlya  
 Gehlot, Shri Ashok  
 Ghorpade, Shri R.Y.  
 Ghufraan Azam, Shri  
 Gireraaj Singh, Shri  
 Gogoi, Shri Tarun  
 Gohil, Shri G.B.  
 Gomango, Shri Giridhar  
 Gounder, Shri A. Senapathi  
 Gouzagin, Shri N.  
 Gowda, Shri D.M. Putte  
 Gowda, Shri H.N. Nanje  
 Hakam Singh, Shri  
 Hembrom, Shri Seth  
 Jadeja, Shri Daulatsinhji  
 Jaideep Singh, Shri  
 Jain, Shri Bhiku Ram  
 Jain, Shri Nihal Singh  
 Jain, Shri Virdhi Chander  
 Jamilur Rahman, Shri  
 Jena, Shri Chintamani  
 Jitendra Prasad, Shri  
 Kahandole, Shri Z.M.  
 Kailash Pati, Shrimati  
 Kamal Nath, Shri  
 Kamla Kumari, Kumari  
 Karma, Shri Laxman  
 Kaul, Shrimati Sheila  
 Kaushal, Shri Jagan Nath  
 Ken, Shri Lala Ram  
 Keyur Bhusan, Shri

Khan, Shri Arif Mohammad  
 Khan, Shri Malik M.M.A.  
 Khan, Shri Zulfiquar Ali  
 Kharlukhi, Shri Bajuban R.  
 Kidwai, Shrimati Mohsina  
 Kosalram, Shri K.T.  
 Krishna, Shri S.M.  
 Krishna Pratap Singh, Shri  
 Krishnan, Shri G.Y.  
 Kshirsagar, Shrimati Kesharbai  
 Kuchan, Shri Gangadhar S.  
 Kunhambu, Shri K.  
 Kunwar Ram, Shri  
 Kurien, Prof. P.J.  
 Lakkappa, Shri K.  
 Lakshmanan, Shri G.  
 Laskar, Shri Nihar Ranjan  
 Madhuri Singh, Shrimati  
 Mahabir Prasad, Shri  
 Mahajan, Shri Vikram  
 Mahajan, Shri Y.S.  
 Mahala, Shri R.P.  
 Mahendra Prasad, Shri  
 Makwana, Shri Narsinh  
 Mallanna, Shri K.  
 Mallikarjun, Shri  
 Mallu, Shri A.R.  
 Mane, Shri R.S.  
 Mani, Shri K.B.S.  
 Manni Lal, Shri  
 Mavani, Shri Ramjibhai  
 Mishra, Shri Gargi Shankar  
 Mishra, Shri Ram Nagina  
 Mishra, Shri Uma Kant  
 Misra, Shri Nityananda  
 Mohanty, Shri Brajamohan

Mohite, Shri Yashawantrao

Mohsin, Shri F.H.

More, Shri Ramkrishna

Motilal Singh, Shri

Mukhopadhyay, Shri Ananda Gopal

Murthy, Shri Kusuma Krishna

Murthy, Shri M. Rajashekhara

Murthy, Shri M.V. Chandrashekhara

Muttemwar, Shri Vilas

Muzaffar Hussain, Shri Syed

Nagina Rai, Shri

Naidu, Shri P. Rajagopal

Naik, Shri G. Devaraya

Naikar, Shri D.K.

Nair, Shri B.K.

Namgyal, Shri P.

Nandi Yellaiah, Shri

Narayana, Shri K.S.

Nayak, Shri Mrityunjaya

Nehru, Shri Arun Kumar

Netam, Shri Arvind

Nihalsinghwal, Shri G.S.

Nurul Islam, Shri

Oraon, Shrimati Sumati

Pandey, Shri Krishna Chandra

Panigrahi, Shri Chintamani

Panika, Shri Ram Pyare

Parashar, Prof. Narain Chand

Pardhi, Shri Kesharao

Parmar, Shri Hiralal R.

Parthasarathy, Shri P.

Patel, Shri Ahmed Mohammed

Patel, Shri C.D.

Patel, Shri Mohan Lal

Patel, Shri Shantubhai

Patil, Shri A.T.

Patil, Shri Balasaheb Vikhe

Patil, Shri Chandrabhan Athara

Patil, Shrimati Shalini

Patil, Shri Shankarrao

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patil, Shri Veerendra

Patil, Shri Vijay N.

Patnaik, Shrimati Jayanti

Pattabhi Rama Rao, Shri

Pattuswamy, Shri D.

Pawar, Shri Balasaheb

Penchalaiah, Shri Pasala

Phulwariya, Shri Virda Ram

Pilot, Shri Rajesh

Poojary, Shri Janardhana

Potdukhe, Shri Shantaram

Pradhani, Shri K.

Prasan Kumar, Shri S.N.

Pullaiah, Shri Darur

Qazi Saleem, Shri

Quadri, Shri S.T.

Raju, Shri P.V.G.

Ram, Shri Ramswaroop

Ramalingam, Shri N. Kudanthai

Ramamurthy, Shri K.

Ramulu, Shri H.G.

Rana Vir Singh, Shri

Ranga, Prof. N.G.

Ranjit Singh, Shri

Rao, Shrimati B. Radhabai Ananda

Ram, Shri Jagannath

Rao, Shri Jalagam Kondala

Rao, Shri M. Nageswara

Rao, Dr. M.S. Sanjeevi

Rao, Shri M. Satyanarayan

Rao, Shri P.V. Narasimha

Rath, Shri Rama Chandra

Rathawa, Shri Amarsinh

Rathod, Shri Uttam  
Raut, Shri Bhola  
Ravani, Shri Navin  
Rawat, Shri Harish  
Reddi, Shri G.S.  
Reddy, Shri G. Narsimha  
Reddy, Shri K. Brahmananda  
Reddy, Shri K. Obul  
Reddy, Shri K. Vijaya Bhaskara  
Reddy, Shri M. Ram Gopal  
Reddy, Shri P. Bayapa  
Reddy, Shri P. Venkata  
Reddy, Shri T. Damodar  
Rizaq Ram Shri  
Roat, Shri Jai Narain  
Rothuama, Dr. R.  
Sahi, Shrimati Krishna  
Sahu, Shri Narayan  
Sahu, Shri Shiv Prasad  
Sajjan Kumar, Shri  
Saminuddin, Shri  
Sangma, Shri P.A.  
Sankhawar, Shri Ashkaran  
Saran, Shri Daulat Ram  
Sathe, Shri Vasant  
Satish Prasad Singh, Shri  
Satya Deo Singh, Prof.  
Sawant, Shri T.M.  
Sebastian, Shri S.A. Dorai  
Sen, Shri A.K.  
Sethi, Shri Arjun  
Sethi, Shri P.C.  
Shailani, Shri Chandra Pal  
Shaktawat, Prof. Nirmala Kumari  
hankaranand, Shri B.  
Shanmugam, Shri P.  
Sharma, Shri Chiranjil Lal  
Sharama, Shri Kali Charan

Sharma, Shri Nand Kishore  
Sharma, Shri Nawal Kishore  
Sharma, Shri Pratap Bhanu  
Sharma, Dr. Shanker Dayal  
Shastri, Shri Dharam Dass  
Shastri, Shri Hari Krishna  
Shingda, Shri D.B.  
Shiv Shankar, Shri P.  
Shivendra Bahadur Singh, Shri  
Shukla, Shri Vidyacharan  
Sidnal, Shri S.B.  
Singaravadivel, Shri S.  
Singh, Shri C.P.N.  
Singh, Shri D.G.  
Singh, Kumari Pushpa Devi  
Singh Deo, Shri K.P.  
Sinha, Shrimati Ramdulari  
Solanki, Shri Babu Lal  
Soren, Shri Harihar  
Soundararajan, Shri N.  
Sparrow, Shri R.S.  
Sreenivasa Prasad, Shri V.  
Subburaman, Shri A.G.  
Sukhbuns Kaur, Shrimati  
Sultanpuri, Shri Krishan Dutt  
Sunder Singh, Shri  
Suryawanshi, Shri Narsingrao  
Swami, Shri K.A.  
Swaminathan, Shri R.V.  
Tandon, Shri Prabhunarayan  
Tapeswar Singh, Shri  
Tayeng, Shri Sobeng  
Tewari, Shri K.P.  
Tewary, Prof. K.K.  
Thorat, Shri Bhausaheb  
Thungon, Shri P.K.  
Tiwari, Shri Chandra Bhal Mani  
Tiwari, Shri R.G.  
Tripathi, Shri Kamalapati

Tripathi, Shri R.N.  
 Tudu, Shri Manmohan  
 Tytler, Shri Jagdish  
 Uike, Shri Chhote Lal  
 Vairale, Shri Madhusudan  
 Varma, Shri Jai Ram  
 Velu, Shri A.M.  
 Venkatasubbaiah, Shri P.  
 Verma, Shri Deen Bandhu  
 Verma, Shrimati Usha  
 Vijayaraghavan, Shri V.S.  
 Vyas, Shri Girdhari Lal  
 Wagh, Dr. Pratap  
 Wasnik, Shri Balkrishna Ramchandra  
 Yadav, Shri D.P.  
 Yadav, Shri R.N.  
 Yadav, Shri Ram Singh  
 Yadav, Shri Subhash Chandra  
 Yazdani, Dr. Golam  
 Zainul Basher, Shri

#### NOES

Acharia, Shri Basudeb  
 Agarwal, Shri Satish  
 Barman, Shri Palas  
 Barot, Shri Maganbhai  
 Basu, Shri Chitta  
 Bhim Singh, Shri  
 Biswas, Shri Ajay  
 Chakraborty, Shri Satyasadhan  
 Chaturbhuj, Shri  
 Chaudhary, Shri Motibhai R.  
 Choubey, Shri Narayan  
 Choudhury, Shri Saifuddin  
 Dandavate, Prof. Madhu  
 Dandavate, Shrimati Pramila  
 Datta, Shri Amal  
 Dhandapani, Shri C.T.  
 Digamber Singh, Shri

Era Mohan, Shri  
 Gangwar, Shri Harish  
 Ghosh Goswami, Shrimati Bibha  
 Giri, Shri Sudhir  
 Gopalan, Shrimati Suseela  
 Gupta, Shri Indrajit  
 Halder, Shri Krishna Chandra  
 Hannan Mollah, Shri  
 Harikesh Bahadur, Shri  
 Horo, Shri N.E.  
 Kandaswamy, Shri M.  
 Kulandaivelu, Dr. V.  
 Lawrence, Shri M.M.  
 Mahata, Shri Chitta  
 Maitra, Shri Sunil  
 Mandal, Shri Sanat Kumar  
 Masudal Hossain, Shri Syed  
 Mayathevar, Shri K.  
 Metha, Prof. Ajit Kumar  
 Mirdha, Shri Nathu Ram  
 Mukherjee, Shri Samar  
 Ngangom Mohendra, Shri  
 Nihal Singh, Shri  
 Paswan, Shri Ram Vilas  
 Pathak, Shri Ananda  
 Patil, Shri J.S.  
 Rai, Shri M. Ramanna  
 Rajan, Shri K.A.  
 Ram Kinkar, Shri  
 Riyan, Shri Bajju Ban  
 Roy, Shri A.K.  
 Roy, Dr. Saradish  
 Roypradhan, Shri Amar  
 Saha, Shri Ajit Kumar  
 Saha, Shri Gadadhar  
 Sen, Shri Subodh  
 Shastri, Shri Ramavatar



Shejwalkar, Shri N.K.

Sinha, Shri Dharam Bir

Sinha, Shri Nirmal

Sinha, Shri Pitambar

Soz, Prof. Saifuuddin

Suraj Bhan, Shri

Tirkey, Shri Pius

Unnikrishnan, Shri K.P.,

Varma, Shri Ravindra

Verma, Shri Phool Chand

Verma, Shri R.L.P.

Yadav, Shri Chandrajit

Yadav, Shri R. P.

Yadav, Shri Vijay Kumar

Zainal Abedin, Shri

MR. SPEAKER : Subject to correction, the result\* of the division is : Ayes—326 ; Noes—69. +7  
333

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The Bill, as amended is passed by the requisite majority, in accordance with the provisions of article 368 of the Constitution.

*The motion was adopted.*

17.10 hrs.

## CONSTITUTION (FIFTY-FIRST AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS (SHRI P.V. NARASIMHA RAO) : Sir, I beg to move :

“That the Bill further to amend the Constitution of India, be taken into consideration.”

Presently the Sixth Schedule to the Constitution applies to the tribal areas in Assam, Meghalaya and Mizoram which were originally parts of undivided Assam. Under the Sixth Schedule, autonomous District Councils have been functioning in these areas. Apart from being the main instruments of socio-economic development in these areas, the District Councils have generated self-confidence and self-reliance among the tribals.

In Tripura, Autonomous District Council constituted under a State enactment viz. the Tripura Tribal Areas Autonomous District Council Act, 1979 has been functioning since January 1982. It covers an area of 7132.56 square kilometres comprising 68.1 per cent of the total area of the State. The population covered by the Autonomous District is 6,26,173 of which the tribal population is 4,46,049. The Tripura Legislative Assembly passed resolutions in March 1982 and February 1983 urging the Central Government to apply the provisions of the Sixth Schedule to the Constitution to the tribal areas of Tripura State. The State Government have recommended amendment of the Constitution for the purpose. They have proposed that the areas to be covered by the proposed District Council under the Sixth Schedule be coterminous with the area under the present District Council.

The Bill seeks to meet the aspirations of the tribal population by giving the Autonomous District Council in Tripura constitutional sanctity. Under the proposed amendment the area covered by the Sixth Schedule in Tripura will be known as Tripura Tribal Areas District which will be co-terminous with the tribal areas specified under the Tripura Tribal Areas Autonomous District Council Act, 1979.

\*The following Members also recorded their votes.

AYES : Sarvashri H.K.L. Bhagat, Harinatha Misra, C.K. Jaffer Sharief, Ramayan Rai, Anwar Ahmed, Rameshwar Nikhra and Nathuram Shakyawar ;

NOES : Shri Somnath Chatterjee.