

SHRI UMANATH (Pudakkottai) : You can give a ruling on the lines of the West Bengal Speaker now.

MR. SPEAKER : But this is the Indian Parliament, not West Bengal Assembly. The result of the division is :

Ayes—48; Noes—46.

The motion was adopted.

MR. SPEAKER : Shri Karni Singhji.

SHRI PILOO MODY : I do not understand why the Ministers don't smile. We lose here everyday and we keep smiling. They have lost once, by two votes, and look at their faces.

SHRI S. M. BANERJEE (Kanpur) : Allow us to occupy those seats. I assure you, we shall make you Prime Minister.

MR. SPEAKER : Now, I call Dr. Karni Singhji.

17.31 hrs.

CONSTITUTION (AMENDMENT) BILL

(Amendment of Eighth Schedule) by Dr. Karni Singh.

DR. KARNI SINGH (Bikaner) : I beg to move :

"That the Bill further to amend the Constitution of India, be referred to a Joint Committee of the Houses consisting of 48 Members, 12 from this House, namely :—

1. Shri Onkar Lal Berwa
2. Shri Surendranath Dwivedy
3. Shri Lalit Sen
4. Shri H. N. Mukerjee
5. Shri Amrit Nahata
6. Shri K. Ananda Nambiar
7. Shri Nath Pai
8. Shri Era Sezhiyan
9. Shri Vidya Charan Shukla
10. Shri N. K. Somani
11. Shri Surendra Kumar Tapuriah
12. H. H. Maharaja Dr. Karni Singh of Bikaner, and 6 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee.

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 6 members to be appointed by Rajya Sabha to the Joint Committee."

At the very outset, I would like to thank hon. Members from both sides and you, Sir for allowing me to move the motion.

MR. SPEAKER : He may continue next time.

17.32 hrs.

BUSINESS ADVISORY COMMITTEE NINTH REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH) : Sir, I beg to present the Ninth Report of the Business Advisory Committee.

श्री मधु लिनये (मुंगेर) : अरे, आप कैसे कर सकते हैं ? आप को अधिकार ही नहीं है। आप हारे हुए हैं। अध्यक्ष महोदय, इन को कैसे इजाजत देते हैं ?

MR. SPEAKER : Now we will take up the Half-an-hour discussion.

17.33 hrs.

DETENTION OF SHEIKH ABDULLAH*

SHRI A. K. GOPALAN (Kasergod) : Sir, I wish to raise a discussion on the points arising out of the answer given on the 15th November, 1967 to Starred Question No. 71 regarding the detention of Sheikh Abdullah.

Here is a man, an undisputed leader of the Quit Kashmir Movement. He inspired the people of Kashmir and he has got an abiding place in the hearts of the people of Kashmir. He was the Prime Minister of the State and he was the idol of the people in the State. In 1953, he was arrested and detained by an order of the head of the State. He is inside the jail now. No chance was given to him and the people also do

*Half-an-hour discussion.

not know, even now, why is he detained in jail and why the Government is continuing his detention. He was released on 8th January, 1958 and he was again arrested in April, 1958 after four months. Then, a conspiracy case was foisted on him and the case went on for about six years. Crores of rupees were spent on that case. I understand Mr. Pathak and some other lawyers were engaged and about 2000 was given to Mr. Pathak per day. Crores of rupees were spent on that case. After knowing that there is no evidence and proof, when the case was put for judgment, the case was withdrawn. It was because the Government understood that there was no proof, there was no evidence and, therefore, he could not be convicted, so, the case was withdrawn and he was released.

Again, after his release in 1964, he was arrested within a year and today he is inside the jail. In answer to the Starred Question that I referred to, it was said that about Rs. 16,000 per month is spent on the maintenance and other expenses of detaining Sheikh Abdullah. Why is it that the Government does not release him? What is the purpose? What has happened? As far as Kashmir is concerned, as far as the problem of Kashmir is concerned, I want to know what has happened, whether it has improved or it has deteriorated.

Yesterday, there was a discussion here on the Pakistani infiltration into Kashmir, and it was reported by those who know about the conditions in Kashmir very well that there are no free and fair elections there and, as far as civil liberties are concerned, Government after Government comes, there is suppression of civil liberties. And also there are complaints about the Government that the Government there is corrupt and that even during elections there were no civil, liberties, etc. I want to ask as far as the question of Kashmir is concerned, what did we gain or what is the result of keeping Sheikh Abdullah in detention for the last 14 years and also continuing that detention? How far does it help in solving the problem of Kashmir? It is not a question of only Kashmir; it is a national problem. How far have we been able to inspire confidence in the minds of the people of Kashmir?

I want to quote a letter which Sheikh Abdullah himself wrote to Lal Bahadur

Shastri on 9th July 1965. In that letter he says :

"It is, however, a different matter, if we close our minds and eyes too and declare from house-tops that 'there is no Kashmir question now, or that it has been finally and irrevocably settled, etc., etc.', I am afraid this ostrich attitude will not, and has not, led us anywhere for the last 17 years except of course the perpetuation of instability, insecurity and continued agony of the people."

So, the situation in Kashmir today, as far as civil liberties are concerned and as far as the economic situation is concerned, I think, has not only not improved, but has worsened and as far as the people of Kashmir are concerned, by suppression if we keep them and keep their leader inside jail, I think, it will become still worse.

I want to point out also that when an adjournment motion was moved in this House in 1958 by no less a person than the present Deputy Speaker, Shri R. K. Khadilkar, he said :

"People say that Sheikh Abdullah is contemplating to build a sheikdom in Kashmir valley. I know the Sheikh from a distance, not very closely. But to accuse him of thinking in terms of building up a small principality is doing him injustice. He can play a big role in Kashmir. Kashmir is a symbol of secularism in this country. If he wants some freedom within the broad framework of our Constitution, we can carve out whatever he wants."

SHRI KHADILKAR (Khed) : Mr. Speaker, Sir, to put the record straight, this adjournment motion was supported, after my speech, by Mr. Masani, Mr. Dange and Mr. Asoka Mehta.

SHRI A. K. GOPALAN : I am thankful to the Deputy Speaker for saying that all those persons supported his motion.

SHRI SEZHIAN (Kumbakonam) : He is giving you more information.

SHRI A. K. GOPALAN : Yes, more information he has given me.

As far as the problem of Kashmir is concerned, the problem of Kashmir can never be solved unless the Sheikh is released, the leaders of the political parties there are consulted and unless there is confidence

created in the minds of the people of Kashmir. And the confidence in the minds of the people of Kashmir cannot be created unless Sheikh Abdullah is released and consultation among the different political parties in Kashmir is there and an agreed solution has come. So I want to know from the Government what the result is. Bitterness of the people in Kashmir has grown and we have to spend lakhs and lakhs of rupees for suppressing the people. When the bitterness has increased it is by force that the people will have to be suppressed, and suppressing the people means spending more and more money. Rs. 16,000/- is spent for that. It is not for the interests of the people of Kashmir. It is not for the economic development of that State. It is only for suppressing the people and to see that their leader, Sheikh Abdullah, who is the ideal of the people there, is suppressed and that he does not go out and lead them. I want to tell the Government that by adopting this method, the Government had to contend with so many incidents during the last 14 years when he was inside jail. By suppressing the people, by suppressing the actions of the people and the desires of the people, the question of Kashmir, especially, cannot be solved, and the problem becomes more and more serious, bitterness grows and we will have to spend more and more money and we will have to have more military there and even then the situation will be more serious and we cannot say what will happen.

The important point is that their powers are curtailed today. Instead of giving them more powers and instead of making them feel that they are very safe and they are on a par with the people in the rest of the country, we have curtailed the powers with the result that they are thinking today not in those terms in which they ought to think. From their own experience, they know how the Muslim minority in other places is treated. I do not want to refer to that. Yesterday we had discussed the communal reaction and how the CIA is working and creating communal feelings and communal disturbances.

So, in order to have communal amity and friendship and also to solve the problem, I would request Government at least now to release Sheikh Abdullah and then see that the leaders of the political parties there are called for a discussion. In order

to create a good atmosphere for the discussion and to find a concrete solution of the Kashmir problem, the first condition necessary is that Sheikh Abdullah be released. I hope Government will at least now understand and realise the folly of suppressing and keeping him inside jail and see that in the interests of Kashmir and in the interests of India, he is released. I hope that this will be done.

श्री ओ० प्र० त्यागी (मुरादाबाद) : शेख अब्दुल्ला को 1953 में छोड़ा गया था और उसके बाद उनकी एक्टिविटीज को वाच किया गया। उसके बाद वह बाहर गये थे। गर्वनमेंट ने तब भी बड़ी कोशिश की थी कि उनके विचार बदलें। लेकिन शेख साहब के विचार नहीं बदले। उनकी एंटी-नेशनल एक्टिविटीज को देख कर ही उनको विवश होकर पकड़ा गया। मैं जानना चाहता हूँ कि क्या अब उनके विचार बदल गये हैं? या फिर जो लोग अब उनकी रिलीज की आवाज बुलन्द कर रहे हैं, वे क्या कोई नया षड्यन्त्र तो नहीं रच रहे हैं? इसका कारण यह है कि इन्हीं लोगों की एक दिन आवाज यह थी कि शेख साहब अमरीका के एजेंट हैं और काश्मीर के खिलाफ हैं। इन्होंने एक पुस्तक लिखी थी। यह पुस्तक कम्युनिस्ट पार्टी की ओर से लिखी गई थी। इसका नाम था कांस्पिरेसी इन काश्मीर। आज उसी पार्टी की तरफ से यह सवाल उठाया गया है और उनकी रिहाई की मांग की गई है। मालूम ऐसा पड़ता है कि अब यह कोई दूसरी कांस्पिरेसी है। यह कांस्पिरेसी अमरीका से तो नहीं हो सकती है लेकिन चीन या रूस की मदद से हो सकती है। मैं समझता हूँ स्थिति में कोई परिवर्तन नहीं हुआ है। बल्कि वह पहले से ज्यादा बिगड़ी है। मेरा विश्वास है कि शेख की रिहाई की मांग बहुत बड़ा विदेशी षड्यन्त्र है। भारत के पूर्व में बंगाल में और इधर पश्चिम में काश्मीर में और लद्दाख में एक बहुत बड़ी गड़बड़ करने की एक योजना है और इसी वास्ते आज इस प्रकार का यह प्रश्न सामने लाया गया है।

لڑکی کے मामले کی ایک بات بھی अभी हमारे सामने काश्मीर में उपस्थित हुई है। वह कोई कम्युनल झगड़ा नहीं था, परन्तु उसकी आड़ में पाकिस्तानी एजेंट काश्मीर में बाहर आये; और उन्होंने इसे साम्प्रदायिकता का रूप देकर वहाँ भारत के विरुद्ध आग भड़काई और वातावरण को दूषित बनाया। मैं पूछना चाहता हूँ कि वर्तमान परिस्थितियों में जो पाकिस्तानी एलीमेंट्स सामने आए हैं उनको देखते हुए अगर शेख साहब को रिहा कर दिया गया तो जो वहाँ गड़बड़ हो रही है वह ज्यादा होगी या कम होगी ?

जनता के मन में एक भ्रांति है। इसको सरकार को साफ कर देना चाहिये। भ्रांति यह है कि वह समझ चुकी है कि सरकार उनको रिहा करने का फैसला कर चुकी है और काश्मीर को आटोनोमी दे कर, वैली को आटोनोमी दे कर उसे उन के हवाले कर दिया जायेगा। मैं जानना चाहता हूँ कि इस में क्या सच्चाई है ?

श्री गुलाम मुहम्मद बख्शी (श्रीनगर) : त्यागी जी ने जो बात उठाई है उसकी को मैं पहले लेना चाहता हूँ। यह जानना कि शेख अब्दुल्ला का दिल बदल गया है या नहीं, मेरे खयाल में कोई भी आदमी नहीं बता सकता है क्योंकि कोई उन्हें मिला नहीं है, न गवर्नमेंट साइड से और न इस एवान में से। आप यह भी जानते हैं कि पोलिटिकल तौर पर मेरा उनसे इत्तलाफ है। लेकिन मौजूद सूरत में और जो हालात काश्मीर के हैं उन में उनकी रिलीज हालात को सुधारने में मदद करेगी, ऐसा मैं मानता हूँ। बेसिकली वह फिरकापरस्त नहीं है। वह कुछ भी हों लेकिन कोई शकस यह नहीं कह सकता है कि वह फिरकापरस्ती के हक में हैं। जहाँ तक कांस्पिरेसी वगैरह की बात है ये तो होती रहेंगी, कहीं से उठेंगी, कहीं जायेंगी लेकिन इनका मुकाबला भी हम लोगों को मजबूती के साथ करना है, सरकार को भी करना है और लोगों को भी करना है और साथ-साथ मिल कर करना है, और लोगों की सहायता

ले कर करना है। मैं सरकार को आज से नहीं बल्कि राइट फ्राम दी बिगिनिंग आफ 1966 से मशिवरा देना आया हूँ कि उनको छोड़ दिया जाये और देख लिया जाये कि वह क्या करते हैं। आखिर दुनिया खत्म नहीं हो जायेगी, दुनिया उलट-पलट नहीं जायेगी। अगर उन पर मुकदमा चलता और तब वह बन्द रहते तो अलग बात थी। तब हम दुनिया को कह सकते थे कि अदालत में मामला है या अदालत ने उनको सजा दी है, या वह खुद बाहर आना नहीं चाहते। मुकदमा चल नहीं रहा है। डिटेंशन के खिलाफ सब ने आवाज उठाई है। इस वास्ते मेरा यह कहना है कि

It is high time that he is released and without any further delay, and that will not create problems but on the other hand it will help the Kashmir situation.

شری بغشی غلام محمد (شری نگر) :

تیاگی جی نے جو بات اٹھائی ہے اسی کو میں پہلے لینا چاہتا ہوں۔ یہ جاننا کہ شیخ عبداللہ کا دل بدل گیا ہے یا نہیں میرا خیال میں کوئی بھی آدمی نہیں بتا سکتا ہے کیونکہ کوئی انہیں ملا نہیں ہے۔ نہ گورنمنٹ سائڈ سے اور نہ اس ایوان میں سے۔ آپ یہ بھی جانتے ہیں کہ پولیٹیکل طور پر میرا ان سے اختلاف ہے۔ لیکن موجودہ صورت میں اور جو حالات کشمیر کے ہیں ان میں ان کی رلیز حالات کو سدھارنے میں مدد کریگی۔ ایسا میں مانتا ہوں۔ بیسیکلی وہ فرقہ پرست نہیں ہیں۔ وہ کچھ بھی ہوں لیکن کوئی شخص یہ نہیں کہہ سکتا ہے کہ وہ فرقہ پرستی کے حق میں ہیں۔ جہاں تک

जाना चाहिये। लेकिन अगर कोई ऐसा व्यक्ति है जिस की एक्टिविटीज एंटी-नेशनल हैं, जो देश के विरुद्ध काम करता है तो उसके खिलाफ एक्शन तो अवश्य ही लेना होगा। आखिर को यह डिफेंस आफ इंडिया रूल्ज किस लिये बनाये गये हैं। इनको जब जरूरत हो, इस्तेमाल में लाना तो होगा। अभी मेरे मित्र ने कहा उनको छोड़ दिया जाये और एक बार देख लिया जाये कि उनका क्या रुख रहता है। मैं उनको बतलाना चाहता हूँ कि उनको पहले भी एक बार छोड़ कर हम ने देख लिया है। छूटने के बाद वह बाहर गए। उन्होंने क्या-क्या कहा यह आप जानते ही हैं। उसका नतीजा यह हुआ कि फिर से सरकार को उनको गिरफ्तार करके नजरबन्द करना पड़ गया।

देश की सिक्युरिटी और उस के डिफेंस के साथ बार-बार खिलवाड़ नहीं हो सकता है। काश्मीर भारत का अंग है, लेकिन सरकार की डिलमिल नीति के कारण इस बारे में काश्मीर में, और दुनिया में भी, बार बार अनसर्टेटी पैदा होती है। आज आवश्यकता इस बात की है कि इस बारे में एक निश्चितता की स्थिति कायम की जाये।

मैंने सुना है कि सरकार ने यह फैसला किया है कि इस सेशन के खत्म होने के बाद शेख अब्दुल्ला को छोड़ दिया जायेगा। प्रधान मंत्री के दिमाग में भी यह बात है कि अगर हम ने शेख अब्दुल्ला के साथ फैसला कर लिया, तो काश्मीर प्राबलम की सालूशन मिल जायेगी। मेरी स्वयं उन से बातचीत हुई है। मैं इस बात को गलत समझता हूँ। सरकार का यह तरीका और नीति गलत है कि अगर शेख अब्दुल्ला या बखशी गुलाम मुहम्मद या किसी तीसरे व्यक्ति या किसी चीफ मिनिस्टर से फैसला कर लें, तो सब समस्या हल हो जायेगी। मैं समझता हूँ कि आज काश्मीर के अधिकांश लोग देश के वफादार हैं, देश के साथ हैं। हम में, आप में और उन में कोई फर्क नहीं है। सरकार को उन्हें बढावा देना चाहिये, उन के बीच में जाना चाहिये, उन का विश्वास प्राप्त करना चाहिये और उन में यह विश्वास पैदा करना चाहिये

कि यह देश उन का है, हम उन के हैं। लेकिन जो एंटी-नेशनल एलिमेंट्स हैं, चाहे वह शेख अब्दुल्ला हो या कोई कितना ही बड़ा आदमी क्यों न हो, उन के साथ फर्मलो डोल करना चाहिये और इस डिलमिल नीति को खत्म करना चाहिये।

आज शेख अब्दुल्ला पर 16,000 रुपया मासिक खर्च किया जाता है। 1,500 रुपया उन को एलाउंस मिलता है। इस के अलावा कोठी, बिजली और पानी का खर्च अलग है। मैं समझता हूँ कि जो आदमी एंटी-नेशनल एक्टिविटीज में इनडलज करता है, उस पर बीस हजार रुपया खर्च करने में कोई जस्टिफिकेशन नहीं है। मैं मंत्री महोदय से यह पूछना चाहता हूँ कि हिन्दुस्तान में इतने लोग डिटेंशन में रहे हैं, हमारी पार्टी के नेता, प्रोफेसर बलराज मधोक, रहे हैं, मैं भी रहा हूँ, सब पार्टीयों के बड़े-बड़े लोग रहे हैं, सब ने इस का मजा चखा है, क्या हिन्दुस्तान में कोई दूसरा आदमी है, जिस पर बीस हजार रुपया महीना खर्च किया जाता हो। मैं समझता हूँ कि लोगों के पैसे के साथ इस तरह खिलवाड़ करना गलत है।

SOME HON. MEMBERS rose—

MR. SPEAKER : If I give a chance to you, I will have to give a chance to others on this side also?

SHRI RAJARAM rose—

MR. SPEAKER : How can I give chance to you alone? Your name is not there. (Interruption). It is no question of party. You must understand my difficulty. The hon. Minister.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Mr. Speaker, Sir, I would answer some of the questions which have been asked by way of information. Incidentally some Members have also naturally raised the fundamental problem, the political problem, of the status of Kashmir its future, etc. I would like to make one point clear that there is no question of changing the status of Kashmir, because Kashmir is part of India. On that point I need not go into it again and again and allow anybody to create doubts about that. Now, Government has not yet considered

this question which has been raised by Shri Gopalan—naturally we review it from time to time, but we have not taken any decision.

SHRI M. L. SONDHY (New Delhi) : Part of Kashmir is occupied by Pakistan. Why do you forget it if you are anxious about Kashmir? (*Interruption*).

SHRI Y. B. CHAVAN : We are reviewing this question from time to time. As Mr. Gupta has said and as some Members have also said, really speaking, nobody is keen to keep anybody under detention for detention's sake. It is rather so disagreeable a thing even for me (*Interruption*), but sometimes, one has to continue to do some difficult task as a duty; it is a difficult duty; it is a stern duty. This is one of the things.

I saw two different approaches, one from Mr. Gopalan and the other from the Jan Sangh side. Ours is a more rational approach, not the extreme approach.

SHRI BAL RAJ MADHOK (South Delhi) : Yours is an opportunistic approach.

SHRI Y. B. CHAVAN : Mr. Gopalan says our entire approach is wrong, that we are completely suppressing the people, etc. It is absolutely far from truth.

SHRI A. K. GOPALAN : According to you.

SHRI Y. B. CHAVAN : Yes, when I speak, I speak according to me. How can I speak according to you? You did not speak according to me. I am giving my opinion about it. I say that this is not true, and there is no question of suppression. It is really defaming our own country if we say the entire people of Kashmir are suppressed. In the case of Sheikh Abdullah, it had to be done because it had to be done. Even one of the members who spoke for the release of Sheikh Abdullah—I know he said it in a *bona fide* manner—he can explain why the Sheikh had to be detained and why the case had to be continued against him so long. I am merely mentioning a historical fact. I am not alleging anything. He is certainly entitled to have that opinion, and I am entitled to have that opinion after two weeks.

The basic point is, the Government is not very happy to keep Sheikh Abdullah in jail. We will review it from time to time.

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The moment we come to the conclusion that it is necessary to release him and it would be in the interests of the country to release him, he would be released.

About detention expenditure, this amount is somewhat misleading in this sense. Nobody can deny the status of Sheikh Abdullah. Looking to his status...

SHRI BAL RAJ MADHOK : Dr. Syama Prasad Mukherjee also had a status. How did you treat him?

SHRI Y. B. CHAVAN : We will discuss that sometime later. We will discuss Sheikh Abdullah now. I would say, the position of Sheikh Abdullah requires special treatment. He had to be treated specially.

श्री बख्शी गुलाम मुहम्मद : यह जो सोलह हजार या बीस हजार रुपये का चर्चा होता है, क्या यह महज शेख अब्दुल्ला पर खर्च होता है या फोर्स और दूसरे इन्तजामात पर भी खर्च होता है ?

پیشری بخشى غلام محمد : یہ جو سولہ ہزار یا بیس ہزار روپے کا چرچا ہوتا ہے۔ کیا یہ محض شیخ عبداللہ پر خرچ ہوتا ہے یا فورس اور دوسرے انتظامات پر بھی خرچ ہوتا ہے ؟

SHRI Y. B. CHAVAN : What is spent on him personally is Rs. 1500 plus bungalow, water, furniture etc. The other expenditure is on the security. 4392

SHRI KANWAR LAL GUPTA : Is he a very dangerous man then?

SHRI Y. B. CHAVAN : There are two things. Sheikh Abdullah had to be detained because of national security reasons. When he is to be detained, he is to be treated with a special status. These are the two things responsible for the detention and the expenditure on the detention.

17.59 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, December 4, 1967/Agrahayana 13, 1889 (Saka).