

The question is:

[Translation]

"That Clauses 2 to 4 stand part of the Bill".

SHRI BHOGENDRA JHA (Madhubani): Mr. Chairman, Sir, I beg to move:

*The Motion was adopted.*

*Clauses 2 to 4 were added to the Bill*

MR. CHAIRMAN: The Question is:

"That this House disapproves of the Jammu and Kashmir Criminal Law (Amendment) Ordinance, 1991 (Ordinance No. 1 of 1991) promulgated by the Government on the 16th June, 1991."

"That Clause 1, the enacting formula and the long title stand part of the Bill."

*The Motion was adopted.*

*Clause 1, the Enacting Formula and the long Title were added to the Bill.*

SHRI M. M. JACOB: Sir, I beg to move:

"That the Bill be passed".

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The Motion was adopted.*

16.36 hrs.

STATUTORY RESOLUTION RE  
 DISAPPROVAL OF THE JAMMU  
 AND KASHMIR CRIMINAL LAW  
 (AMENDMENT) ORDINANCE,  
 1991

AND

JAMMU AND KASHMIR CRIMI-  
 NAL LAW AMENDMENT (SE-  
 COND AMENDING) BILL

[English]

MR. CHAIRMAN: Now, we shall take up item nos. 13 and 14 together.

Mr. Chairman, Sir, the amendment that has been brought forward here in respect of Kashmir bears a long story of heartrending events. People like me who were involved in the freedom struggle fought for the freedom of the entire country. The people of Kashmir under the leadership of Sheikh Abdullah decided to stay in India. The aggressors who attacked in disguise were initially not accepted by Pakistan. I remember that some British and American generals were leading the troops. But they were not duly authorised generals. They belonged to Pakistani troops and were leading them. At the time of attack by Pakistani troops the late Maharaja Hari Singh refused to join the Indian Union. He fled Kashmir Valley without joining the Indian Union. At that time, the very persons who were Governor General and Chief of the Army in the British regime were made Governor General and Chief of the Army of free India. Both of them were bent upon not to send military assistance to Sheikh Abdullah. They categorically derecognised the authority of Mr. Abdullah stating that merging Kashmir into the Indian Union was not the proposal of Maharaja Hari Singh. The National Conference volunteers challenged the aggressors at the cost of their life. Later Hari Singh came to Jammu and under people's pressure joined the Indian Union.

We approached the Security Council. Everybody knows what was the

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position of the Security Council at that time. The council put both the aggressor and the defender at par and advised them to maintain *status quo*. Till date the same *status quo* is being maintained.

Kashmir did make progress. The whole country made progress. But a few years ago we committed some mistakes. It is a recent case. The Government at the centre viewed party interests above national interests. It caused a rift in the National Conference and dislodged the Farooq Abdullah Government by installing Mr. Shah as Chief Minister of J and K. The Government was fully aware of Mr. Shah's opportunistic attitude. But the Government sacrificed national interest for the sake of its party interest. The National Conference which had a nationalist tradition and under the leadership of which party Kashmir was an integral part of the country even before independence, was divided. The Muslim League had no existence there. I remember, I was in jail at that time. In 1946, the late Quad-e-Azam, Jinnah went to Kashmir to announce the formation of Muslim League. He could not move out of the airport. The National Conference volunteers gheraoed the airport with black flags. Such a party was split at the behest of the ruling party at the centre for its own benefits. Mr. Shah was installed as Chief Minister. Thereafter, no alternative to National Conference could be formed. No democratic political structure could be formed. None of our parties was prepared to take the place of National Conference due to every one's weak position in the valley. In the meantime the phase of present crisis started in the valley.

In this phase, some more mistakes were committed. Last year also some mistakes were committed when Mr. Jagmohan was forcibly sent there. When Mr. Abdullah became adamant

with the charge that Mr. Jagmohan had a communal outlook and his arrival would create problems in Kashmir,.....

SHRI DAU DAYAL JOSHI (Kota): Bhogendraji, the same Jagmohan saved Kashmir.

SHRI BHOGENDRA JHA: You may also make a submission when your turn comes. Just listen, please. I was also a supporter of that Government which made this mistake. It could have been done under anybody's pressure, but I cannot absolve myself from blame. It was a mistake against country's interest. So, Mr. Jagmohan was sent there. The Chief Minister said that Jagmohan's arrival would cause damage. Even then he was sent and the Chief Minister resigned. After his resignation the Government also resigned but the Assembly was kept under suspended animation. The M.L.As were there. There was no need to dissolve the Assembly.

[English]

MR. CHAIRMAN: Let us concentrate our discussion on the subject. Let us not deviate from it.

(Interruptions)

MR. CHAIRMAN: Let us concentrate on the subject before us. Why should we deviate from it unnecessarily?

[Translation]

SHRI BHOGENDRA JHA: I would like to ask those persons who believe that the temple was destroyed by Babar, whether they want to be the followers of Babar or the followers of India. (Interruptions)

[English]

MR. CHAIRMAN: My request is that after he has finished his speech, you have also a chance to rebut his arguments. Let us understand each other properly.

(Interruptions)

[Translation]

SHRI BHOGENDRA JHA: Mr. Chairman, Sir, I would not like to discuss the intention of the people who are behind it. But in response to the slogan to demolish the Babri Mosque, the supporters of Pakistan have raised the slogan "Quit Kashmir". Therefore, the slogan of demolishing the mosque has been replied with the slogan to quit Kashmir and riots have started there afresh. (Interruptions) Mr. Chairman, Sir, after 1986, this crisis has deepened. I am talking about the present crisis. Nobody wants Kashmir to be separated from India. But you must keep in mind that your utterances at one place, can have repercussions at another place. (Interruptions) You construct the temple, I am happy. You construct the temple with the co-operation of all, I would not mind. But if you destroy the mosque, I would feel hurt. (Interruptions). In the prevailing circumstances, on the one hand people sitting in Delhi have committed certain mistakes and on the other some of our colleagues instigated the people in Kashmir by raising a slogan of destroying the mosque. As a result of it, lakhs of people had to migrate to Delhi and are leading the life of refugees here. Kashmiri people have not forced them to quit Kashmir and this is a matter of great satisfaction and a matter of pride for Kashmir.

Mr. Chairman, Sir, we-as well as the country would like to know whether Central Government is going to restore democratic process there. It has already added fuel to the fire in Kashmir by creating rift in the National Conference, of course, benefiting the Congress Party. Does the government want to bring Kashmir back into the national mainstream or establish a direct link with the people of Kashmir. Elections to village Panchayats, Legislative Assembly and Lok Sabha should be held and

their elected representatives should come and raise their voice in the House. The voice of elected representatives is missing in Kashmir. It is not being heard in Srinagar, in Delhi. The democratic process has come to a standstill there. It is a matter of regret and a blot on our democracy. I can't escape responsibility for it. My hon. colleagues can't also and should not shrike responsibility for it. We are groping in the dark and there is no ray of hope. Therefore, I would like that Government should make its stand clear, as to by what time elections would be held there. New Governor, Shri Jagmohanji decided to dissolve the Legislative Assembly. By his very first step he proved, what a communalist he was; what an anti-democrat he was. There are many states where Legislative Assembly remains in suspended animation for a long time. Mr. Chairman, Sir, there is no democratic link between the people of Kashmir and Delhi due to dissolution of Legislative Assembly. Now there is only one link between them i.e. of military men, machineguns and terrorists and their arms and ammunition. Democratic process has come to a standstill completely. This is a fresh mistake. As per my knowledge, situation has been created to force the people of Kashmir who have been living for generations and from pre-historical age, to flee from there. I am saying prehistoric age because of Kashyap sea. Kashmir has been named after Kashyap sea. Rishi Kashyap had reached there and made his cottage on the mountains and that place was called 'Kashyap Meru' and then it became Kashmir. I may tell my hon. colleagues that the lake on the mountains was divided and later on it came to be known as Jhelam river and only after that this place was made worth living. The same Jhelam river which was made by man became the artificial river. This river belongs to that age. Subsequently the deeper place became the Dal Lake. The people living in Kashmir since that

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age have now come to Jammu and Delhi. This is a regretful tragic story for all of us. The matter of pride for us is that the general public of Kashmir have not forced them to flee. There were no communal riots. But an atmosphere has been created to flee from Kashmir. We, the Indians, also can't claim to be innocent. Some of our hon. colleagues have thought that the act of destroying the mosque in the name of Rama is bigger than the country of Rama. *(Interruptions)*

**SHRI DAU DAYAL JOSHI** (Kota): 600 temples have been destroyed there, nothing has been said about that. *(Interruptions)*.

**SHRI BHOGENDRA JHA**: Please have some patience. *(Interruptions)*...I also try to learn and you should also try...*(Interruptions)*.

**SHRI DAU DAYAL JOSHI**: But don't mislead the House. *(Interruptions)*....

**SHRI BHOGENDRA JHA**: That is why they have given a call to destroy the mosque. But it is against the Indian culture, I do not go to the mosque. It is not in the Indian culture to destroy mosque. Indian culture is in favour of integration. Even if Muslims agree to it a man like me would not agree. I would not support the action to destroy the mosque. Therefore our tradition has been...*(Interruptions)*.

**AN HON. MEMBER**: When Muslims destroyed the mosque, where were you at that time?...*(Interruptions)*.

**SHRI BHOGENDRA JHA**: Muslims have not destroyed. You have raised the question, so please listen to me. Muslims have not destroyed. Many invaders who do not care for temples, mosques, 'maths', have des-

troysed them. Muslims have not destroyed. This is wrong. If at all it was demolished—I am using "if", I have read "Babarnama", I can't say that it was demolished by Babar. I have been studying since 1940. Frankly speaking, I can't even say that it was demolished by him. I am saying it because I know it if you ask me, but the people who believe that it was demolished...*(Interruptions)*...I would request my friends to keep their mouths shut and ears open...*(Interruptions)*...

It is not necessary that the people of our choice win elections. There is every possibility that the people of our choice are not elected. But whosoever are the elected representatives of Kashmir, whether they oppose our ideology or favour it, have a right to sit in this House. Their seats should not remain vacant. The seats reserved for representatives from Kashmir should be filled. This point should be made clear by the Government first of all.

**SHRI INDER JIT** (Darjeeling): Elections too should be free and fair.

**SHRI BHOGENDRA JHA**: At the moment I would not say about free and fair elections and I don't want to go into details thereof. At present, the question is whether the Government is willing to hold elections or not. *(Interruptions)*

I won't enter into the new discussion this time. I would only say that it is the responsibility of the Government of India to conduct the elections and granting of approval to conduct elections is the right and duty of this House. It is our duty and we want that elections should be held there and people should exercise their franchise. We also want that migrants from Kashmir should be sent back safely and a fresh atmosphere of amity should be created. Purpose will not be served by issuing ordinances after ordinances. If we

go on extending the period of ordinance continuously, it would not be good. It is not a good line of action to entrust the responsibility of the valley to the army indefinitely to combat terrorism instead of defending the borders. Proper course is to initiate the political process.

I hope that hon. Minister will not just recommend it for approval but will give it a political perspective. I may reconsider my resolution regarding disapproval if the Government makes clear its intention, purpose and its plan. I would like to impress upon the House to oppose this ordinance unless the Government explains and makes clear its viewpoint and approach. With these words I conclude.

[English]

MR. CHAIRMAN: Motion moved:

"That this House disapproves of the Jammu and Kashmir Criminal Law (Amendment) Ordinance, 1991 (Ordinance No. 1 of 1991) promulgated by the Governor on the 16th June, 1991.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Jammu and Kashmir Criminal Law Amendment Act, 1983, be taken into consideration."

The Jammu and Kashmir Criminal Law (Amendment) Act, 1983 provides for effective prevention of certain unlawful activities of individuals or associations. Under the enabling provisions of this Act, the State Government is empowered to declare the

individuals or associations as unlawful if the Government is satisfied that the said groups or associations are indulging in such activities which encourage to propagate hatred or hostility between different groups or indulges in activities against the interests of the nation.

Sir, the law also prescribes for the constitution of a Tribunal who has to decide about the sufficiency of the cause of declaring the associations as unlawful.

The secessionist and fundamentalist groups in Jammu and Kashmir aided and abetted by a neighbouring country have, for quite some time, been indulging in violent and terrorist activities in the State with the sinister aim of secession of the State from the Union of India. The operations of certain organisations which laid emphasis on theocratic ideas inciting the religious sentiments of the youth and others through education imparted in schools run by some of them and their strong appeal to extra-territorial loyalties, have been, to a great extent, responsible to the present difficult law and order situation in the State. Their nefarious designs and illegal activities to incite the populace, spread terror and fear of gun through intimidation and killings have to be sternly dealt with at the ground level. In an effort to thwart their persistent anti-national and subversive activities, the Government of Jammu and Kashmir in April-May, 1990, declared certain organisations and groups as unlawful in exercise of the powers vested with the State Government under the provisions of the Jammu and Kashmir Criminal Law Amendment Act, 1983.

17.00 hrs.

The Government of Jammu and Kashmir also constituted in June, 1990 a three member Tribunal of judicial officers as per the require-

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ments of the State Criminal Law. They referred the notifications issued declaring the association as "unlawful" to the Tribunal for an enquiry and adjudication. Under the State Law, as amended by the Parliament and assented to by the President of India on 25-1-91, the Tribunal was to inquire and confirm the action taken by the State Government, or otherwise, within one year from the date of receipt of the reference by it from the State Government that is, by 17-6-1991.

The Government of Jammu and Kashmir advised that the enquiry was under way and it was not possible to complete it within the stipulated period that is 17-6-91 because of the practical difficulties faced by the Tribunal in getting the notices served upon the defaulters, hearing of the affected parties in person and disposal of some triable issues that have arisen. They had therefore requested for extending the stipulated time limit for finalising the enquiry by another six months that is from "one year" to "one year and six months."

17.02 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

In pursuance of this and with the prior approval of the Central Government, the Governor, Jammu and Kashmir promulgated an Ordinance amending the State Act extending the time-limit for finalising the inquiry by the Tribunal by another six months.

The present legislation seeks to replace the Ordinance issued by the Governor on 16-6-91. The proclamation of the President dated 18th July, 1990 made under Article 356 in relation to the State of Jammu and Kashmir provided that "the reference in Section 91 of the State Constitu-

tion to the Governor and to the legislation of the State or the House thereof, shall be construed as reference to the President and to the Parliament or to the House thereof respectively." The Bill has, therefore, been brought before the Parliament.

I commend the Bill for consideration for this august House and kind approval.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Jammu and Kashmir Criminal Law Amendment Act, 1983, be taken into consideration."

Now the amendments to the motion for consideration.

SHRI GIRDHARILAL BHARGAVA (Jaipur): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 28th October, 1991."  
(1)

SHRI DAU DAYAL JOSHI (Kota): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 27th October, 1991."  
(2)

SHRI RAJENDRA AGNIHOTRI (Jhansi): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1991."  
(4)

SHRI BHAGWAN SHANKAR RAWAT (Agra): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1991."  
(5)

[*Translation*]

SHRI DAU DAYAL JOSHI (Kota): Mr. Chairman, Sir, I would

like to remind the hon. Member who spoke just before me that the great leader of Bharatiya Jan Sangh Dr. Syama Prasad Mukherjee, whose portrait was installed in the Central Hall recently, launched a movement in 1953. Under this movement 2 lakhs people were sent to jail. We do not want different laws for different states, we do not want two Prime Ministers and two flags for the same country. Had the Congress Government and the then Prime Minister listened to the voice of late Syama Prasad Mukherjee, had they listened to that slogan, we would have not to amend the laws so frequently. We would not have needed the stringent laws. If there is any party which has associated itself with Jammu and Kashmir, it is my party. Bharatiya Jana Sangh held an agitation. On the call of Dr. Shyama Prasad Mukherjee, I also took part in that agitation and was lodged in Ferozepur jail for three and a half months. There is no party which launched agitation on such a large scale and whose workers courted arrest and sacrificed their lives to save Kashmir. We launched "Jehad" against the dictatorship of Sheikh Abdullah whose case was pleaded by all the parties present here. Even today it is a mystery whether S. P. Mukherjee died a natural death or he was murdered.

Dr. Syama Prasad Mukherjee repeatedly said that he should not be administered Streptomycin. It is a mystery whether Dr. Mukherjee died or was killed as a result of a conspiracy. Nobody bothers about the laws these days. Laws are being imposed on Kashmir through Lok Sabha and manpower. Laws are being challenged as they are against the spirit of constitution. Shri Bhogendra Jha is pleading the case of Farooq Abdullah. He is an elderly person and one of the senior members of this House. May I know from him whether he and his party ever thought of launching a big agi-

tation in order to save Kashmir or they only played the politics of votes. I would like to say that migrants from Kashmir have come to Delhi. None other than Bharatiya Janata Party gave blankets to them. B.J.P. gave advertisements in newspapers that 2.5 lakh blankets were required for the migrants of Kashmir and the people of India arranged for those blankets. But all other parties turned a deaf ear to it. After all politicians should not have inclination towards a particular community but all the people should be treated at par. You are talking of secularism. B.J.P. does not believe in false secularism. Other parties talk of Muslim-appeasement alone and thus mislead the country. You have asked for more time for taking some action against terrorists. Four days ago I drew the attention of the House to a matter during 'Zero Hour' that nobody raised the case of Doraiswamy. Does the Government want him to meet the fate of Guru Tegh Bahadur? Does the Government want such a situation. The Government is talking of releasing three persons and it has failed to nab the terrorists. It is beyond your control. A person acted as a mediator. Who was that person and at whose instance he came forward to act as a mediator. Would the assassin of the General Manager of H.M.T. be released? Is the Government ready to release three persons who have committed three heinous crimes? The Home Minister may please reply this question. Doraiswamy was threatened that first his right hand and then left hand and leg and head would be amputated. After all where is the Government? I would like to tell you that I was a supporter of Janata Dal. Former Home Minister released the terrorists in exchange of his daughter, with the result that the morale of terrorists was boosted. Today, their morale is high. Should the "Nandanvana" of India, the fields of saffron, which form a part of India, be separated from it and we will remain silent spectator. I would like

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to appeal to all the hon. Members of the House to adopt a realistic approach to the Kashmir problem and enact strongest possible legislation.

Some days back a question was asked in the House, whether Government intends to bombard the hideouts of terrorists. The hon. Home Minister replied in the negative and said that the Government had no such intentions. If you do not destroy the hideouts and indulge in mere gossip and paying lip service, the life of Doraiswamy would be in danger. I would like to know about the measures that are being taken to save Kashmir and whether any policy has been formulated in this regard. Kashmir cannot be saved by enacting small temporary legislations or merely amending the existing laws. Just now hon. Member Shri Bhogendra Jha was saying that the people are migrating from Kashmir Valley on their own sweet will. You can never leave your home without locking it or informing the police that you are going out of station. How can you say that they have left their home and hearth on their own sweet will. They have left property worth lakhs of rupees to God's mercy. They are well educated, some of them are I.A.S. officers. They are living like refugees in Delhi and trying to fend for themselves. All other political parties except Bharatiya Janata Party are mute spectators to their plight. Nobody is ready to help them. Had Khurana Sahib not been there, nobody would have helped them. You might be feeling bad, but it is a fact that nobody visited their camps nor did anybody raise their voice for them. I would like to ask the members of Janata Dal, whether they have raised their voice for these hapless people, in the Lok Sabha? The Hon. Prime Minister and hon. Home Minister have never visited their camps. I would appeal to the hon. Home Minister to pay a visit to their camps

and see for himself the miserable conditions, they are living in. Merely paying Rs. 500 to them as relief and thinking that the matter has ended, will not serve the purpose. There should be will power and determination if we want to save Kashmir. I do not think that this minority Government would be able to save Kashmir. I think it was to save Kashmir that the strength of our party rose from two to eighty-six and from eighty-six to one hundred nineteen this time. Next time our number would be two hundred seventy and it is only we who can save Kashmir. We cannot save Kashmir by enacting petty legislations or just amending a few clauses of the existing laws. That is why I had moved this motion of disapproval.

I want to submit that if we really want to save Kashmir we should make a determined effort. Unless we bombard the hide-outs of terrorists or take similar action we cannot save Kashmir.

Everyday, we come across reports of attack on army positions in Kashmir. About four days back, many trained terrorists from Pakistan infiltrated into the valley and thousands are said to be waiting across the border. Therefore, there is urgent need to save Kashmir. I am saying this because I am in anguish. I was lodged in Ferozpur jail for about three and a half months. How many Congressmen have gone to jail for saving Kashmir. Janata Dal was not even on the political scene when we had started our fight for Kashmir. Therefore, my humble submission is, that we should have strong will power and determination, otherwise the beautiful valley, which is the crown of India, would disintegrate.

**SHRI AYUB KHAN (Jhunjhunu):**  
Mr. Chairman, Sir, I rise to support the Bill. Just now, I listened to Shri Dau Dayal Joshi's speech. He is a close friend of mine as we belong to



the same state. But the way he was speaking it seems that as if he was not born in Rajasthan because people of Rajasthan do not speak in this way. People believe in secularism there and that is the culture. Every community and religion is given equal respect. Sir, I know quite a bit about Kashmir. I fought two wars in Kashmir, viz., Indo-Pak war of 1965 and 1971. We faced the Pakistan tanks at that time. We did not allow them to set foot on the sacred Indian soil and made a grave yard of the Pakistani tanks at the border itself. Pakistan will remember that grave yard for ever and the way they had to face our brave army.

AN HON. MEMBER: Those were American tanks.

SHRI AYUB KHAN: They were called the American Patton tanks. But the Indian army was never overawed by them because the soldiers knew this holy land of the Lord Rama and Lord Krishna can never be enslaved. They know that this was the land of patriotic people and it was on this strength that the Patton tanks were destroyed. Besides, we saw the civilians of Kashmir and Punjab fighting along with us. They supported us all and there was no question of caste or religion or Hindu or Muslim in Kashmir or Punjabi and Sikh in Punjab. Everybody wanted to defend his motherland. That was the slogan everywhere. The need of the hour today is that a similar slogan should be raised in the Parliament. When we are elected, we do not represent one caste or community but all the communities of our area. It is our duty and responsibility that we speak for all the communities and not be swayed by petty considerations.

Mr. Chairman, Sir, since 1984, when I was first elected to Parliament, I have been to Kashmir many times. I got the opportunity of reorganising DCC and PCC. When I met people,

I found that there was lot of poverty in the State. Educationally they were very backward. Whichever Government came to power in the State, it did not do anything for Kashmir. It was because of this ineffectiveness over the years that gradually a fire engulfed the State and hell was let loose. When I went there, I came to know that the then Chief Minister had some tiff with the Education Department. We told him that if education is made free upto 10th class, small children of 3 to 5 years would not be forced to row the boats. But no heed was paid to it and as a result nothing happened.

Mr. Chairman, Sir, I would like to submit to the hon. Home Minister that if these were the facts and this was the condition why was Shri Jagmohan posted there as Governor? On what grounds were Hindus asked to leave the State? Had the situation deteriorated to such an extent that only one community could live there and the rest were to shift elsewhere? Kashmiri people had set an example of peace and amity and earlier they were considered a very subdued community as they never killed even a hen. I would not use the word coward for them, but there was a feeling of fraternity. There was perfect communal harmony and there have never been any communal riots there. When Hindu-Muslim riots had not taken place there, what was the reason of asking—Hindus to leave the state? It was a well planned conspiracy, but nobody is aware of the conspiracy. The conspiracy was to expel the Hindus from Kashmir and ruin the state thereafter on some pretext. Is there any parallel anywhere in the world, where all communities barring one community might have been segregated. Could it happen in Punjab? Such a thing should never happen. It should be the earnest endeavour of all of us to send back all Hindus to their respective native places with honour. Shri Dau Dayal Joshi was

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speaking just now. Are there any members in his party who might have courage to visit Kashmir and assess the condition of the people there. All of us should go there and assess the situation. We should examine their grievances and troubles. Terrorism has no regard for any religion or faith. It does not respect any religion, caste or community. Its only aim is to terrorise the people. All the Muslims should not be linked with terrorism. I am also a Muslim. Our religion says that if a Muslim is a true follower of Islamic faith, he can never be a traitor. If he is a traitor, he can't be a true Muslim. The teachings of 'Quran' imbibe a spirit that no Muslim can be a traitor. Now I would like to tell you that if anyone is a traitor, he cannot be a Muslim. Our religion also teaches us to respect a temple in the same manner as we respect our religion and mosque. To make a distinction between a temple and a mosque is not the issue here. I have come here after having served in the armed forces. The persons who have served in the armed forces are present here ... (Interruptions)

MR. CHAIRMAN: You should concentrate on the Bill which is before us.

SHRI AYUB KHAN: I would like to appeal to you not to create such feelings which are likely to harm the country and not to deliver such speeches which may lead to the disintegration of the nation. I would urge upon you that with a view to help the people of Kashmir, the terrorism should be dealt with an iron hand. The daughter of Shri Mufti Mohammad Sayeed, the then Home Minister, was abducted by terrorists. A serious blunder was committed at that time. Should the Home Minister of a nation mortgage or sell his country for securing the release of his daughter? It would have been better if Shri Mufti Saheb had said

that he was not father of his daughter alone, but he was like a father of crores of daughters and he should have sacrificed his daughter, but he should not have made a compromise with the terrorists for getting his daughter released. He should have set an example, but such an example was not set. We are not concerned if anybody's name is linked with the name of Shri Mufti Mohammad Saheb. He was the Home Minister of this country. If anybody commits such a mistake irrespective of his position and caste, it is after all a mistake and nobody is greater than our nation. Neither our religion nor anything else is greater than our nation. We should sacrifice all these things, but we should save our country.

I have heard and seen the people who raised the issue of Bofors gun. They never thought that these guns would protect the country. We should not criticise the guns, though we can make criticism of the money involved in it. We should not talk in terms of selling our country, although we can oppose and criticise each other and the party of our opponents, yet we should not harm our country. I would urge upon you that all of us should think as to how Kashmir could be saved. The only way to save Kashmir in my opinion is that Hindu brethren should be sent back to Kashmir with honour and proper arrangements should be made so that they may live there peacefully. A team of Members of Parliament should also be sent there to assess the situation there. Stern action should be taken against the terrorists irrespective of their caste, creed and religion. If someone is a terrorist, he is follower of no religion. If there is any Muslim among terrorists, he is not a true Muslim as a Muslim cannot betray his country and he cannot be a traitor. No Muslim can oppose the temple and no mosque can be built at the site of temple. In our Shariat, it is mentioned

that a mosque can never be constructed at the site of any temple. A mosque can't be constructed on a land lent by anyone or on land of others. If any mosque exists anywhere it must have been built after procuring a piece of land in exchange of hard earned money. It has been explained very clearly in our religion that a mosque can never be built on the land of others. Secondly, we have declared in our constitution that no distinction would be made between a temple and a mosque. We should show equal respect to a temple and a mosque. Then how can the assertions made here hold good. The way B.J.P. members are speaking here and the way emotions have been aroused here, is not proper. I would like to submit to them that their views may be relevant at the party level, but they should speak in the House in such a manner which helps in saying and strengthening the country. One should not express too much bitterness against members of one particular community. If you think that you can gain something by doing so, it is not good, as it would not be in the interest of the nation. I concede that Syed Shahabuddin Saheb is equally responsible as B.J.P. members are, in creating such a situation. Had Shri Sahabuddin Saheb not raised such an inciting slogan on that day, these people would not have been united at one place and talked in such a manner. These circumstances have been created due to the slogan raised by him on 26th January.

MR. CHAIRMAN: I would like to request all the Members to concentrate on the Bill only. There is no need to speak on Kashmir issue or communal riots. You should speak on the subject of the Bill.

SHRI AYUB KHAN: I was speaking on the subject matter of the Bill that most stringent action should be taken against the terrorists and they should be dealt with an iron hand. With these words, I support the Bill.

MR. CHAIRMAN: Shri Surya Narayan Yadav, Please confine yourself to the subject matter of Bill only.

DR. LAXMI NARAYAN PANDEYA (Mandsaur): Mr. Chairman, Sir, I rise on a point of Order. Our Dau Dayal Joshi has spoken just now. It was his right as he had moved the resolution for disapproval. The first chance should now be given to B.J.P. No member from B.J.P. has spoken till now. A member from B.J.P. should be called first. Other members should be given chance only when Members from B.J.P. have spoken.

MR. CHAIRMAN: You will also be given a chance.

(Interruptions)

DR. LAXMI NARAYAN PANDEYA: But the first chance should be given to Members from B.J.P.

SHRI MADAN LAL KHURANA (South Delhi): After Minister, there is full justification for giving a chance to a Member from B.J.P. First of all, you should please call a member from B.J.P. (Interruptions)

DR. LAXMI NARAYAN PANDEYA: How did you skip the turn of this side.

SHRI MADAN LAL KHURANA: You should kindly call the names out of the list which was sent to the Honourable Speaker. Business should be transacted in an orderly manner. (Interruptions)

MR. CHAIRMAN: One member from your party has already spoken.

DR. LAXMI NARAYAN PANDEYA: When has our member spoken.

MR. CHAIRMAN: I will give you also a chance. For the time being, you please sit down.

(Interruptions)

SHRI SURYA NARAYAN YADAV (Sahasra): Mr. Chairman, Sir, the objective of this Bill is to initiate

[Sh. Surya Narayan Yadav]  
the election process in Jammu and Kashmir, which is long overdue. Understandably, the Government needs some breathing time to tackle the present law and order problem in the state. The National Front Government, which came to power in 1989, used to regularly review the situation in the state after every six months, but unfortunately, the situation there worsened day after day. The then Prime Minister had given a categorical assurance that elections to the State Assembly would be held after six months. Now this Government has brought forward this Bill. I support it because I agree with the Government's perception that the situation in the state is not conducive for holding elections, but I would certainly like to add here that the Congress Party is to be squarely blamed for the present situation in the state, as explained by my friend, Shri Bhogendra Jha. -Are we responsible for the present situation in Kashmir? No doubt, we too had committed mistakes. Sir, I don't want to absolve my party of the mistakes, it had committed. I admit that we had set a wrong precedent by releasing some terrorists to free the daughter of the Home Minister from the clutches of the terrorists, who had kidnapped her and unfortunately we are paying the price for that error on our part, to this day. As I said earlier, I have no hesitation in admitting the mistakes committed by our Government, but at the same time, I would like to say that in this Bill, there is no mention whatsoever about what the Government proposes to do or the time frame to solve this problem. I wonder whether Kashmir will continue to undergo the present agony or whether there will be an end to it? There is no point in assessing the success and failure of the policies pursued by the previous Government or the then Governor. I would like to say that the House will support the Bills in this regard. But are you making any serious effort to study the present situa-

tion there? As my friend mentioned here, it is known to one and all that the situation in the state is deteriorating with each coming day. As Shri Joshi emphasised here, the need of the hour is to rise above party lines and consider ourselves as the representatives of the people and the larger interests of the country should be paramount in our minds.

Mr. Chairman, Sir, through you, I would like to suggest the hon. Minister that the displaced people from Kashmir should be sent back to their homes and adequate provisions made for their safety. Not only that, a sense of security should be instilled in the minds of all the people living in Kashmir. All efforts should be made to root out terrorism, which is fast gaining ground in the country. The situation in the State is so bad that sometimes it seems that there is no administration worth its name in the State. Therefore, it is necessary that terrorism is stamped out, with all the strength at our disposal.

Sir, by dissolving the State Assembly, the Government had in fact thrown democracy to the winds. Therefore, it is my humble submission, that if the situation in the state is not conducive for holding fresh elections, then the Government should restore the legitimacy of the dissolved assembly so that a democratic environment is created and a sense of confidence is instilled in the minds of the people that they too are living in a democracy.

**SHRI MADAN LAL KHURANA**  
(South Delhi): Mr. Chairman: Sir, I welcome and support the Bill brought to replace the ordinance in this regard, but I would like to state that the Government is not taking the steps, it is required to, to check the deteriorating law and order situation in Kashmir.

Mr. Chairman, Sir, if one observes the present situation in Kashmir, it becomes obvious that there is no administration worth its name

in the valley. In fact, it is the writ of the terrorists that runs in the valley. Briefly I would like to cite an example in this regard. Last year, on January 26, Republic Day was celebrated throughout the country, except in Kashmir. The Chief Secretary there had convened a meeting of senior officials and had asked them to be present at the Republic Day function, but you may be surprised to know that officials from the lowest level to the District Magistrate chose not to attend the celebrations in Srinagar. Such is the situation there.

Sir, in Kashmir, Government servants go to Pakistan to undergo arms training. They stay there for months, but are marked present in their offices in Srinagar. They receive training in Pakistan camps, but draw their salaries from the state Government. The Police authorities there refuse to file an F.I.R., when people approach them to lodge complaints about the attacks on the houses of the Migrants. The other day, when I had said that the houses of those who have fled the valley are being looted, the hon. Minister Shri Azad had refuted it. Today I have brought with me a copy of FIR, there are 808 First Information Reports in which the Migrants have complained that their houses have been looted that bombs were thrown on their houses. If you permit, I would like to place this list on the Table of the House. This list also mentions about the 26 temples in 13 villages which were bombed and badly damaged. Worse, the Station House Officers and other Police officers insert advertisements in the newspapers stating that they haven't arrested, harmed or killed any terrorists. They do so for they fear reprisals at the hands of the terrorists. What's more, Pakistan is taking advantage of the swear campaign carried out in the names of violation of human rights by the local and foreign press, especially the American Press. Such elements should not be allowed to go scot free.

One more thing that I would say is that we are giving a wrong signal by saying that we are prepared to talk with the ultras. An attempt is being made to create an impression throughout the world that this problem is there in whole of Jammu and Kashmir, which is totally wrong. The disturbances are limited only to the 50 per cent valley. The regions of Jammu and Ladakh have their own problems, which are in no way linked to the problem in the Kashmir valley. No anti-national activities are taking place in both the regions of the state. Therefore, it is essential that we make endeavours to remove this misunderstanding that the whole state want to secede from India or that they want to accede to Pakistan. Although it is reiterated from time to time that terrorism will be strictly dealt with, the actions of the Government, whether it be that of the Chandra Shekhar Government, the National Front Government or the Congress Government that preceded them, goes to show that they have all along been sending wrong signals to the anti-national elements. It would be too premature to assess the actions of your Government, which has assumed office only lately.

Sometimes, it is heard that there are moves to reinstate Dr. Farooq Abdullah. In fact, people started getting influenced by the vicious propaganda of the anti-national elements, from the day Dr. Abdullah bungled the State elections. The people were disillusioned and came under the sway of the secessionists. It is on the record of the Home Ministry, that when Dr. Farooq Abdullah was the Chief Minister, about 150 people went to Pakistan to undergo training. Therefore, if the Government tries to appoint Shri Farooq Abdullah as Chief Minister of Jammu and Kashmir once again, I do not think the Centre would be able to solve the problem of terrorism in the valley. On the contrary, it will

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flare up further. The Government must consider this point before taking such a step.

Mr. Chairman, Sir, there is another point which I want to raise in the House. As may hon. Friend mentioned just now, the news reports of the last 3-4 days indicate that trained Pakistani soldiers are intruding into the country along with the terrorists. The personnel of the armed forces of Pakistan in plain clothes are infiltrating into this side of the border with the result that 1965 like situation is developing once again. This is a very serious issue and the Government should pay attention to it.

I would like to repeat one thing which I said last time also that Government is sending wrong signals. The Government says and it is a fact—that Jammu and Kashmir is an integral part of India, but the hon. Members would be surprised to know, as most of them do not know, that census have been conducted in the entire country except Jammu and Kashmir. I would like to know why census have not been conducted in the State after 1941? You say that we are communal because we demand abrogation of article 370. I do not want to be drawn into that controversy right now, but I would certainly like to know as to why census were not conducted there? ... (*Interruptions*)... In Assam, Census were not conducted because there were foreign infiltrators. What signals do the Government intend to send to the outside world. Do you want to give a handle to Pakistan so that they may claim that Jammu and Kashmir is not a part of India? I oppose such things which the Government has been doing.

Now I come to migrants. I am really distressed to hear the stories, which some people have been telling about migrants. Some people say that Shri Jagmohan brought only

Hindus from the valley. Whom do you want to deceive? To whose injuries do you want to add salt? Can there be a person who will desert his house and property just for nothing and wander like a nomad? By doing so, the Government is simply strengthening the case of Pakistan. Radio Pakistan and Pak TV will repeat what my hon. colleague belonging to the Congress Party has just now said and then it will become a propaganda plank for the media in that country. If a Member belonging to the ruling party of the country says that since Muslims were to be killed in that part of the country, Shri Jagmohan brought the Hindus from there, the Radio and TV of Pakistan will use it as a handle for propaganda so as to create a bad impression about India in the outside world. To make such statements just to cover up petty political follies is not in the national interest. These migrants are living like refugees in their own country. We have been hearing such statements coming as they did from the Members of the National Conference, but now that a Member belonging to the Congress Party has made such a statement, I would like the Home Minister to clarify their stand. Have the migrants from the valley come under that policy or the Government has a difference of opinion with what their hon. Member has said? The hon. Minister must clarify it lest Pakistan and other countries opposed to us should misuse such a statement. I would like to make it clear why they came here as refugees. Posters carrying threatening to the effect that their daughters would be kidnapped if they did not leave their houses by a specified date were pasted outside their houses. Now that, that have come here as migrants, why are their Bank accounts in Kashmir being freezed. I demand that deposits in their accounts should be paid to them. Why are not their houses being restored to them? Why are their houses being looted? To say that their houses are not being

looted is incorrect. I have with me the proof to the effect that their houses are being looted. It is very rare that their F.I.R. is registered. More often than not, their F.I.Rs. are not registered. But I do have with me a copy of the F.I.R. and all the proofs with regard to the house number etc.....

**SHRI RAMESH CHENNITHALA** (Kottayam): You have just now said that F.I.R. is not registered. How then did you get a copy of the F.I.R.?

**SHRI MADAN LAL KHURANA**: In Delhi, it is a common topic of discussion that more often than not, F.I.R. is not registered. But it does not mean that F.I.R. is not registered at all. But I mean to say is that they avoid to register the F.I.R. just to keep the crime rate undercheck. This is how they show the crime rate to be declining. What I want to say is that the actual number of incidents is far more than what the F.I.Rs show. The migrants are living in pathetic conditions. They are facing all sorts of difficulties whether it is in the matter of employment, admission of their children to educational institutions or the living conditions. They are living in tents and you say that they have come here of their own sweet will. Three-four families are living in one tent for the last two years. As many on 18 families are living in one small room. About 40 people died of sun stroke in Jammu during last summer...*(Interruptions)*... don't say like this, you say that they should go back. Did the migrants from Punjab came here of their own sweet will?

What I want to say is that they did not come here of their own, they were forced to leave the valley. They have come here to protect the honour of their daughters. I do not say that they have been driven out from the valley by the Muslims, the fear of terrorists have forced them to

flee. That is the fact and we should admit it.

The question now before us is as to how to solve their problem. Last two years have seen three Prime Ministers. The present one is the fourth to take over the charge of the affairs of the nation, but I am sorry to say that none of them bothered to visit the camps of migrants in Delhi and Jammu to see the miserable conditions in which they are living. Therefore, will someone go and see the conditions in which they are living.

I would like to be excused, but I cannot help saying that a feeling has gained ground in their hearts today that they had to leave their homes and live here like refugees only because they accepted India as their motherland and the tricolour as their national flag. Had we too accepted the Pakistani flag as our own, they would have allowed us to stay there. They feel that they have been punished for not toeing their line. Therefore, I want to say that what is needed today is to give them a heeling touch and find ways to solve their problem. To say that they have come here of their own sweet will or Shri Jagmohan or the B.J.P. have brought them is nothing but adding salt to their injuries and hence at least such things should not be said about them.

I have two-three suggestions to make. The State of Jammu and Kashmir has three regions Jammu, Kashmir valley and Laddakh and we see that there is a lot of regional imbalance there in the matter of development, as a result of which there is a great resentment among the people in Jammu and Laddakh regions. Since time at my disposal is very short, I shall be very brief in my suggestions. Government should deal with the terrorist and anti-national elements sternly and should not hold any talks with them

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as long as they do not agree to abide by the constitution of this country. The Government should not act contrary to this stand because that will send wrong hints across the country. Secondly, I would suggest that the democratic process should be set in motion in the State. I do not say that elections to the Parliament should be held there because I agree to the view that elections should be held only when conditions conducive to holding fearless and impartial elections are created and as of now such conditions do not exist. Elections in the valley had never been impartial. During the last elections, only one—two per cent polling took place and that is why I consider that election too a fraud. I am not in favour of holding elections there until normalcy is restored, but let there be elections to the municipalities and Zila Parishads to begin with. Thirdly, I would request that the Government should constitute regional Councils of Jammu, Kashmir and Laddakh so as to make the people of the respective regions accountable for the development of their regions. Fourthly, I would suggest that a cell should be set-up on war footing for the redressal of the grievances of the migrants.

One more point and I would conclude my submission. I do not consider all people of Kashmir valley as anti-national. There are many tribes such as Gujjar and Bakarwal who are pro-India and we have to win their confidence. The Central Government must create confidence in them by assuring them that the activities of the terrorists will not be tolerated any more. The Government will have to find solution to the Kashmir issue besides removing regional imbalances in Jammu and Laddakh. At the same time, proper plans would have to be drawn up to facilitate development of these two regions and to rehabilitate the migrants from the valley. I want that the Government or the Home Minister should

announce some concrete measures in this direction in the House.

[English]

SHRI SAIFUDDIN CHOUDHURY (Katwa): We are discussing the Jammu and Kashmir Criminal Law Amendment (Second Amending) Bill. I think there is another Bill Representation of the People (Amendment) Bill. I think we can discuss both the items together. So, my points will be with regard to both.

THE MINISTER OF HOME (SHRI S. B. CHAVAN): It is only for unlawful activities.

SHRI SAIFUDDIN CHOUDHURY: That is true. But I am saying that there is another thing which will come just after that. So, on the same lines, the debate will continue. This is for granting another six months' time to the Tribunal that was constituted to go into the matter of declaration of unlawfulness of some organisations.

The State Government wanted some time and we have to give it. It is really necessary that when the Executive takes certain measures which are harsh by nature, there is a certain mechanism to scrutinise the action and to decide whether it was done legitimately or not. Now one year's time had been given for that, but they could not complete their job within that period. So, another time of six months is required by them for completing the job. That is what they wanted. We have to give that time so that the action taken by the Government is genuinely legitimised. Though there may be a necessity in some parts of the country to declare certain organisations as unlawful as they are indulging in anti-national activities with the support of foreign countries, on principle, I believe that only by this kind of measures we cannot tackle the situation in a right manner. There is no doubt that we



have to put an end to the kind of campaign and activities which these banned organisations are pursuing. They are harmful to the interest and the unity of the country. They are secessionists; they want to destabilise our country; they are killing innocent people of our country; they are taking recourse to communal kind of activities.

Now, we have to have a total fight against this; and if we are sincere in launching this kind of fight through the mobilisation of the people, then this technical question of whether to declare some banned organisations as unlawful organisations or not does not matter much.

But what are we doing and what is happening in Jammu and Kashmir? What is happening is that we are taking, on paper, certain technical measures, certain administrative measures which are not being matched by political action. That is why they are not being isolated from the people. They have to be isolated. The way they have created havoc in the valley they should not have any support by now.

The people of Kashmir should have understood that their destiny is tied with India. They understood it before. It may be that, that generation, many of them, have passed away. The new generation has entered. They do not know vividly what happened during those days when we were attaining freedom. They do not know what kind of attitude the leaders of Kashmir at that time had. When Shri Jinnah visited the Valley to enlist the support of the people for Pakistan and Muslim League, people of the valley rejected Jinnah's appeal. And they decided to join India, that is secular. They did want to join a theocratic Pakistan.

Now the people of the same Valley, how have they gone astray? We have

to think deeply about this. It is a very serious matter. Despite all the gloomy picture that we see there in the Valley and despite the kind of reports we receive from time to time, I think, there are certain things which are very positive. For example, the attempt to incite the people on communal lines, on fundamentalist lines, and the elements there have failed to communalise the situation in the Valley of Kashmir.

On the ground, we had the report of a committee one year ago, when we had a Committee on Kashmir Affairs, when we had the opportunity to visit the Valley twice. We did meet the people there. Despite the curfew, people's curfew, imposed by the terrorists, secessionist elements, people in hundreds came to meet us and after the ritual of claiming Azadi and shouting against India, they started giving vent to their feelings of denial, discrimination, their suffering economy and otherwise.

Now that was a time when we understood that the kind of campaign that was going on in the rest of the country portraying that the problem in the Valley was communal. We understood that it was not. Communal elements, Muslim fundamentalists supported by Pakistan and their mentors overseas, they are trying to use religion for their ends.

MR. CHAIRMAN: What do you propose to do? Do you want to adjourn the House at 6 P.M.?

SHRI M. M. JACOB: We have a problem. Tomorrow is the only sitting for the Rajya Sabha. Unless we pass it today and give the message to the other House they cannot pass it. Tomorrow is the last day. So, please make it positive and conclude it. I request you to extend the time by one hour.

MR. CHAIRMAN: Is it the pleasure of the House that we extend the time by one hour?

SEVERAL HON. MEMBERS:  
Agreed.

AN HON. MEMBER: Some more  
Hon. Members may like to speak.

MR. CHAIRMAN: I will accom-  
modate all.

SHRI INDER JIT (Darjeeling):  
You were a member of that Com-  
mittee and you visited Pakistan. What  
is the solution? What is the way out?

SHRI SAIFUDDIN CHOUDHU-  
RY: There is no doubt that the fun-  
damentalist elements there are trying  
to exploit religion to have a hold over  
the people of Kashmir. I have no dou-  
bt about it. But despite that, when  
we visited the Valley, the people told  
us that they were hurt because their  
Hindu brothers had to leave the Val-  
ley.

18.00 hrs.

We asked them, what guarantee they  
could give to make them stay there.  
They said: "We also want security."  
How can we give them guarantee if  
some terrorist comes and kills some-  
body in the night? It requires a coor-  
dinated attempt by the people and  
by the Government to put up a kind  
of vigilance. I do not know whether  
any attempt was made in this regard.  
But then the ground situation was not  
communal. We heard that the  
houses of the pandits were being  
burnt. But when we went there, the  
people told us, even when we visited  
the camps of the migrants in Jammu,  
they told us that they gave the key  
to the neighbours and came away.

Even a few days ago, the leaders  
of the migrants came to Delhi and  
met us. They requested us to raise  
their demands in the House. I also  
do not agree that somebody could  
influence them to leave. I just do not  
subscribe to the view that they were

influenced by somebody to leave the  
valley. I do not subscribe to this  
view because psychologically it was  
a very difficult situation for them  
to live there. If I were the Governor  
of Jammu and Kashmir, I would  
have told them to stay there despite  
this. Here the Administration failed.  
I criticise Shri Jagmohan, who was  
the Governor there at that time.. (*In-  
terruptions*)

SHRI RAM NAIK: (Bombay-  
North): What happened after that?

SHRI SAIFUDDIN CHOUDHU-  
RY: The leaders of the migrants  
came here and requested us to raise  
their issue in the House. I raised it  
and many Members supported it.  
They are living in a very miserable  
condition in Jammu and elsewhere.

Now, Sir, their tales are very bad  
and so many other problems are there  
such as getting loans. What will hap-  
pen to the young people in their com-  
munity? Then, what will happen to  
the HMT workers, their salary? At  
that time it was settled that 75 per  
cent of the Basic and D.A. will be  
given to them though they demanded  
full salary. Even that was stopped  
after some months. Again we raised  
the issue, we talked to the Prime  
Minister, and the Industry Minister  
and now, I believe, that has been re-  
sumed.

Then, there are certain other things  
to be done for them. Some of those  
who came out from the valley are  
employees and they are now, on the  
verge of retirement. What will happen  
to their retirement benefits? They  
cannot go back to the valley imme-  
diately. Then, how the papers will be  
obtained? All these require sympa-  
thetic consideration and attention. We  
cannot allow a situation in Jammu  
and elsewhere, the migrants to degene-  
rate to such a level, whereby it can  
be again exploited by other kind of  
fundamentalists. While in the Valley

the Muslim community is being attempted to be exploited on communal lines, we should not allow another situation to happen in Jammu, where in other kind of communal elements could exploit the situation there. We should not allow that Communalism of this kind or that kind is bad.

The migrants came and met me. They particularly and individually requested me to raise their demands in the House by our party. They knew very well that our party is secular and we do not indulge in communalism. Many times I raised it in the House. Sir, 'Parliament News' and 'Sansad Samachar' do not bother to mention our names. I never made any complaint.....(Interruptions) On this I must make a complaint now... (Interruptions) Here I tell you how some minds are working. When this issue was raised here in the House, in the Hindu Sansad Samachar bulletin, they forgot to mention as to who raised it. They said that some BJP member raised it. I ask whether the problem of the migrants is a BJP problem and whether somebody with a non-BJP name has no right to raise that issue. Have we become that kind of communal? Has our Doordarshan been like this? I take a very serious note of this because what is needed is that there should be no communalisation of the situation.

I must say that whatever the kind of committee we had, after the dissolution of that committee, this problem has suffered a lot. Nobody gave any political attention to it. We left everything to the administration there. We got ourselves bogged down into petty politicking.

That is how we have neglected a very serious problem in relation to our unity and integrity. We cannot now neglect it any more. Let there be an all-party meeting. Let there be an

advisory committee. Let there be a committee comprising of all the political parties at the level of the Governor, at the district level which can talk to the people. There has been no interaction with the people for the last one year. It is a crime. Now we cannot allow this to continue any more. At that time, we did go there twice and talked to the people.

One thing is that the militants there must understand, and I think they now understand, that they cannot take Kashmir away from India. That is clear. That was told in unequivocal terms. They must also understand that in India there are people who fell for them, feel for their problems. Now what is happening in Pak-occupied Kashmir? There is no democracy there. We talk about no elections in our part of Kashmir despite the fact that we had good elections in 1977 or sometimes later. If there is an aberration, there are voices raised. There are people who criticise any aberration, any rigging. But in Pak-occupied Kashmir, there is no democracy. The whole thing is rigged. The Advisor of Mr. Nawaz Sharief, Mr. Malik, has said that they have rigged the last elections in Pakistan. So in India we have democracy, secularism, we have the attitude for decentralisation of political and economic power. We are concerned about regional identities of all linguistic and cultural people. All these values are required to be reiterated again and again and no attempt should be made to go back on this. If in the rest of the country there are communal elements, who are raising their heads, those have also to be crushed. Then in Kashmir the fight will be easier...

SHRI INDER JIT: You have said that the migrants should have stayed on in the Kashmir valley—all the Kashmir pundits and all those who were forced to come away. Would you support the proposition that it is a national commitment and a duty

[Sh. Inderjit]

of the Government of India to help these migrants to go back to the valley and be re settled there with all security?

**SHRI SAIFUDDIN CHOUDHURY:** I am happy to say here that the leaders of the migrants who came here, said that they would go back to Kashmir. We must make all ground realities prepared for their going back. They have to go back there. That is their place of living. They cannot remain outside. But right kind of atmosphere should be created for that. If they come out and decide not to go back, then the design of Pakistan will be successful. That we must remember. They have to go back.

I do not want to take much of your time. We must now try to have political interaction with the people there. That will be the harbinger for political process in the valley. I also support Shri Madan Lal Khurana when he said that there has to be consideration for some kind of autonomy of Ladakh and Jammu and Kashmir State. I think it has to be carefully considered so that these regional imbalances are removed and all parts of the Jammu and Kashmir State live in harmony and in a healthy atmosphere of unity and fuller integration with the country. With these words, I thank you very much for giving me time.

**SHRI RAMESH CHENNITHALA (Kottayam):** I rise here to support the Bill. This Bill is for giving more time to the Tribunal for going to the merits of the case. One year is not sufficient, so the State Government has recommended for six more months for this. I entirely agree with that because the Tribunal must go into the details of the merit of the case and before manning any organisation they have to collect the facts. So, one year and six months are essential for the Tribunal to go into the merits of the case.

Sir, in our country certain organisations are working against the national interests. They are trying to instigate the people on communal lines, to work against the national interests and are trying to create chaos and confusion in the country. They are supporting secessionism and they are trying to disrupt our public life and harmony. These organisations are trying to create communal riots and are trying to create confusion among the different sections of the society. So, not only in Jammu and Kashmir but also in other parts of the country these organisations are working. So, my request to the Central Government is to work on this line and ban certain organisations who are trying to create communal tensions in our country. Of course, certain organisations are trying deliberately to create communal riots and fanaticism and are trying to disintegrate our country. So, these communal organisations must be banned and their activities should be stopped.

Sir, many hon. Members have expressed certain points regarding the situation in Jammu and Kashmir. Day-by-day the situation is worsening. Yesterday, I have raised it during Zero Hour. For the last 38 days the Director of Indian Oil Corporation, Shri Doraiswamy, was in the captivity of Jammu and Kashmir militants. Everyday we are hearing in the newspapers that he is going to be released tomorrow and discussions are going on. Today, we saw in the newspaper an ultimatum was given by militants that his right hand is going to be cut. I want to know from the hon. Home Minister what are the steps taken by the Central Government for earlier release of this Director of Indian Oil Corporation. It is highly shameful. I may mention here that former Home Minister, Shri Mufti Mohd. Sayed's daughter was released within four days. And here for the last 38 days the man is in the custody of J & K militants. I do not know what action

has been taken. The Central Government employees are in agony. They can't go out, they can't go for work. Proper protection must be given to the Central Government employees who are working in this particular situation in Jammu and Kashmir.

As regards encouragement which they are getting from Pakistan, the Pakistani Government is giving full support to these militants. Training camps are being run for them in Pakistan. They are using sophisticated weapons. They are crossing the border and coming to Kashmir and are creating all these troubles. I would like to know from the Government what steps they have taken to stop this crossing of the border. If the Government is not going to stop the crossing of the border, these activities will go on and we cannot stop them.

These militants must be dealt with with an iron hand. We have to face them. Definitely we cannot show softness to these militants. As Shri Saifuddin Choudhury has mentioned here, the people in the Valley are fed up with the terrorists. They are not at all associated with these terrorists. They want to remain in the Indian Union. They want to be with the Indians. The only problem is that the Pakistan-trained people who are coming here are working on communal lines and are trying to exploit the sentiments of the poor people of the Kashmir Valley. But now the militants are getting isolated. So, this is the time to act.

There are certain special problems of the people of Jammu and Kashmir especially of the youth. Of course, unemployment is a big problem everywhere, but we have to look after the problems of the youth of the Jammu and Kashmir separately. I visited Jammu two months before. Some of the graduates there are sitting on hunger strike. I met them and discussed with them. For the last four hundred

days they are sitting on hunger strike. Their demand is to fill up the vacancies in the Government departments. They have represented to the Governor. I personally spoke to the Governor. There are certain vacancies in the Food Department but the Government is not taking any measures to fill up those vacancies. This is just one example that I am citing. For the last four hundred days they are sitting on dharna and the Government is not taking any steps to fill up the vacancies. The vacancies are existing and there are qualified persons also available.

There are other issues also which can be tackled very easily by the Government but the Governor as well as the Government officers are not at all keen to solve even the small problems which are being faced by the youth as well as by the people of that area.

As regards the Committees—that was the demand made from all corners of this House—there must be some Advisory Committee and the representatives of all the parties should be there on that committee. We see that nowadays corruption is going on like anything. Since there is nobody to check the corruption—there is no Assembly, there is no democratic process, only the officers are ruling—so, the corruption is also going on. This corruption must be stopped and for the effective implementation of the programmes and for the effective implementation of the developmental activities, there must be some popular committees and representatives of all parties must be there on those committees.

I want to say one word about the migrants. One of our hon. Members mentioned that only BJP is helping them. Without going into the party politics, I would like to say that on the instructions of late Shri Rajiv Gandhi, we had gone there and we helped these poor people who are suffering in the camps. A.I.C.C. is

[Sh. Ramesh Chennithala]

still helping the poor people who are suffering in these refugee camps in Jammu and Kashmir. The tents are in a very bad shape. The people in the camps are suffering a lot. They are not given proper protection. Their children are not getting education facilities. They are facing problems for getting the pensions. There are lot of problems in these refugee camps.

I spoke to the Relief Commissioner who said that they are giving all the facilities for the refugees. But, I may mention that in almost all the camps, people are starving and they are not getting the salaries, pensions etc. There is nobody to look after them. This is the state of affairs of the Government. The Governor, his Advisers and Relief Commissioners are all sitting simply in their offices. They are not taking care of the sufferings of the poor people in the refugee camps.

I urge upon the Government to send an all-party delegation to Jammu and Kashmir to study the present situation there. Moreover, stern action should be taken against the J&K militants who are trying to disrupt the peace and harmony in the valley.

[Translation]

PROF. PREM DHUMAL (Hamirpur): Mr. Chairman, Sir, I support the Jammu and Kashmir Criminal Law Amendment Bill brought by the Government because without it, it is not possible to run the administration there. Period of one year has been completed on 17th June, 1991. Now the Hon. Home Minister has proposed to extend the period by six months. Whenever a bill regarding any state is presented we extend the period by 6 months, whether it is extension of the President's Rule or extension of the period of such Bills. The Government pleads for extension as if the situation will improve after six months. If the hon. Home Minister is able to do so within six months, I would consider it good fortune of the

country. All the same, I have been to Jammu and Kashmir, and nobody can say that the difficult situation prevailing there would be brought under control within 6 months. The influence of the present Government is so limited that the hon. Home Minister has not been able to go there himself. As my friends have said that people have come from there as refugees and are living in the camps here which have not been visited by the Home Minister. The high officials could not participate in the function held on 26th January in Srinagar, so the influence of the present government is limited only to the airport and the Secretariat, beyond this area the government has got no influence.

Mr. Chairman, Sir, I went to Doda district, I asked the Deputy Commissioner there as to the number of Government employees, who are on the rolls here and marked present and paid salary here but are receiving training in Pakistan? Initially Deputy Commissioner was reluctant to say anything but later on he gave the number as 12 or 18. I said, "Mr. D.C. the list of such people which we possess has 66 names. The Bill which the Government has brought means that the people, the institutions, who are bent upon disturbing the amity, should be declared unlawful. The activities of such elements should be checked. The Minister may take the trouble of explaining the position as to how many people and how many institutions have been declared as such? I am told that people have gone to foreign countries, they have returned from Pakistan after receiving training and on their return they got their salaries and promotion and are called "foreign returned" people.

Mr. Chairman, Sir, today the question of Doraiswamy is coming up. We have arrived at a situation of pick and choose. During the National Front Government when the daughter of the Home Minister was kidnapped terrorists were released in order to

save her. Shri Khera, General Manager HMT was killed and then we were very strict. Do we think that there is any citizen left who can sacrifice himself when there is such a need! But if it concerns us we can release the extremists. Hon. Home Minister, you shall have to realise that every Indian citizen has his own importance, his life is equally dear to his family members as the life of the daughter of the Home Minister or any high official. Besides, I would also like to refer to the voice often raised in Parliament about the propaganda against us abroad. At times, in order to score a minor point we say something against the interests of the nation and in foreign country the same words spoken by us are projected against us. Electronic media, Television and Radio of Pakistan are propagating against us. Mere amendment of this law won't serve any purpose. Is the Government taking any steps to counter their propaganda? I had been to the Conference of Inter Parliamentary Union held in Uruguay. The delegates from Pakistan said in the conference that the dignity of women is at stake and the children are massacred, there was a reason behind it. Last year when it was being discussed here, several honourable Members may recall that there was pandemonium in the House alleging killing of innocent people and repression and we had to answer in Uruguay, we had to speak for our country and that we did. But the Members who spoke in those terms in the House had unfortunately to face that very situation when they criticised the terrorists. I mean to say that a terrorist is a terrorist, he does not belong to any particular religion or a particular caste. The people who have taken to terrorism, and extremism do not love their motherland and the Government has to adopt a clear policy in dealing with them. If you are soft towards a particular class or community that won't help and if some terrorists are raising any objection or an innocent person is killed we have to consider that also. The Government can definitely do some-

thing if it adopts certain definite policies. It is perhaps then alone that the whole nation, the whole Parliament will follow it and support you, and if the Government delays it then it won't be possible to do anything.

Some of your friends and the Hon. Minister also say that the temples were not attacked there. Hon. Ghulam Nabi Azad is from Doda district. There is a Tehsil Bholderwah and there is an ancient temple of Vasuki Naag. This temple was attacked with bombs. Whenever he visits his district Doda he will see the marks of bombs on the temple. Sir, once it so happened that a person was fleeing after hurling a bomb. People ran after him and caught him, somehow he managed to run away but his identity card fell down. Mr. Chairman, Sir, you will be surprised to know that when his Identity Card was seen, it was learnt that he was a Jawan of the 9th Battalion of Jammu and Kashmir Armed Police. A Jawan of Police indulged in hurling a bomb at the temple. What action the Government or the State authorities have taken against him is for you to see, but the conditions are such that the administration is giving patronage and protection to the extremists who are engaged in anti-national activities. Therefore, this law should be enforced against organisations and people, who are trying to alienate Kashmir from the rest of India. Ad-hocism and extension of the period by six months is not to last long. The Government shall have to frame a clear policy about Kashmir. Many a time we hear about holding talks with Farooq Abdullah. The speakers preceding me said that this gentleman was also associated with militancy, and during his time also people would go for taking training. Therefore, I request the Government to adopt a clear policy about Kashmir. There are some patriots but they are silent. Some terrorists are ruling there. The Government will have to distinguish between a patriot and others. The Government should

[Prof. Prem Dhumal]

support the forces which are in favour of the unity and solidarity of the country and condemn the people who are disloyal to the country.

Finally, I would like to say one thing.

A purpose of bringing this amendment is that people try to disturb the amity there (*Interruptions*)

[English]

SHRI A. CHARLES (Trivandrum): I want to ask one question.

PROF. PREM DHUMAL: I am not supposed to explain to you. Let the Minister explain everything to you.

[Translation]

Please take your seat. I have very little time at my disposal. I have not so much time that I could explain each and everything to you. In this Bill there is a special mention about the people who will spoil the atmosphere of brotherhood there. Mr. Chairman, Sir, it must have come to your notice that I had presented a petition on behalf of Buddhists in the last Lok Sabha. People of other communities, I mean Muslim forcibly married to some Buddhist women. I would like to draw your attention towards this matter because the Buddhist community of Laddakh is feeling insecure these days. Voice is being raised in Jammu and in Laddakh for grant of regional autonomy. It has resulted all the developmental activities have come to a standstill there. In spite of Ladakh's population running in Lakhs, there is not a single I.T.I. The Government will have to end this imbalance and take steps to maintain balance. The Government will have to create an order and atmosphere there in which nobody is able to forcibly marry anybody's daughter. Some people are taking

undue advantage of this situation there. Therefore, I would like to tell the hon. Minister that although my party is supporting the amendment in the national interest, yet we would like to strike a note of caution that the government should give up the *ad-hoc* policies and bring forward definite policies. The Government will have to adopt a stern attitude within the country and outside and everywhere in order to save Kashmir from being alienated from India. The Government should not hesitate even to bombard the areas of Pakistan where training is being imparted to extremists. With these words I thank you.

[English]

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Chairman, Sir, the Bill that is before us is really the culmination of the original sin of Shri Jagmohan dissolving the Kashmir Assembly. If he had not done that, perhaps this Bill would have been before that Assembly.

Sir hon. Members have dilated on the situation in Kashmir. I do not think we have enough time to go over this very wide canvas. So, I sincerely hope that the hon. Minister, in his reply, will touch some of the points that have already been raised on the floor of this House. But permit to say, Mr. Chairman, that the situation in Kashmir is a great national tragedy. The valley was ringing once upon a time in 1947 and 1948 with slogans and I recall them with feeling. I was then in school and I saw the films of the people marching in the streets with whatever they had in their hands in order to resist the invasion of Kashmir and shouted:

"Hamlawar khabardar, hum Kashmiri bain Beqar"

I think many of us will recall that and today, the same valley is ringing



with slogans of rebellion, with the drum beats of war, with inhuman atrocities, with waves of repression. It is indeed a great human tragedy, a great national tragedy, the end of a dream which has turned into a nightmare. This is a failure that we have got to admit and there is no use putting the blame on one or the other.

Mr. Chairman, Sir, I spoke of the original sin and I realise that every-one of us has his own private list of saints and sinners. We are counter-posing one against the other, Sheikh Abdullah against Shyama Prasad Mukherjee, Farooq Abdullah against Mufti Mohammad Sayeed and so on and so forth and yet that does not help us. I would like to make a very small point, with your permission, that the present Government has no prescription on Kashmir and even the President's Address, which we have debated here, was totally silent and in a number of replies that have been given on the floor of the House, nothing had been said about how the Government propose to tackle the situation in Kashmir, except the formation of some nebulous people's committees, which, of course, is too little and too late and perhaps will not provide any forward step.

There is a political vacuum in Kashmir. There is indeed no democracy in Kashmir. Permit me to say that with the operation of the four black laws, Kashmir is virtually, I say virtually, *de facto*, under a military administration. There is no civil administration worth the name. The Government may be sitting on the top of the file but the civil administration has neither responsibility nor power. Atrocities are being committed day in and day out. There is a state of repression. I am not the one to condone terrorism or atrocities by any one and the fact is that there is no feeling for human life left. There is no distinction between those who are anti-national and those who are nationalists. We are making no diffe-

rence between terrorists and the people of Kashmir. The alienation of the masses, therefore, is complete. The political disaffection of the people is almost on the margin of rebellion. There are friends in this House who suggest that all of them have revolted against the State, and that we have nothing to do except to go and bomb them out, bomb them out of existence, throw them out, push them out and liquidate them, there can be no place in human society for those who have rebelled against the State. This is the prescription they offer. And yet can that prescription solve the Kashmir problem? Can that save Kashmir? Can that help us? No. I feel that something more needs to be done.

SHRI INDERJIT: Give us your remedy.

SHRI SYED SHAHABUDDIN: Such simple solutions cannot do. There cannot be immediate panacea. There has to be a progressive step by step approach and I do suggest that, for a change, let the Prime Minister call a meeting of all the party leaders and consult them on the situation in Kashmir. Let him also follow a suggestion made by Shri Saifuddin Choudhury to form an Advisory Committee on Kashmir consisting of Members of this House and from all regions of the country in order to advise the Governor on how to go about the administration.

SHRI INDERJIT: From Tripura to Tamil Nadu.

SHRI SYED SHAHABUDDIN: There is a possibility of promoting voluntary organisations, not officially sponsored organisations. Officially sponsored organisations will not cut any ice with the people of Kashmir. But voluntary organisations for the relief of the people, for the rehabilitation of the people and for the welfare of the people, for taking up individual cases of repression, for taking

[Sh. Syed Shahabuddin]

up the question of atrocities, and for getting the people to feel "Yes. There are people who care for us," should be set up. This is the approach.

The time has come when we can perhaps revive the political process if we cannot usher in new elections or revive the Assembly. I personally cannot see that the time is ripe for holding election today.

Having said that, let me say that this Bill that is before us is only a symptom and deals only with the problem only partially and I also join my colleague in questioning the hon. Minister : How is he so sure that after six months or during the next six months, these tribunals should have finished their job? If these tribunals have not been able to function for one year, where is the guarantee that the Government would not come back to us and ask us for another six months, another one year in order to enable them to complete the task? Therefore, I would say that a new approach is called for.

I suggest first that the hon. Minister take the House into confidence. Let him at least place before us the list of organisations and individuals whose cases are pending before the tribunals. We are asked to sign on the dotted line. We are asked to sign a blank cheque. And the hon. Minister is not even prepared to give us the names of the organisations and the charges against them; and the detailed reasons why it has not been possible for the tribunals to deal with their cases. We must know why the notices were not served, why the personal hearing could not take place. Is it not an admission of failure on the part of the Administration? If that is so, doesn't the hon. Minister owe an explanation on the Floor of the House why the Administration has failed even to hold the hearing? Why didn't they serve

notices? Why didn't they present the witnesses in the course of the hearing? Why didn't they try the triable elements that have arisen?

Sir, we would like to know also one basic point. If you look at the law which we are seeking to amend, the reference to a tribunal has a specific purpose. It says that these references must be handled as expeditiously as possible. The term was originally a period of six months. That period was extended to one year. Now that period is sought to be extended to a year and a half. After all, the idea was that this law is basically an abridgement of the fundamental right guaranteed in the Constitution. There is the right to form associations and if the associations function in anti-national manner, the State has the right to curb them. Then, there is a safeguard which says if the State acts capriciously or with ill-will or with a political motive or to settle political accounts, then the tribunal comes in, the quasi-judicial process comes in, in order to save us against the excesses of the State. That is the purpose. Therefore, any extension, *ipso facto*, to my mind, goes against the spirit of the original legislation and it is an example of the excessive use of State power.

Sir, I would like to suggest that there is a third aspect. I would like to point it out. There are organisations all over the country which preach and incite violence; there are organisations all over the country which instigate and organise violence; there are organisations all over the country which promote enmity and hatred and ill-will between social groups; there are organisations all over the country which disrupt public order; there are organisations all over the country which seek to poison and vitiate the social environment and we do not brand them an anti-national organisations. We do not prosecute them. We do not take legal action against them. Does it add to the credibility of the State?

Does it add to our status in Kashmir? Does it add to the faith of the people of Kashmir? They think that they are victims of a double-standard? The fact is that certain things which are said and done in India are beyond the reach of the Constitution and same things when said and done in the Valley are deemed to be within the reach of the Constitution. I am not defending the acts. But I would like to make a political point. There are two ways of dealing with such anti-national organisations, those who seek to subvert public order and sabotage democracy. One is the way of banning them and pushing them underground and there is another way of dealing with them politically; confront them and fight them politically over-ground. You are adopting the under-ground method and you are failing. I am not one of those who suggest that such organisations should all be banned.

SHRI INDERJIT: How do we meet the Pakistani threat and their attack?

MR. CHAIRMAN: No such questions can be asked. This is not the way of a debate. There is no provision for that.

SHRI SYED SHAHABUDDIN: I can deal with them. I am on a specific point that this particular Bill before us raises the issue of double-standard and the issue adds to the ill-will that has been fostered among the people of Kashmir. I would seek your indulgence for a minute.

Sir, something was said about the Temples in Kashmir. I have, in my own ways, tried to save the Temples in Kashmir. In 1986 when I saw Press report that some Temples were damaged, I wrote to Dr. Farooq Abdullah and demanded immediate repairs to the Temples. He reported back to me saying that 4-5 Temples had been damaged and he had got them repair-

ed. After that I got a list from a Kashmiri gentleman and I asked him to provide the details, the names and addresses of those Temples and I am yet to receive a reply. I would like to inform the House that an eminent journalist Shri B. G. Verghese made a very detailed survey and came to a totally different conclusion.

As far as the migrants are concerned, I do not say, that anyone forced them out but they were certainly lured into migration; they were certainly cajoled into migration. (Interruptions)

[Translation]

It is a matter of few days. They were told that they would return to their homes soon and live peacefully after that.

[English]

Mr. Chairman, I would like to bring to the notice of this House that the only silver lining, I see in this dark situation in Kashmir, is the communal amity and the secular temper of the people of Kashmir. I was there recently and I found that the houses were locked, not looted; I found orchards, all fenced with fruits lying on the ground and nobody touching them. I met people also who questioned why our neighbours have left us; why they do not come back. I would say that let us gain on these emotions of the people of Kashmir. Let us not betray the secular traditions; let us not betray their faith; let us hope and pray that all the people of Kashmir, can go back and serve the Valley. Today, in the Valley there is no administration because those who must run the administration are not in the Valley any longer.

Therefore, Mr. Chairman, having said this, I pray to the Government, to please take care of the political situation. This is a very minor measure,

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though it raises some issues of import. I would suggest that they should go for the list of these barred organisations. If they have not been able to establish a case over the last one year and if they are not guilty of any specific charges which they have been able to prove, then, you should rescind the ban and only pursue those cases in which there is distinct evidence of anti-national activity.

**With these words, I thank you very much for giving me an opportunity.**

MR. CHAIRMAN: Now if all the formalities are to be completed by 7 O'clock. I am afraid, I should now ask the Minister to speak.

(Interruptions)

[Translation]

PROF. RASA SINGH RAWAT: Mr. Chairman, Sir, what will be the fate of our amendments?

SHRI GIRDHARI LAL BHARGAVA: Mr. Chairman, Sir, please extend the time.

[English]

THE MINISTER OF HOME (Shri S. B. Chavan): How many members of one party are going to speak here? A message must go the other House.

MR. CHAIRMAN: If more time is to be given, then I do not think that we will complete it by 7 O'clock.

(Interruptions)

[Translation]

PROF. RASA SINGH RAWAT: Please extend the time for taking up amendments.

[English]

SHRI SONTOSH MOHAN DEV (Tripura West): The other House will

be adjourned. They are waiting for the Bill. (Interruptions)

SHRI S. B. CHAVAN: Please help me. The other House will not be there to accept that Bill and tomorrow is the last day. (Interruptions)

The business of the other House is almost over and that is why they are waiting for the message from this House. Everybody is trying to repeat the same point over and over again. There is no new point which is coming forth and that is why, I am requesting all the hon. Members to try to understand the implications. If there is a recess of the Rajya Sabha, then, for almost three weeks, we will not be able to pass this Bill and that is why it is necessary that you have to co-operate with us and see that the Bill is passed. (Interruptions)

[Translation]

SHRI RAJENDRA AGNIHOTRI: Mr. Chairman, Sir, by this time, I would have completed my speech... (Interruptions) Let them speak for five minutes and five minutes may be allowed to the mover of amendments. (Interruptions)

PROF. RASA SINGH RAWAT: Mr. Chairman, Sir, please protect our rights. (Interruptions)

[English]

MR. CHAIRMAN: I cannot ask the other House to wait for us. (Interruptions)

[Translation]

SHRI GIRDHARI LAL BHARGAVA: Why are you curtailing our rights? I have given a notice for amendment. Therefore, I have a right to speak on it. (Interruptions)

[English]

SHRI RAM KAPSE (Thane): I was present in the meeting of the

Business Advisory Committee and it was specifically told by the Minister concerned that tomorrow they are going to take up this Bill in Rajya Sabha. This needs to be completed here today, but, not that that it should be done before 7'0 clock. (*Interruptions*)

MR. CHAIRMAN: We must complete it and the message must go today. Then only they can take it up tomorrow. (*Interruptions*)

SHRI S. B. CHAVAN: Mr. Chairman Sir, there is hardly anything in this Bill. There are eight organisations which in fact have been declared as unlawful and this is only to ratify that. All other factors which have been mentioned here are not relevant to the Bill at all.

[*Translation*]

SHRI GIRDHARI LAL BHARGAVA: Mr. Chairman, Sir, it is our right to speak on the amendments. Please protect our rights.

(*Interruptions*)

[*English*]

MR. CHAIRMAN: Those who have given amendment for circulation of the Bill I will give them one minute each.

[*Translation*]

SHRI GIRDHARI LAL BHARGAVA: Mr. Chairman, Sir, my amendment is very short. Organisations indulging in terrorist activities in the valley have been banned. A tribunal has been set up. The term of the tribunal has already been extended by six months twice and now again the Central Government proposes to extend it by another six months. A lot of things have come to light with this Bill. There are reports in today's news papers about release of Doraiswamy who has been kidnapped by the terrorists. There are apprehensions that he would be killed and thrown but

before that his limbs including hands and nose would be chopped off. The situation is very deplorable there. What his family members might be thinking about all this. The militants have created terror in the minds of people. There the people are totally helpless.

I would like to submit in brief and give statistics which are an eye opener. In 1941 the Muslims were 90 per cent and Hindus 10 per cent. In 1981 Muslim percentage was 97 per cent and Hindus were 3 per cent. In 1991 the Muslim percentage became 99.9 and Hindus 0.1 per cent. A time will come when there will be no Hindu in the valley. But it is not a question of Hindus and Muslims.

Bharatiya Janata Party has said this thing earlier also. Dr. Syama Prasad Mookherjee sacrificed his life for the cause of Kashmir. If Article 370 is not abrogated, the valley will become a muslim majority area. Article 370 is a bottleneck in our way and because of that the Hindus will not stay there. Therefore, Article 370 should immediately be abrogated.

My second submission is that Ex-servicemen should be rehabilitated in the valley so that confidence in the people could be instilled, otherwise people who have migrated will not go back to their homes in the valley.

Similarly, I would like to bring to the notice of the House that about 2000 houses were burnt, destroyed and looted in the valley but the victims have not been given relief worth a single paisa. On the other hand, when 50 houses belonging to musims were burnt here each victim family was not only given Rs. 50,000 as relief but also assistance in other forms was given to them. I condemn this type of discrimination being made by the Central Government.

They observe Friday as a holiday. Their watches are adjusted according

[Sh. Girdhari Lal Bhargava]

to Pakistan time. The top Muslim officers who were earlier terminated have once again been reinstated. I want to emphasize here once again that only 16 per cent of the migrants have been provided tents. There is no arrangement for the rest nor has any provision been made for providing them medical aid. Their children are not getting admission in Central Schools by the Central Government and their bank accounts are not being transferred. The condition of tents is very bad and nothing has been done to implement the announcement made by the Central Government to sanction a monthly ex-gratia payment of Rs. 500 to each family.

There are about two and a half lakh displaced persons in Jammu today. No Prime Minister has ever gone there so far. If the Government wants to take some remedial measures for all these problems of Kashmir, then Article 370 has to be abrogated and Ex-servicemen will have to be rehabilitated there. Only then Kashmir will remain an integral part of our country, otherwise the way Congress party is handling the affairs of Kashmir, it seems the day is not far when Kashmir—for which the great leader Dr. Syama Prasad Mookherjee sacrificed his life—will be snatched away from us. Therefore, I make a strong appeal to the Centre to abrogate Article 370 and rehabilitate the Hindus and Ex-servicemen there.

[English]

SHRI S. B. CHAVAN: Sir, this is a very simple proposition.....(Interruptions).....

[Translation]

PROF. RASA SINGH RAWAT: Mr. Chairman, Sir, I have also given a notice for an amendment. I too may please be allowed to speak.

SHRI RAJENDRA AGNIHOTRI (Jhansi): You gave a ruling just now

that those who have given notices for amendments, would be given one minute each to speak.

[English]

MR. CHAIRMAN: All of you have got the same amendment.

[Translation]

SHRI RAJENDRA AGNIHOTRI: Do you want me to set a precedent by raising a point of order on your ruling? Please let me speak.

[English]

MR. CHAIRMAN: The amendment is the same that the Bill be circulated for public opinion. All amendments are the same. So why not cooperate with the Chair? After this it has to go to the other House also.

(Interruptions)

[Translation]

SHRI RAJENDRA AGNIHOTRI: Mr. Chairman, Sir, we will take half a minute each. Please let all of us speak....(Interruptions)...

PROF. RASA SINGH RAWAT: Mr. Chairman, Sir, we will take one minute only. Not more than one minute...(Interruptions).

SHRI DAU DAYAL JOSHI: Mr. Chairman, Sir, I had appealed to the Government earlier also. I would once again ask them to be bold and courageous.

"Arjunasya Pratibaddhen Na  
Namyam Na Palayanam"

Keep in mind the pledge of Arjuna. Don't be so humble and gracious to Pakistani hounds or terrorists. Fleeing or 'Palayan' is also not allowed in war. If you want to teach the terrorists a lesson, bombard their hide-outs. There is no other way out for Kashmir. Bharatiya Janata Party

is the only party which has been saying this and has drawn the ultimate conclusion that unless Article 370 is abrogated the problem cannot be solved.

**SHRI RAJENDRA AGNIHOTRI** (Jhansi): Mr. Chairman, Sir, I want to make two submissions to the hon. Home Minister. Firstly, the situation in Kashmir is deteriorating about which the entire country is worried. Your administration is not providing protection to the nationalised forces that can improve the situation. The administration is not strengthening them to carry on the political activities in a democratic way. It is being realised today and the people of India are realising that the administrative officials there, who get their salary from Government of India, are strengthening the anti-national forces. The recent incident on 26th January is an eye opener. The gazetted officers who get their salary from the Government of India, did not participate in the Republic Day celebrations. This shows their disrespect to the nation. In this context, the hon. Home Minister will have to ponder over the matter. It is evident that today, the administration is extending facilities to 70 per cent secessionist and terrorist forces operating in Kashmir. Secondly, my submission is that the Government should take the responsibility of renovating all the shrines, be it a temple, or any other shrine that have been damaged in Kashmir. The nation must be assured that hon. Home Minister has got this feeling.

**PROF. RASA SINGH RAWAT** (Ajmer): Mr. Chairman, Sir, through you, I would like to say that they would certainly get the legal power for a period of six months. But those who get this power should be competent enough to find out the hideouts of the terrorists and apprehend them within this period failing which this amendment would be of no use. An Urdu poet has said—

“Bahadur kab kisi ka assara ahsan le te hain,

Usi ko kar Gujarte to dil main than le te hain,

Dilawar mard ka loha sab man le te hain,

Jo kamjor hota hai, kan uske sab pakar le te hain.”

(The purport of the couplet it is; one must be bold and courageous enough to do the right thing). I would request the Home Minister that President's Rule is there and the rein of administration is in the hands of the Central Government. Traitors and terrorists should be dealt with iron hands. Those who have mixed with the public should be identified and brought back to national mainstream. They should also be taught to be patriot. Secondly, the refugees migrated from Kashmir should be sent back. This kind of situation would not have arisen, if the patriotic persons had been taught a lesson of patriotism during the past several years and the Article 370 had been abrogated.....(Interruptions).....

19.00 hrs.

I demand that India should send its Air Force planes to drop bombs in order to kill the terrorists in Pakistan where they are receiving training as also issue a White Paper detailing therein as to how many weapons and how much money Pakistan is giving to terrorists.

[English]

**MR. CHAIRMAN:** I take it that the House concurs with the extension of time for 20 minutes more. Now Shri S. B. Chavan.

**THE MINISTER OF HOME (SHRI S. B. CHAVAN):** Mr. Chairman, Sir, in fact I have been pleading with the hon. Members. I have also to observe the same discipline which I was expecting from them. And that is, the other House is waiting for a message from this House. That is why I have got to be very brief. Hon. Members

[Sh. S. B. Chavan]

will please excuse me if I am not able to reply to the points raised by them because of this limitation. (*Interruptions*). We can have the discussion. In fact, Home Ministry is going to be discussed in this House. At that time, you can raise this issue. I will certainly try to give you the detailed reply on all the points that you might raise. (*Interruptions*). You had your full say. (*Interruptions*) I think, you are a very responsible opposition. (*Interruptions*)

SHRI RAM NAIK (Bombay-North): I have a point of order. (*Interruptions*) My point of order is just because the Rajya Sabha is waiting, he will not reply in detail, he will be brief (*Interruptions*) It is not proper. We can understand that he can briefly say. But this is rather derogatory to this House that the other House is waiting. So, we will not get the reply. I suggest that we should be given a proper reply. That is what I wanted to say.

MR. CHAIRMAN: There is no point of order.

SHRI S. B. CHAVAN: It is a very limited Bill. In fact, all other issues which have been raised, are not germane to the Bill itself. The Bill merely says that there are certain organisations which have been declared unlawful.

One of the Hon. Members raised a point that Fundamental Rights are being trampled upon and they must have an opportunity of being heard. That is exactly the purpose that we are trying to serve. Actually, a Tribunal has been constituted consisting of three judicial people. They go into the details. If the person is not available, they even go to the jail and record a statement. To that extent, they have gone. It is the Chairman who has written to the Government saying: we tried our level best to finish this work within one year.

But we have failed. And that is why we require six months.

Now a misunderstanding is being created as if Kashmir issue is going to be solved within six months. I do not think that any Hon. Member who has gone through the Bill, can possibly say that this is the claim that the Government is making, that we propose to solve the issue of Kashmir within six months. Within six months, the Tribunal will be able to discuss all their applications which are in front of them. That is what they have stated to me. I do not know whether they are going to complete or not going to complete it. But it is my duty to come before the House and say that since we are taking away certain Fundamental Rights from the people, they have every right to be heard under the Constitution. That is why these unlawful associations have been declared unlawful by the Jammu and Kashmir Government; They are Jammu and Kashmir Jamat-e-Islami, Islamic Students' League, Islamic Jamat-e-Tulba, Mahazi Azadi, People's League, Jammu and Kashmir Liberation Front, Dukhtaran-e-Millat and Fleh-i-Aam Trust. These are the eight organisations which have been declared unlawful by the Governor there. An ordinance was issued to extend time. That ordinance has to be converted into a regular Bill. That is why we have come to this House. I would be very grateful to those hon. Members who have stated that some of the people had gone to Pakistan and got trained; they got their promotion and their salaries also. In fact, these are issues which normally should not be raised in the House. If you pass on any information, you are always welcome. Sir, they can always come to me and I will verify the same. I can assure you that the Government does not believe in solving the issue by gun. There are two ways of doing it, that is, we must have both the carrot and the stick. If these things are mixed properly, I



feel quite confident that the problem will be solved. 90 per cent of the people there are against terrorism and atrocities which are committed. In spite of the fact that they are with the Government, they do not have the courage to come out. Even when we have constituted the committee, nobody is prepared to come to the Committee. And even if anybody comes there, he has no courage to speak out because he feels that he might be shot dead. Unfortunately, this is the position which we have to deal with.

I must also clarify another position. The Government does not believe in retaliatory measures at all. Pakistan is training the terrorists which everybody knows. I was very happy when the Prime Minister of Pakistan had openly stated that they are totally opposed to the kind of terrorism which some of the terrorists in Jammu and Kashmir have indulged into. I must also make it absolutely clear that for the first time, the UK Government has come out openly by saying that they also do not support the demand of the plebiscite in Kashmir. For the first time, they have taken a very positive stand. In fact, these are very encouraging signs. At this moment, it will not be appreciable to talk on the removal of Article 370. In fact, as per the prevailing situation in Kashmir, it is not appreciable to do so. You are trying to add fuel to the fire. For God sake, for the interest of the country, please do not ask for its removal... (Interruptions) ... You are perhaps seeking some political advantage by giving a call for removal of Article 370. But at the same time, let me make the Government's position very clear that at least, for the time being, we cannot consider removal of Article 370. Let there be no misunderstanding about it. At the same time, we will never allow these atrocities to be committed in the area which is part and parcel of India. We can never agree for any kind of

disintegration of this country. I am personally going over to Jammu and Kashmir... (Interruptions)...

[Translation]

SHRI BHOGENDRA JHA (Madhubani): Mr. Chairman, Sir, the hon. Minister has said that it is intended to extend the time of the Tribunal. It is true. But the Tribunal has not come into existence on its own. It had to be constituted for one season or the other. The Tribunal is helpless because nobody is appearing before it. Therefore, some of the questions raised here, should be replied to. Millions of people have migrated from Kashmir and a feeling of fear and distress is widespread. What would happen to the Kashmir issue if some people indulge in retaliatory action. Therefore, I am saying that this is a matter full of sorrows. My hon. colleague has said that they have migrated on their own. This shows sheer ruthlessness and cruelty. However, he has given a thoughtful reply that retaliatory measures like bombardment will not be taken. But he should tell the House, the nation and the large number of patriots in Kashmir that the Government of India would provide protection to them. What would be the way of providing protection? Thirdly, what would be the political process? Are we in a position to hold elections or not? Do we revive the Legislative Assembly or not? Does the Consultative Committee do something or not? Would they initiate any political process or try to solve the issue by gun? These are some points, full of sorrows, and which concern the Bill. It would not be desirable to avoid these points. Therefore, I wish that the Government of India should reply to all these points so that the people of the country and of Kashmir can be apprised of the Government views. Firmness coupled with politeness is the need of the hour. I may go to the extent of saying that we would

[Sh. Bhogendra Jha]

embrace the terrorists if they change their attitude and are ready to come back into the national mainstream. But both the processes cannot go together. This is what I want to say. If the hon. Minister has a reply to all those points, I would withdraw my Resolution.

[English]

SHRI S. B. CHAVAN: Sir, about the migrants who have come here, I do not think there is any purpose being served by blaming one person or the other. We are interested in seeing that they are given all help and assistance which in fact is required. I can assure you that I will personally look into the matter and see that they get all the help and assistance that is necessary....(Interruptions) I think the hon. members have not heard me. I have promised that I will go to Punjab and I will go to Jammu & Kashmir. I will meet the people there, try to find out their grievances and after having political discussions with them, I will be able to come to my own conclusion as to how the situation is and how it needs to be solved.

MR. CHAIRMAN: Now I put the Resolution of Shri Bhogendra Jha to the vote of the House. The question is:

"That this House disapproves of the Jammu and Kashmir Criminal Law (Amendment) Ordinance, 1991 (Ordinance No. 1 of 1991) promulgated by the Governor on the 16th June 1991."

*The motion was negatived.*

MR. CHAIRMAN: There are amendments to the Motion for consideration of the Bill moved by Shri Girdharilal Bhargava, Shri Dau Dayal Joshi, Shri Rajendra Agnihotri and Shri Bhagwan Shankar Rawat.

SHRI GIRDHARILAL BHARGAVA: I seek leave of the House to withdraw my amendment.

SOME HON. MEMBERS: Yes, yes.

*The amendment was, by leave, withdrawn.*

SHRI DAU DAYAL JOSHI: I seek leave of the House to withdraw my amendment.

SOME HON. MEMBERS: Yes, yes.

*The amendment was, by leave, withdrawn*

SHRI RAJENDRA AGNIHOTRI: I seek leave of the House to withdraw my amendment.

SOME HON. MEMBERS: Yes, yes.

*The amendment was, by leave, withdrawn.*

SHRI BHAGWAN SHANKAR RAWAT: I seek leave of the House to withdraw my amendment.

SOME HON. MEMBERS: Yes, yes.

*The amendment was, by leave withdrawn.*

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Jammu & Kashmir Criminal Law Amendment Act, 1983, be taken into consideration."

*The motion was adopted.*

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

The question is:

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

*The motion was adopted.*

Clauses 2 and 3 were added to the Bill.

MR. CHAIRMAN: The question

“That clause 1, enacting formula and long title stand part of the Bill.”

*The motion was adopted.*

Clause 1, Enacting Formula and long Title were added to the Bill.

SHRI M. M. JACOB: I beg to move:

“That the Bill be passed.”

MR. CHAIRMAN: The question is:

“That the Bill be passed.”

*The motion was adopted.*

19.14 hrs.

MESSAGE FROM RAJYA SABHA

[English]

SECRETARY GENERAL: Sir, I have to report the following

message received from the Secretary-General of Rajya Sabha:—

“In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha. I am directed to enclose a copy of the Terrorist and Disruptive Activities (Prevention) Amendment Bill, 1991, which has been passed by the Rajya Sabha at its sitting held on the 6th August, 1991.”

19.15 hrs.

[English]

TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT BILL AS PASSED BY RAJYA SABHA

SECRETARY GENERAL: Sir, I lay on the Table the Terrorist and Disruptive Activities (Prevention) Amendment Bill, 1991, as passed by Rajya Sabha.

MR. CHAIRMAN: The House stands adjourned to reassemble on Wednesday at 11.00 hours.

19.15 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 7, 1991/Sravana 16, 1913 (Saka)*