

(viii) Need to take concrete measures to protect Taj Mahal from environmental pollution

**SHRI BHAGWAN SHANKAR RAWAT:**  
My original notice regarding the need to take concrete steps to protect Taj Mahal from pollution which I have sent to your office, has not been included. Had the hon. Speaker been present in the House, it would have been better. I had met him and told that by rejecting my suggestion regarding the need to take concrete steps in the matter the spirit of my resolution had marred. Kindly allow me to give suggestions because I do not like to waste the precious time of this House in paper work.

**MR. DEPUTY-SPEAKER:** What was your suggestion?

**SHRI BHAGWAN SHANKAR RAWAT:**  
My suggestion has been omitted and my original notice is with you.

**MR. DEPUTY-SPEAKER:** Your statement was lengthy. Have you a copy of the original notice?

**SHRI BHAGWAN SHANKAR RAWAT:**  
Original copy should be shown to me so that I may put my suggestion. According to the rule, my submission is within 250 words. I have raised the issue relating to the pollution of Taj Mahal. I would like to say about the positive steps to be taken by the Government regarding problem of pollution. I have just got the copy of the original notice.

Sir, the Taj Mahal is losing its brightness and beauty due to sufficient and negative steps taken by the Government of India to save it from environmental pollution. As a result economy of Agra is on the verge of collapse. I would like to urge the Government to take positive steps in the interest of health and prosperity of the tourists visiting the Taj and the residents of Agra.

To check the pollution created due to use of coal, wood and cow-dung for cooking

purposes in Agra, cooking gas and commercial gas connections should be given immediately to the 55000 applicants who have been waiting for it since 1984.

H.J.B. pipeline should be extended up to Agra to set up pollution free industries and to make the existing industries pollution free. The Government of India has already approved in 1989 a scheme to supply natural gas to Uttar Pradesh. The State Government has prepared the project in collaboration with 'Devida' company of Denmark and is ready to lay the pipeline. The Government of India should ask the Gas Authority of India to provide natural gas. A gas based power house should be set up in place of two closed power house in Agra.

Agra should be duly declared as an international tourist centre and civil and consumer services should also be provided there accordingly. The drains and sewers should be made free from dirt to make Yamuna pollution free in place of existing proposed resourceless and inadequate plan under the Ganga Action Plan, Phase II, Barrages and ghats should be constructed on the banks of Yamuna. Taj National Park Scheme and intensive afforestation programmes should also be speedily completed.

3-96  
15.19 hrs.

STATUTORY RESOLUTION RE CONTINUANCE IN FORCE OF PROCLAMATION DATED 18th JULY, 1990 IN RESPECT OF JAMMU AND KASHMIR - GOMM

[English]

**SHRI P.C. CHACKO (Trichur):** Mr. Deputy-Speaker, Sir, I support the Resolution moved by the hon. Home Minister Shri S.B. Chavan seeking the approval of this House for the Presidential proclamation for extending the President's rule in Jammu and Kashmir for another spell of time.

I do this, not with any degree of happi-

ness but with a heavy heart because, I believe that, it is the inalienable right of every Indian citizen — whether in Kashmir or in Punjab — to have their own elected government. But circumstances are compelling this Government to seek another extension before this House. Sir, I hope that every section of this House will agree about the inevitability of this situation and support this Resolution and not only this Resolution, but also support the resolve of the Government to bring normalcy back to this strife-torn territory of the country.

Sir, Kashmir, the most beautiful part of our country, is now remaining a much disturbed area about which every one in this country is concerned. The very name 'Kashmir' stimulates in every one of us the image of a fairy land which is God's own creation. But unfortunately before the world today Kashmir remains as a drop of tear at the cheeks of Mother India. This situation has to be changed. And I recollect the discussion on the subject which took place in this august House on the previous occasion. The situation that came up almost unanimously in this House was that a political process is to be restarted. So, I would like to congratulate Chavan Sahib and this Government for taking the bold initiative of starting the political process. Sir, here is a Government which brought back democracy into Punjab. About the election in Punjab there was pessimism pervading in the Opposition benches. They were saying that this Government is unable to conduct elections in Punjab. And in spite of the vilification campaign this Government could conduct elections there. Obstacles were created by the enemies of this country as well as people inside. But we could conduct elections in Punjab which could bring back normalcy and a democratic government in Punjab. With the same vigour and perhaps with an added vigour we have to mobilise every effort to conduct elections in Kashmir also. This is a solemn moment when the Resolution is before the House and it is the duty of the House, it is the duty of all political parties to take a solemn resolve that we will dedicate ourselves for bringing back the democratic

right to the people of Kashmir. That process is started by the Home Minister when the All Party Meeting was held on 13th February, in which that problem of Kashmir was discussed in detail. Sir, this political initiative has to take a long way and we have to create a conducive atmosphere for the conduct of elections.

Sir, in this context I would request all sections of the House, all the political parties of this House, to cooperate with the Centre with an open mind on this issue throwing away all their inhibitions and all their prejudices. There are many political campaigns being taken up by many political parties in the name of Kashmir. But the prescription is worse than the disease. In this context, Sir, I cannot but mention the aborted Ekta Yatra taken up by the BJP. This finally ended up as a mockery of public agitations. It has ended up in a fiasco.

Sir, some people are thinking in terms of a Hindu Kashmir, some people are thinking in terms of a Muslim Kashmir. Our beautiful and beloved Kashmir is not a Hindu Kashmir or a Muslim Kashmir; it is a secular Kashmir, a Kashmir of Muslims, a Kashmir of Hindus and a Kashmir of Buddhists. We have to rededicate ourselves to create that old and beautiful Kashmir which was the dream of Panditji and which was the vision of Sheikh Abdullah. For that, every political party has to be more restrained. They have to give up their outdated slogans which they are still shouting aimlessly to further their nefarious political ends.

Sir, I happened to witness the Ekta Yatra in Kerala which it started from Kanyakumari. It was painful to hear the slogans shouted by the rank and file of the BJP in the presence of their top leaders. They want to abrogate Article 370 from the Constitution of India. The more loudly they shout this slogan to abrogate the Article 370 of the Constitution of India, the more loudly, it would become clear in the mind of every Indian that Kashmir is an integral part and Article 370 is going to remain in our Constitution. It is going to remain in the Constitution of India, in the

[Sh. P.C. Chacko]

history and also in the mind of every Indian. Kashmir is so beloved to every Indian, but those critics are forgetting all the historical facts for their narrow political gains. They are trying to denigrate the rights of the Kashmiris. What happened when Pakistan attached India in post-independent days? You have to recollect, you have to look at from the annals to history. What was the reaction of the brave people of Kashmir? They were fighting to preserve the honour of India. You should remember that. When Ayub Khan and the then External Affairs Minister Bhutto led the tribals into the Kashmir Valley, it was the brave Kashmiris who stood with India to make Kashmir an integral part of this country. They are forgetting this history very conveniently and they are taking up the slogans to humiliate the brave people of Kashmir Valley. If they are prepared to give up their narrow political campaign, then there is an answer. (Interruptions) If facts are provoking you, I cannot help you; if you are not prepared to listen to reason, then nobody can help you. If there are any sane elements in the BJP, I would submit to their conscience that this is not a problem of any political party, but this is a problem of this country. The Government of Shri Narasimha Raoji, which could resolve the problem of ULFA, which could resolve the problem of Punjab, wants to resolve this problem also with your cooperation; come out with an open heart and mind and here is an opportunity before you.

Sir, 85 crores of people of this country want Kashmir to be an integral part of India. (Interruptions) I am not provoking you; I am requesting for your cooperation. When Shri Dixit was speaking from your benches yesterday, I was thinking the people like Shri Dixit and Shri Shahabuddin were trying to add fuel to the fire. Some people are taking extreme positions. I would like to tell on behalf of the ordinary people of India, who love Kashmir in their hearts that these extreme approaches and unrealistic approaches on Kashmir have to be given up.

Sir, Kashmir has got many problems

today. One authoritarian Governor who was sent from Delhi to rule Kashmir had made problems worse for the Kashmiris. I cannot, for a moment, think of a situation where the people are made refugees in their own country. They have to be resettled in Kashmir; they should have the right to own their property and their homes and they should be able to reside in their own house in Kashmir. Such situation has to be created. The regional imbalances are creating problems; developmental problems are there. Extending the Presidential proclamation cannot be the role remedy. I would request the hon. Minister and the Government that the developmental problems of Kashmir and the regional imbalances of Kashmir the influx of insurgents from across the border, all these things are to be resolved.

All the political parties of this country can stand up as one man behind the Government. I do not think any party should have any reservation about these things. It is the biggest challenge before this nation today. To resolve this, we should initiate political dialogue and political action and we have to bring back normalcy and an elected Government to Kashmir.

Kashmir problem should be approached with a pragmatic policy and view I hope the Government headed by Narasimha Raoji will be able to resolve the problem of Kashmir and come back and report to the House as we have resolved the problem of other strife-torn areas of our country. We should be able to resolve the problem of Kashmir also. We are waiting for this day.

With these words, I support the Resolution.

596-97  
PROF. UMMAREDDY VENKATESWARLU (Tenali): Mr. Deputy-Speaker, the Government has come up with a Resolution seeking for extension of President's rule in Jammu and Kashmir which is in force since 18th July, 1990.

On behalf of my Party, Telugu Desam, I extend support to this Resolution. When the leaders of all Parties meeting was held by

the hon. Prime Minister on 10th February, 1992, our leader, Shri N.T. Rama Rao also participated in the meeting and expressed his solidarity along with other Leaders of the Opposition in protecting the sovereignty of the country and also to be with the Government in any eventuality. He also expressed that he will get himself prepared along with the Party workers to any kind of sacrifice if it is warranted. I join with all the senior colleagues who have expressed solidarity with the Government.

It is needless to emphasise the present position in Jammu and Kashmir. Lawlessness and anarchy are prevailing in the state. But the chaotic situation has been aggravated particularly during the last few months and there is practically no Government functioning and there is no law and order in the Valley.

The need of the time now is to instil confidence among the civilians who are now under the grip of fear and who have not been able to lead their normal life. There were even bomb explosions particularly during the month of January and even some police people died and several of them received injuries. The situation now prevailing in the Valley is such that most of the villagers are unable to lead their lives in their villages.

India is committed to secularism, federalism and democratic values and there are no two opinions about it. Its integrity and sovereignty are the prime concern of every one of us and now the Government has to go all out to initiate the democratic process in the Valley and see that a democratic Government is restored as early as possible. The Government has to pass on this message of secularism and also our commitment, to the cross section of the people.

While expressing once again our support to the Resolution, I conclude my speech with these few words.

MR. DEPUTY SPEAKER: Thank you very much. You have completed your speech within five minutes without giving me a chance to ring the bell.

598-604  
SHRI HARI KISHORE SINGH (Sheohar): Mr. Deputy-Speaker, sir, I am thankful to you for giving me an opportunity to speak. The problem of Kashmir is the problem of the whole of the nation and there are no two opinions of Kashmir being integral part of the country. There is difference of opinion as to why this problem of Kashmir has emerged and why it has taken the present shape. I understand that this ill fated situation had emerged on the delay when the Central Government had decided to oust the Farooq Abdullah Government and replace it with a puppet Government. The members of the Congress party should have taken this responsibility. Had it not taken place then neither third deadlock would have been created in Kashmir nor the hundreds of people would have lost their lives. From the defence point of view Kashmir is of strategic importance and therefore the situation in Kashmir has become a matter concern. Besides our name would not have been maligned in the international fora had timely steps been taken in this direction.

So, first of all the Kashmir problem should not be discussed with party considerations in mind i.e. which party is in power in Kashmir and which not. Today, different parties are in power in different states but can we topple them? Neither the constitution makers nor the people want that here should be one party in power both in the states and at the Centre. We believe in bravery and unity in Diversity. It is part of our cultural heritage. Our political structure should be built on this pattern and we should not commit this blunder again.

Today if some state Government has a difference of opinion with the Central Government or the Government there is not of the same party it is toppled or dismissed and a puppet Government is formed. The Congress men are masters in installing puppet Governments but I understand that they would not do it again in future.

Mr. Deputy-Speaker, Sir, Kashmir problem is the product of narrow mindedness. I would like to remember the Kashmir, which was under the leadership of Sheikh Abdullah



[Sh. Hari Kishore Singh]

in 1947. I would like to remember the Kashmir, which had actively participated in the Freedom struggle and had stood by the leaders like Mahatma Gandhi, Jawahar Lal Nehru, Sardar Patel and Rajendra Prasad. Who led the movement. It had raised its voice for the National Movement and National Congress opposing the movement of Pakistan and challenging the leadership of Mohammad Ali Jinnah. When the Constitution of India was about to be framed, the Constitution makers, the founding fathers, made a special provision of Article 370 thereby providing special status to Kashmir and protecting its identity and entity. Today when some, colleagues and parties speak in terms which is detrimental to the unity of Kashmir, I feel bad and I think this should not be done. At least we should learn a lesson, from the powerful and mighty neighbouring country, the U.S.S.R. which disintegrated in no time. Even a mighty army could not check the fall of such a mighty power. Had the states been allowed to work independently in the U.S.S.R. such a thing could not have happened. Today, in 1992, when we talk about the federal relation or the union structure then we should always keep in mind the special status of Kashmir. The makers of our Constitution, who were the back-bone of the National Movement had made this provision very carefully and after giving it a lot of thought. It should not be changed. Whenever a change is envisaged in it, the people of Kashmir become apprehensive that somewhere injustice is being done to them and they feel it difficult to come in the mainstream of the country.

Mr. Deputy Speaker, Sir, one of the aspects of the Kashmir problem is related to Pakistan. The separatists and the terrorist elements have been extended support on different occasions by Pakistan and today Pakistan is waging a low-cost war against India. We should be cautious. Pakistan has never been friendly to us, as such we should not expect friendship from them. Such chances are remote. Whenever the Government of Pakistan is in trouble, it takes re-

course to this path which is the only solution available to them. When we are in trouble we remember God. In the same manner the Government of Pakistan tries to raise the Kashmir issue and find out an easy solution to its problem through anti-India propaganda. The Organisation of Islamic Countries works as a link in it. At the instance of Pakistan this organisation raises the Kashmir issue in its meetings at times and resolutions to this effect are also passed usually. Mr. Deputy Speaker, Sir, through you and through this august House I would like to make a humble submission to the Organisation of Islamic Countries not to interfere in the internal matters of our country. The people of India and the Indian constitution treats the followers of all religions equally and does not make any discrimination on the grounds of caste, creed and religion. The Government of India is secular and India is a secular country. I would like to inform the organisation of Islamic Countries that the total number followers of Islam in India is much more than the total population of Pakistan. Their interests and religion are more secure here than they are in Pakistan. Therefore this organisation need not interfere in the internal matters of our country.

Sometimes the Human Rights Organisation and Amnesty International raise the Kashmir issue stating that there is violation of Human Rights. Through this house. I would like to make it clear to them that the situation of civil war created in Kashmir at the instance of Pakistan is not good. It could be that the security forces might have committed some mistakes but it is not deliberate. I urge the Government also that whenever this matter is raised in future, it should take it seriously and prevent such a move. It should ensure that it does not recur in future.

I would like to tell the peoples of America and Britain also that in the Civil War of America, all the Human Rights provisions were not observed. With these words I want that the political process should start, because this problem can be solved through political process only. A process of dialogue should begin. I would like that the political

prisoners against whom there are no grave charges should be released by the Government early and the political process should start. But who will break the ice first? Who will start the political process – Mr. Chavan or Shri Rajesh Pilot? They should decide it. I wish that the political process should be started. The initiative should be taken there either by Mr. Chavan or by Mr. Pilot, because both of them are interested in Kashmir affairs. With these words, I support it.

SHRI SURAJ MANDAL (Godda): Mr. Deputy-Speaker, Sir, today a discussion about Jammu and Kashmir is being held in the House. The situation as it is prevailing these days in Jammu and Kashmir was not created overnight or within a couple of months. It was created some 20–25 years ago. We have to think as to who created this situation and who is responsible for it. The situation in the entire country is gradually taking the shape of the Jammu and Kashmir like situation. Why is it so? What kind of changes have taken place in the life style of the people of Jammu and Kashmir? The people whose forefathers carried tourists on mules, are also doing the same job. People working as stewards in hotels have been doing so for generations, as their fathers, grandfathers and great grandfathers used to do during their times. There is no change in their life style. Such a situation has deliberately been created in Kashmir.

Ninety per cent population of Jammu and Kashmir has been neglected. It has not been involved in the local Government and administration.

Mr. Deputy Speaker, Sir, if you just look at the statistics, you will find that only 3 per cent Kashmiri Pandits are holding the reigns of the Government and administration of the whole of Kashmir. Today, when the youth of Kashmir are starving there, people from their neighbourhood travel to Delhi from Kashmir by air.

There are people for whom mule has been the only mode of transport from the days of their forefathers. In nut shell, there

has been no development in their modes of transport. Feudalists throughout the country, do not allow the poor people to exercise their franchise and in the same manner a hue and cry is being made in the House that the people fled away. (*Interruptions*) I am very frank in my submission. Please let me know who has fled away. A meeting of the National Integration Council was held and it was discussed there also. I was also present in the meeting. It was said in the meeting that 40 thousand people have fled the villages and 18 thousand have fled Jammu and Kashmir and are living in Delhi. These people are neither from the villages and nor from the cities. The people who occupied higher positions might be having their houses in Delhi, Chandigarh and Kashmir and there is no problem for them. But where will the original residents of Kashmir go? They cannot flee. The original residents of Kashmir are still there and people are trying to make a political mileage out of it. There is a saying "As you sow, so shall you reap". The Congress party has been the ruler and no one else. It believes that people who cast their votes in its favour are Indians and who do not, are Pakistanis. Who dislodged the Government of Farooq Abdullah? who was responsible for it? Now the Government is giving six months extension to President's Rule. It is good. But at the same time elections should also be held in the valley within six months' time. Elections in Jammu and Kashmir should be held in the same manner as these were held in Punjab. Army should not be kept deployed there. The people have been ruined there. The womenfolk of the poor people have been subjected to humiliations there. The people of Kashmir are ruined and the people who did so should realise all this. The people present here talk of *Ekti-Yatra* and make a reference to Article-370 off and on. (*Interruptions*)

Have they ever thought why Article 370 was incorporated and implemented. The S.P.T Act and C.N.T. Act were also enacted and enforced on Jharkhand. These Acts were enacted so that people cannot purchase land there. But the activities of the Government of Bihar would not help the

[Sh. Suraj Mandal]

tribals preserve their identity. That is why we are launching an agitation. Similarly, by abrogating Article 370, the Government wants to take over the land in the Kashmir valley. Please hold a discussion on Nagaland and Mizoram. (*Interruptions*) Take the case of Nagaland, for instance. Even M.Ps have to seek permission from the Home Ministry to go there. Mr. Chavan is present here. You may confirm it from him. One can go there for touring purposes, for service and for earning, but one cannot purchase land or live there permanently. One cannot contest elections from there. Similar is the case with Kashmir which is located in a remote corner of the country. People belonging to minority community live there. They have migrated to this place to live with us and we shall have to protect them. If article 370 is abrogated they will lose confidence in us. The people who go to Kashmir by air should understand all this. What was the need of unfurling the tricolour before becoming the Prime Minister. The Governor was there to perform this act. Their party has taken up this issue now. Earlier, they took up temple issue. Now they are silent over it. They took out *Eka Yatra* only because the elections in Punjab were round the corner. The temple will never be constructed. The situation will remain as it was. The *Eka Yatra* was simply for the purpose of mobilising votes. Here, they are making a demand for electricity, water and roads. It is not necessary. Let them enter the temple and chant "Jai Shri Ram", the road will be constructed. Chant "Jai Shri Ram" and pray for a B.A degree, that will fructify. There will be no need to have colleges. Similarly, with the chanting of Jai Shri Ram, water and electricity will be available automatically.

I urge the Government to chalk out some better programme for Kashmir. Rural people have not fled Kashmir. Only the urban people who are in Government services have fled, and they too have fled out of fear. One who is guilty is afraid. One who is not guilty can live in any part of the country. If you ask us, we are prepared to go to Kashmir on foot, whereas you go by air. When you

hoisted the flag there contrary to your expectations neither Doordarshan, nor the radio or the print media gave the event any major coverage. If your move was inspired by patriotism, you could have gone there without creating any furore. No one would have stopped you. But you yourself wanted to create a situation, where you would be airlifted by the B.S.F. You had come to attend the National Integration Council, dressed like the pictures on playing cards.

I would like the Government to hold elections in Kashmir also, on the lines of the Punjab elections. I read in the Hindustan Times that a man on his way to work was forcibly taken to the polling station to cast his vote. The police even beat him up, in the process. First, it was said that there was 21% polling but in the third communique, the Government claimed that 30% of the electorate exercised its franchise. Whatever it was, the fact is that votes were cast and people were elected. A similar exercise can be carried out in Punjab also and the elected Government can take decisions on issues concerning the people of the State. It is very essential that an elected Government, not the Parliament, decide the fate of the people. Therefore, the people of Kashmir should be given the opportunity to elect a Government of their choice.

With these words, I support this Resolution.

[English]

604-08  
SHRI SURENDER SINGH KAIRON  
(Taran Taran): I would like to say that the elections in Punjab were all right.

[Translation]

We will be grateful to you, if you bring to our notice those places, where people were forced to cast their vote. I would like to say that the elections in Punjab were very fair and it could not have been done in a fairer manner.

16.00 hrs.

PROF. PREMDHUMAL (Hamirpur): Mr. Deputy Speaker, Sir, in the prevailing circumstances, wherein free and fair polls are not possible, all parties would extend their support to the Statutory Resolution introduced by the hon. Minister of Home Affairs regarding continuance of President's Rule in Jammu and Kashmir for six month more. I have been listening to the Debate on this topic since yesterday. The discussion that should have taken place at the time of the 'Ekta Yatra' is taking places when a Resolution for continuance of President's Rule has been introduced.

Mr. Deputy Speaker, Sir, I have been associated with this problem for long, during the course of which I have come across some points, which I would like to bring to the notice of the hon. Minister of Home Affairs. While on the one hand, he should make every possible effort to solve the Kashmir problem, on the other, he should give directions to the present State Administration to respond to the problems of the people. My party has entrusted me with the responsibility of looking into the problems faced by the people of Jammu and Kashmir, and in that capacity, I have written umpteen letters to the State Governor seeking redressal for the problems faced by the people of the State who come and meet me. With deep regret, I have to say that I have not received reply to even a single letter from the Governor. If the Administration doesn't respond to even a letter from an M.P., you can well imagine the Administration's response to the problems faced by the common folk. Many employees of colleges and other Government departments in the valley have left the valley, at the peak of the crisis. One such family has settled in Secunderabad. The person has retired and his Provident Fund and Gratuity have not been paid. I don't want to go into their background, but despite many reminders, the Administration has not responded. When we write letters to the hon. Minister of Home Affairs, at least we get a response that the matter is being looked into, but the Jammu and Kashmir Administration is maintaining a

dead silence. Similarly, some students have appeared in various examinations in the State, some have joined Engineering, Medical and B.Ed courses in other States. Their results are yet to be declared. Those whose results have been declared, haven't got their certificates. I request the Government to issue directions to the concerned authorities to declare the results and issue certificates.

Mr. Deputy Speaker, Sir, many friends referred to the plight of those of citizens of independent India, who had to flee from one State to another for their safety. Sir, Delhi comes under the jurisdiction of the Union Government, yet the migrants from Kashmir, holding peaceful demonstration and staging a dharna in the capital were lathi-charged by the Police. Their stalls were forcibly removed. It is my humble request that this problem should be looked at from the human angle.

While taking part in the discussion yesterday, an hon. Member, for whom I have great regard, said that this migration was instigated. I was shocked to find that the human aspect was being ignored on narrow political and religious considerations. I wonder whether any one of us would leave our home, hearth and business to accept a refugee status, somewhere else, just because some one incites us to do so? The hon. Member also mentioned that the neighbours are protecting the houses and shops of the migrants. May this be true, with the grace of God. Unfortunately, the reports we are receiving are totally different. The Hon. Minister of Home Affairs may remember that last time also, when this matter was taken up, my colleague Shri Khurana brought with him to the House, photostat copies of hundred of F.I.Rs pertaining to theft, burglary and arsons involving the homes of migrants. It is something very unfortunate. If some people are protecting these houses and shops, it is worth welcoming. We too are of the opinion that the people, who were forced to leave the valley due to fear or misapprehensions, will have to finally go back, for it is their home. It is the duty of both the Government and the neighbours to protect them. If they are doing it, it is indeed a good thing. Their shops and

[Prof. Prem Dhuma]

houses have been looted, they have been dishonoured and humiliated. The Government too should do something to alleviate their sufferings. Shri Yadav is not present in the House. In his speech, he said that the B.J.P. should change its attitude. Moreover, he was all praise for Sheikh Abdullah. It was the Congress Government which arrested Sheikh Abdullah and kept him behind the bars for twelve years. At that time, Shri Yadav was in the Congress, but not he is in the opposition. From here, he may be giving his suggestions to you also, but only the Government can explain why Sheikh Abdullah was imprisoned for twelve long years.

Yesterday, it was also mentioned here that the National Conference was forced into a coalition by the Congress. It was the Congress which installed the Gul Mohammed Government. These mistakes have been repeated. The B.J.P. is not in power in that State. Therefore, please don't change the course of the debate by dragging the 'Ekta Yatra' into it. No life was lost in the valley due to 'Ekta Yatra' into it. No life was lost in the valley due to 'Ekta Yatra' When Shri Tika Lal Taploo was killed in 1989 in the valley, at that time itself, we had said that the Government should provide security to the people raising their voice in defence of the country's unity and integrity. At that time the Congress Party was at the helm of affairs, in the Centre. It was succeeded by the National Front Government. The rest is before you. The Administration apprehended a large number of terrorists. The ultras resorted to kidnapping and the Administration was forced to release selected, hardcore terrorists. They demanded the release of terrorists in exchange for the release of hostages. Whose life is not important? Who wants to die? Therefore, please look upon this problem as a national problem. My friends who have been opposing the 'Ekta Yatra' and are doing it now also have every right to do so. They have their ideology and we have our own political view point, but alas, as a poet wrote at the time of French Revolution.

[English]

"It was pleasure to be alive but to be young was very heaven."

[Translation]

If some of you had accompanied us and seen the manner in which our young men and women were greeting the 'Ekta Yatra' you would have realized that there was no political motive behind the Yatra. Chavan Sahib, please give a statement as to when the decision to hold elections in Punjab was taken whether it was taken later or before we took the decision of the 'Ekta Yatra'? Thus, the 'Ekta Yatra' was not undertaken with elections in mind. Therefore, it won't be proper to link them. I won't take much time to conclude. I received a lot of letters from Kashmiri Migrants. A migrant student has written.

[English]

I ask everyone: Why I am a stranger in my own land?  
Why I lost my lovable school?  
Why present is beholding my future?  
Why the voice of guns is shattering the peace of my mind?  
Why I lost my sweet home? Why everyone is frightened? Why clouds hover over our heads?

[Translation]

The Members belonging to Kashmir Valley used to voice the problems of the people of Kashmir as they understand the problems encountered by the people. We also got an opportunity to visit Kashmir. We visited as many places as possible and on our return submitted a report but at that time it was said that our report was wrong and no Government officer had gone to Pakistan for training. However, the report submitted by the Governor of Kashmir today states that such a situation is prevailing in Kashmir and some Government employees are involved in such activities. If you are making an earnest effort to improve the situation in Ka-

shmir, the Bhartiya Janata Party will certainly extend its co-operation but we believe that Article 370 was a temporary step in this direction. It is clearly written in our constitution that it is a temporary step in this regard. We understand that on account of Article 370 Kashmir had to suffer tremendous loss whereas your assumption is just the opposite. Your party can act as per its approach and we shall function as we think right. If there arises a need to change it, it can be done politically or the people of the country can decide about the future course of action. A decision in this regard will be taken at the appropriate time.

With these words, I thank you for giving me time to express my views.

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATION (SHRI RAJESH PILOT): My Deputy Speaker, Sir, during the course of discussion on Kashmir, I too desired to express my views on this subject. Before entering politics, I was in the defence forces and at that time, I got the opportunity to work in Kashmir. As such, I got acquainted with the culture of that State and the sentiments of the people. Ever since, I entered politics, I have been continuously attached to Kashmir for the last ten to twelve years and as such I am well acquainted with the sentiments of the people of Kashmir. I thought that today is the appropriate time when I can place those facts before the House.

At the outset, I am happy to see all the senior Members of this august House discussing this issue seriously with each other. All the Members who spoke on this subject unanimously pointed out that the Kashmir issue can be solved only by rising above party lines. If we abide by our party lines the Kashmir problem will deteriorate further. I agree that the political parties to some extent are responsible for this deterioration.

Kashmir has always been the land of saints and sages. I was extremely happy when I met several people while I visited 'Majare Sharif'. Although much was being

said that one should not go there due to security reasons, I had a strong desire to go to that place to find out the reality and know the feelings of the people. I met those people. The Hindus as well as the Muslim brothers are followers of Laldev. Hindus call him Laleshwari whereas he is known as Laldev by Muslims. Likewise there is another saint by the name of Nand Rishi. Among Hindus, he is famous as Nand Rishi and among Muslims he is well now by the name of Sheikh Nuruddin. Such an example perhaps may not be found in the entire country. As per my information there is no other place where a man is highly respected by both Hindus and Muslims.

If we want to understand the situation in Kashmir, we should see Kashmir from the beginning when we won independence. I do not intend to criticise B.J.P. Prior to the year 1947 when we became independent Maharaja Pratap Singh, who was the ruler of Kashmir before Maharaja Hari Singh, made a provision in the State laws. I stand corrected. I am not referring to Maharaja Hari Singh but I am talking about Maharaja Pratap. He had included it in the State laws that a person not belonging to the State would not be eligible to get employment and purchase land there. This was before 1947. Article 370 is an improvement on it. When the country became independent, the objective of the Government in implementing Article 370 was for accession of a Muslim dominated State to India. We respect Sheikh Abdullah since he had a towering personality among Muslims and he had said in Kashmir that the Muslims of Kashmir would live unitedly in India. Their culture and their honour will always be upheld in India. This was the commitment of Sheikh Saheb. As such, we hold him in high esteem. Otherwise they had the option to move to Pakistan if they wanted to but accession of a Muslim majority State to India was an important event. At that time, the Government thought that by implementing Article 370 their culture and their rights could be protected. Mr. Deputy Speaker, Sir, we confuse the people by clubbing State subject with Article 370. I request the Members to understand that Article 370 of our Consti-



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tution is very clear and the things said by you in the public meetings are misleading. They understand that Article 370 does not give them the right to possess land. Bhai Surajji was right in pointing out that there are many States for instance Mizoram and Nagaland where purchasing of land is prohibited.

PROF. PREM DHUMAL (Hamirpur): Pilot Saheb, please excuse me for a second. On communal basis Bhai Surajji was saying that in Government service the representation is that of Kashmir Brahmins. Is it a fact? Is it true?

SHRI RAJESH PILOT: Perhaps you are right but in my view there is possibility of a loss because it may be correct in your opinion as political approach differs from person to person. Keeping in view the national unity of the country, I understand that since you club Article 370 with State subject and due to this a common man says in a loud voice that it is ironical that it is his country and he is not allowed to purchase land. As such, I request you to keep Article 370 aside.

Today, in the morning Atalji pointed out that he would be delighted if the Finance Minister expressed regret. I want to say that it is very necessary to understand seriously the sentiments of the people of Kashmir and the alleged militant groups in order to improve the situation in Kashmir as I visited Kashmir six to seven times after the formation of this Government. I met the villagers who came to meet me openly and also the groups which claim themselves as militant groups. They asserted that their faith on the Government was diminishing and as such we should contemplate this aspect seriously. Why are our bretherens from Kashmir losing faith in us? There are two reasons behind it—when Pandit Nehru was the Prime Minister he had a direct personal contact with the people of Kashmir. The people had earnest faith in him as they believed that Panditji would understand their problems in the right perspective and would rule the country smoothly. The people of Kashmir were per-

sonally attached to him. This was not only when Panditji was in power but even today they have the same feelings about him because Panditji showed his affection towards them and country. After Nehruji, Indiraji came into power. She also understood them and their faith on her remained intact. Believe on what I am saying. If in the present circumstances, you admit that Article 370 is being politicised and express you regret about it, half of the Kashmir problems will be resolved.

Professor Saheb, you were correct. Perhaps it may not be your intention but if you go to Kashmir with me, you will find that the people there ask the first question whether B.J.P. would stop talking about Article 370 or not? Today, everybody asks the same question. It is asked even by those who participated in the 1965 and 1971 wars and fought bravely with Pakistan army. Our endeavour should be to restore the faith lost. We will have to remove this feeling and for this it is necessary to rise above party lines.

As far as the Yatra is concerned it is alright. You may have any objective. At present, you are saying that the Punjab elections did not start and were not announced. On the very day, when our Government was formed, our Home Minister gave this assurance that elections in Punjab and Kashmir will be held at an early date. Subsequently at the on set of the session, he categorically said that elections in Punjab and Kashmir will be held at the earliest possible. As regards, Kashmir he even mentioned the approximate month in which the elections were to be held. As such, I request you to come alongwith me. It is true that on account of this Yatra the minorities have suffered a tremendous set back. Recently, I went to Bombay to attend a function and visited Lucknow to attend a function on the occasion of Rafi Ahmed Kidwai Sahab's brith anniversary. Every Muslim asked me the same question. This issue should be given a serious thought and it should not be given a political turn. If the confidence of the minorities is lost and the minorities feel that India is not their homeland then in that proc-

ess, our unity will lose its strength. It will weaken the unity of this country. This feeling has gone deep in the minds of the people.

As regards, the situation in Kashmir I would like to point out that the situation in Kashmir is very serious. Our Government struggle hard for four to five months to earn the confidence of the people. We and the hon. Home Minister openly declared that we are prepared to hold deliberations with an open heart and mind in order to bring normalcy in Kashmir and this has progressed. When I went there for the first time in July or August, 20 men came to meet me. When I and the hon. Home Minister went there again after his statement, 100-200 men came. After that 500 men came there. Then I used to visit district headquarters. I felt that a feeling of confidence is developing among the Kashmir.

Boys as old as 18 years were there. A boy of 14 told me that he wanted employment. I asked what was he doing till then? He replied that he had joined militants. When I asked why had he joined, he replied that he wanted freedom. When I asked what sort of freedom he wanted, he could not explain. What the freedom is. He met me again after 3 months and requested me to secure a job for him. He told me that he was trained by Pakistan in such a manner that he found it difficult to pass the day unless he fired two or three times, he was misguided to this extent.

We started this talk in 1980. In 1981-82 when the discussion was going in this House, Indiraji had said that she was seeing a foreign hand in internal affairs of India. Our brothers made fun of it and said that she had forgot Punjab and was talking of foreign hand. The fact was as the country made progress, our neighbours tried to weaken us. This was the reasons to select these two States. It began from these two States and the worsening situation in Punjab has resulted in the present situation. The situation in Kashmir deteriorated due to this situation. The Professor has made a mention of Farooq Abdullah. Why did Farooq Abdullah resign, Shri Hari Kishore Singh of the National Front

is not here, as many as two Ministers, even Prime Minister himself gave assurance not to appoint Jagmohan as a Governor, but the next day he was appointed Governor. He resigned under compulsion. (*Interruptions*)

PROF. PREM DHUMAL: I mentioned Farooq Abdullah in the context of Shri Chandra Jeet Yadav. I am talking about Farooq Abdullah, when you installed the Gul Mohammad Government (*Interruptions*)

SHRI RAJESH PILOT: We had also done that on someone's misleading report. After that he joined some other party and became Home Minister. Then he worked with you and stepped down. We had also acted on someone's wrong advice. After all, we too are humans.

Since that day the situation began to worsen. We had signed an accord in Kashmir with an intention. Two forces, the Congress and the National Front were working in Kashmir. We thought, the conflict between the two was an obstacle to development. We raised fingers at each other saying you did not do this. With this aim we signed an accord to work for development together. We admit that the intention with which we did it, we could not achieve that. It is true that unemployment problem is there, as the professor has said. Education was made free up to university level. But it was not thought as to what would be the employment linkage after completion of education. It is true that we found out that the fruits of our policy were not reaching the poor man. Shri Rajiv Gandhi had said that if we wished to give one rupee to a poor man, he got only 25 paise, 75 paise are spent in between since the system is as such. We are trying to improve it and the Government has taken steps in this regard.

So far as the Kashmir problem is concerned, all the parties will have to talk rising above the party lines. If the Congress says something today the B.J.P. has to counter it or if the B.J.P. lacks of something good, we have to counter it. We will have to make this political assessment on our own. All of us will

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have to take a political approach. When a family member commits a mistake, would you throw him out? You would try to make him understand. If our youth have gone astray, it is our duty to bring them back on the proper line through talk. If we adopt this approach only then we would be able to heal up the wounds in Kashmir. On behalf of the Government we adopted this approach in the beginning. Our hon. Home Minister will tell in detail about the points raised by other members.

Ever since the President's rule is there we have always tried to utilise the services of the officers of Kashmir cadre but where the officers of that category were not available only then we have sent officers from outside. Still we are trying to induct the officers of local cadre.

Few points have been raised about para-military forces and army also. Their job is very difficult. When I asked a para-military commander why had he arrested a 14-year-old boy, what harm could he do. When his report was read to me that he had thrown a bomb, I was surprised a lot to hear it. When I asked his parents as to why did he do so. First of all he refused to answer but then he said that someone might have misguided the boy, it has happened by mistake. Police will have to adopt the work approach and an approach of forgive and forget. The crime for which a 14-year-old child is undergoing imprisonment naturally causes a feeling of agitation and aggressiveness in him. I hope that Government would think over it.

There are human grounds too along with para-military forces. When a police constable asks a lady to remove her Burka to find out the sex. It hurts her and those who see it are also hurt. I have made much attempt in this regard and the administration and Home Ministry have been instructed to take some corrective steps, if they receive such complaints. If someone has committed such mistake intentionally or has taken wrong steps, he has been punished and stern ac-

tion has been ensured for future. You can very well judge the atmosphere by the incident of bomb which was found in the drawer of the table of D.G., Police. It is very difficult to work in such an atmosphere.

My other request to the Home Minister is that the youths which were doing jobs have lost their jobs. Those who run small scale industries have lost them. We are directing every department to revive them. I have talked to Finance Minister about those who have tried for Central Government service. We helped some 100-150 children in respect of insurance etc. 200-250 youths have been given admission to Aligarh Muslim University and Jamia Milia so that they can feel that the whole country is with them. There are some programmes such as waiving of interest on loans or rescheduling of loans. Tourist guides have lost their jobs. They had also taken loan. You should provide them relief. You should start crash employment programme so that they may get employment. Today there are number of youths ready to come out. If they are convinced that they would get jobs and their culture and their honour would remain secure, they are ready to give up wrong-doings. I request the B.J.P. that there are a number of areas throughout the country for playing politics. We will fight each other and go on delivering speeches elsewhere but there are certain sensitive areas about which every party should think that, whether we are politically loser or not, but the Nation should not suffer any loss. Kashmir problem will be solved soon if we adopt this approach. If B.J.P. members say sorry and that they would understand Article 370 well, then half of the problem will be solved.

The remaining points will be dealt with by my senior colleague Shri Chavan. With these words I conclude.

[English]

616-22

SHRI VJAY NAVAL PATIL (Erandol):  
Mr. Deputy Speaker, Sir, I congratulate the Home Minister for having successfully conducted the elections in the Punjab. I hope, he

will do the something in Jammu and Kashmir also in the near future.

Mr. Deputy Speaker, Sir, after all these years, Kashmir is not connected by the Railway. I will again repeat, as a State, Kashmir is the only State which is not yet connected by Railway. There are some Union Territories in the North-East which are not yet connected by Railway.

There was a proposal to take the railway line upto Udhampur; it was a very old proposal, but that proposal was not materialised. It was only yesterday that the hon. Minister had made a mention of it.

For a State to be autonomous, one of the essential things is to have the Capital connected with the railway. My friends from the opposite side, who talk of more autonomy to the various States, who support the recommendations of the Sarkaria Commission, they are opposing on some filthy ground the provisions of Article 370. My friend from Jharkhand has already mentioned that even in Jharkhand area there are laws that outsiders cannot purchase land within the area of Jharkhand.

We have seen that some people have grabbed the land of tribals from various parts of the country. We have to amend the Act to return their land to them. It is not a very serious thing regarding Article 370 wherein there is a provision that outsiders will not be able to purchase land. I would like to give an example of Maharashtra. In Maharashtra also, for non-agriculturists, it is very difficult to purchase agricultural land. If Mr. Atal Bihari Vajpayee or somebody from BJP is staying in Bombay and wants to purchase land in my area, if he is not an original agriculturist, it will be very difficult for him to purchase the land. But there are different laws and different provisions; and just by trying to invoke, trying to ask for the abolition of Article 370, we have invited more trouble.

The problems of Punjab and Kashmir are similar to some extent due to terrorism in that area. But the Kashmir problem has

aggravated a little fast; and it is because of the unstable Government in the form of Mr. V.P. Singh's Government which came in 1989 and made Farooq Abdullah, Government to go on some score. The Government of Mr. V.P. Singh bowed to the dictates of the BJP, who were supporting them and appointed Mr. Jagmohan the Governor of Jammu & Kashmir and dismissal, on whatever score, of Farooq Abdullah's Government had aggravated the situation. Now, to revive that, whatever my senior colleague, Mr. Rajesh Pilot has mentioned, I would also urge upon my friends from BJP to exercise more caution to come forward with some rational understanding and try to evolve a formula for resolving the Kashmir problem.

There is a mention of the problems of refugees also. Mr. Rajesh Pilot has said that some admissions have been given on priority to the sons of refugees. I would urge upon the Home Minister to see that if it will not be possible for the refugees to go back to their homeland in the near future, then the Government should do something for them especially for the students who seek admission in various colleges in different parts of the country; we have to give them priority.

Mr. Rajesh Pilot has helped them a lot. He asked us to help them in getting admissions, help the sons of the refugees in getting them admission; and we had tried even in the engineering colleges with concessional rates or even fellowship. We are aware of the problems of refugees; and this Government is going to do something for them. It is not because BJP is supporting them or because some of them have gone to the Supreme Court for getting some relief. The Government under the leadership of Shri Narasimha Rao was very firm in its decision regarding elections in Punjab. I expect the same firmness regarding the elections in Jammu and Kashmir also.

Mr. Deputy-Speaker, Sir, we have time and again seen that—it appears that — Pakistan wants to take revenge for the separation of Bangladesh and since that time more than 15 years ago it has been trying to

[Sh. Vijay Naval Patil]

grab some opportunity. The Pakistan Government started some activities through proxies in Punjab and afterwards infiltration of extremists was there in Kashmir. Fortunately for us we have got a very strong Army. Pakistan knows about it and also fortunately for us the entire world is with us as far as our stand on Kashmir is concerned and the world knows that it is an integral part of India and it has to remain so. With this backing and firmness from our side and support from all sections of the society and all parties, I am hopeful that we will not be required to have a second-extension after this.

With these words I support the Proclamation made by the President and support the Resolution.

SHRI E. AHAMED (Manjeri): Mr. Deputy-Speaker, Sir, I support the Resolution moved by the hon. Home Minister seeking approval for the continuance of the President's Rule in Jammu and Kashmir.

I may reiterate the stand taken by my party, the Indian Union Muslim League that the State of Jammu and Kashmir is an integral part of India and it should continue to be so for ever. The people of this country, more particularly the Muslims in India, will resist any move from any quarter to secede Jammu and Kashmir from the Union of India.

Kashmir should continue to be the beacon light of secular India and all of us should strive hard to bring back the mainstream of the Kashmiri people to the rest of our country. With this view in mind, may I make certain suggestions for the sympathetic consideration of this Government?

The hon. Minister for Tele-communications, Shri Rajesh Pilot has narrated the steps that the Government have taken to defuse the situation in Jammu and Kashmir. I am happy to hear that he has also mentioned some of the developmental schemes that the Government has proposed to introduce in Jammu and Kashmir. But the most

important thing, according to me is, to strive hard to create a congenial atmosphere for starting the political initiative in that State.

With this view in mind, I would also suggest to the Government to consider the steps where there should be some attempt that public participation, a semblance of democratic process, should be there. I would also request the hon. Home Minister to constitute a Committee of Parliament, an Advisory Committee, consisting of the Members of this august House and that of Rajya Sabha to tour and to study the real situation in Jammu and Kashmir; to hear the complaints, the allegations or the accusations if any on the atrocities committed on the innocent people; to prepare a blueprint with respect to the normalisation; and also to initiate the political process in Jammu and Kashmir including the conduct of a free and fair election. And such a step would definitely create a favourable situation in Jammu and Kashmir.

Yesterday, Shri Mani Shankar Aiyar, has made a suggestion that in the responsible position in Kashmir Administration, if there is any Kashmiri, who is eligible to hold the position, he should be given. This is a very important suggestion which he has mentioned keeping in view of the fact that the Government should try to instil confidence in the minds of the people. Of course, there are misguided people in Kashmir Valley. They have been misguided by the enemies of this country. Quite unfortunately, the actions of our neighbouring country, Pakistan, and their sinister move are condemnable. But it is also equally condemnable to consider every other Kashmiri as a terrorist. There are misguided youths in the Valley. We have to bring them back to the mainstream of the rest of the country. Every step should be taken in this direction.

Sir, I would also suggest that the Government should evolve a package of development schemes for the people of Kashmir. Their most important problem is unemployment. Of course, unemployment problem is prevalent throughout the country. But during

the decade, the Kashmiri people, the common people, have been denied whatever that are legitimately due to them. I do not want to blame anybody. I do not want to find any fault with anybody. This is what had happened. Shri Rajesh Pilot has even mentioned as to what had happened in 1990. I do not want to accuse anybody. But these are the facts. We cannot close our eyes to these realities.

If we want to bring back Jammu and Kashmir in the mainstream, we must take such a realistic step, which would help us to bring them back to the mainstream of the rest of the country. With this view in mind, I made all these suggestions for the consideration of the Government.

One more point that I would like the Government to bear in mind when dealing with the Kashmir problem is this that the Government, overtly or covertly, should not take any action which would alienate the people of Kashmir from the rest of the country. It is in this connection I condemn the *Ekta Yatra* conducted by my BJP friends. It started with fanfare from Kanyakumari poisoning the communal harmony and atmosphere in Kerala and ended with military escort in Srinagar. Then, they had unfurled the national flag. One could presume what had happened there when even the flag post that yatri carried was broken. And thanks to our security forces, it has been replaced there. It was also reported in the press that the flag itself had been left behind in Jammu. I do not know about this.

May I say, through you, Sir, to the hon. Home Minister one thing? If the Government would be able to provide this much of security and facility, one could even go over to Pakistan occupied Kashmir to unfurl our national flag. (*Interruptions*) This is what had happened. But what was the result of it? With a heavy heart, I say that this is a national issue and we have to stand together. We have to forget some of our factional attitude and we should not try to make an attempt to get political mileage. What happened? This has given an impression all over the world

that Kashmiri people have the real antagonism and disapproval of the actions of this Government and the people of the rest of the country. It is wrong. We are only playing in the hands of our enemies. They have been exploiting every situation to the embarrassment of this country.

Therefore, in the matter of Kashmir, we have a solemn commitment. We have a solemn promise given to the people of Kashmir by the founding fathers of our Constitution. Why this Article 370 was given? Many hon. Members have mentioned about it, and, therefore, I do not want to take much time of this House on this issue. But this Article 370 is now the last link between Kashmir and this ancient land of India. We want to continue Kashmir as an integral part of India. Therefore, any thought or talk of abrogation of Article 370, I should say, is nonsense and cannot be tolerated.

I submit that let Kashmir continue as a part of this country. They are an integral part of this country. We cannot negotiate the sovereignty of this nation with anybody—whether it is Pakistan or 'Arabstan'. The Muslims of this country will not allow anybody to negotiate the sovereignty of this country because we are part and parcel of this country.

Therefore, we have to address ourselves the real problems of Kashmir. If there are allegations of atrocities committed on the innocent people, if there are complaints of inhuman action taken by anybody against the innocent people, those actions should also be condemned.

I hope that the hon. Home Minister will also respond to my suggestion to have an advisory committee of the Members of Parliament to help the Government in evolving a policy which would ultimately lead to the conduct of fair and free elections in Jammu and Kashmir.

With these words, I support the Resolution.



[Translation]

623-25

**SHRI RAMASHRAY PRASAD SINGH**  
(Jahanabad): Mr. Deputy Speaker, Sir, I support the resolution seeking extension of President's rule in Kashmir moved by Government. But the most important thing is that certain concrete steps should be taken by the Government to settle the Kashmir problem for ever so that the Government has not to move such resolution time and again.

Mr. Deputy Speaker, Sir, Kashmir is an integral part of our country and it will continue to remain so. Everybody knows that the people of Kashmir have been patriots. They have been patriots in the sense that when some regions of our country were being seceded, the people of Kashmir showed patriotism and preferred to remain with India. (*Interruptions*)

I would like to repeat it again that the people of Kashmir have been patriots and they displayed it in the past.

Moreover, Sheikh Abdullah who was the leader of Kashmir during those days had won the hearts of all the citizens of the region. A slogan was in vogue that time: Kashmir belongs to whom Sheikh Abdullah belongs. I am of the view that the situation has now deteriorated to this extent. The people of Kashmir believed that their cultural, social and all other heritage belong to India. But certain mistakes are committed to serve petty ends. Time and again we say that we should rise above party politics and talk in national interest. A long time has passed but this has not been done. Had it been so today, the situation might not have deteriorated to this extent. Thousand of innocent persons are being killed there, this should be averted. We remember that we have launched an agitation to topple the Farooq Government alleging that it is an anti-national. Persons are being trained there and sent to Punjab etc. Such allegations were made. Members of the ruling party should recollect it. What a great blunder was made! That time the Ramarao Government was also dismissed. If such situation is cre-

ated for petty selfish purposes the country cannot be kept united and we cannot think in national interest. In such a situation, the people of the region lost their faith. The people of the region were displeased because the elected Government was dismissed there making fake allegation. Due to it, this incidence took place.

Now the hon. learned member Shri Atal Bihari Vajpayee has come to the House. Once I read in the newspaper that in the election held in Kashmir about 22 or 24 candidates of the B.J.P. emerged victorious but they lost in the next election. When they were asked as to why they lost the election, they replied that the slogan used by them to propagate Hinduism brought victory for them. And this very slogan of Hinduism was adopted by late Mrs. Indira Gandhi. On this basis people guessed that she would be the next Prime Minister. So, the people voted her. In this way they have been playing with the country for a long time. The innocent people are being killed there but we are least concerned. Efforts should be initiated at least now to protect the country from the hands of selfish politicians. Irrespective of the party that rules the country, democracy will always sustain. In order to sustain this democracy it is essential that we should think of national interest.

Mr. Deputy Speaker, Sir, every-body is expressing concern. So far as Article 370 is concerned, it was included in our Constitution with great deliberation. We would like to express our thanks to the Prime Minister for one thing. He did not allow to highlight the recent procession of the *Ekta Yatra*. It did not cause too much sound and fury. It was much ado about nothing. We have publicised the '*Rath Yatra*' a lot they made political capital out of it. Had this been not publicised so much they might not have been able to get so much importance and benefit. The common people did not have so much affinity for it. Even today the people are not too much influenced by the *Ekta Yatra*. If the people would not have been transported from there then they would not have reached at all. The Government has committed this mistake.

It is the blunder on the part of Government that they were flown by the official planes. Were they going as guests that they were accorded so high sounding welcome? If Kashmir belongs to India, there is no justification in hoisting national flag there. We have not won Kashmir that we went there to hoist the national flag there. We went there to create wrath and discontentment in the people of Kashmir.

Mirzaffar and Jaichand were born in this soil and even today there are such persons in the country who are bent upon dividing the country. They are selfish persons and they want to serve only their petty ends. They talk about patriotism but they do not work like patriots. We congratulate the Prime Minister who did not highlight the 'Ekta Yatra' and it ended up in smoke. The Rath Yatra of Shri Advani was highlighted and the people capitalized on it. With this very advantage they were able to form their party's Government in Uttar Pradesh. He went village to village to persuade people to worship symbolic bricks. The people of our country are very innocent and simple and so they celebrated the worship of symbolic bricks with great enthusiasm. Was there no brick in Ayodhya. Such acts were performed to create religious frenziness. They have collected crores of rupees from the people as a subscription and spent it to spate religious insanity. They cast aspersion which will not serve any purpose. If we rise above our political affiliation and endeavour to protect the country the Kashmir issue can be settled. I would like to express my thanks for the conducting elections in Punjab. The winners in the election formed their Government. All the people of India should help the Government there to settle the Punjab problem and create new atmosphere there. With these words, I conclude.

625-31  
SHRI MADAN LAL KHURANA (South Delhi): Mr. Deputy Speaker, Sir, when I reached the House, I heard part of his speech. I do not know but it has appeared in newspapers that Shri Chavan and Shri Pilot have same views about Kashmir. But who is

incharge of Kashmir affairs? He mentioned one thing that if Shri Vajpayee expresses his regret regarding the Article 370, the Kashmir issue can be settled.

SHRI RAJESH PILOT: Today, Shri Vajpayee suggested the Minister of Finance that if the word 'regret' is expressed, all the members will be satisfied. I referred to Shri Vajpayee specially. Even now the hon. Members understand that the voice of the inner soul of Shri Vajpayee is not heard in his party. I did not refer to Shri Khurana. There is a vital difference between land and employment, and State subject and non-State subject. Today, if the.

17.00 hrs.

House passes the resolution to continue to have the Article 370. This will restore a great confidence in people.

SHRI MADAN LAL KHURANA: in this connection, I would like to say that right from the very beginning till date the Kashmir issue has never been taken up seriously. It is not proper to say that if somebody should say such and such thing about article 370 then the Kashmir problem will be solved.

In this very House. Pt. Nehru has stated that this Article 370 is provisional and temporary and with the passage of time it will become obsolete. It has just been said that those persons who talk of removing article 370 talk non-sense. I remember that there was a resolution of Shri Vajpayeeji in that connection your friend met you and asked you not to remove the Article 370. My colleagues from Punjab also complained me that this very house which was supported by communist Party. Then Pt. Nehru had said this article would become redundant one day. Were they talking non-sense? You said if Kashmir could be provided the Article 370, why not Punjab? Why Punjab is discriminated.

SHRI RAJESH PILOT: If you want to state this much then it is O.K.

**SHRI MADAN LAL KHURANA:** If such article is provided for one State, the other State will also make demand you cannot stop them.

**SHRI RAJESH PILOT:** In the very beginning of my speech I have urged to debate on Kashmir issue in the light of the circumstances prevailing in 1947. That time, this State having majority of Muslims, merged with India, therefore, it was given such a status. If you apply this in the context of Punjab, Bihar and Uttar Pradesh, you may be right but I am also not wrong. I have stated all these things knowing fully well the culture of the State there.

**SHRI MADAN LAL KHURANA:** Do you know that you have depraved the culture in Kashmir during the last 44 years? You have yourself admitted that the people of whole nation have been supplied rice and wheat at higher rates, where as the people of Kashmir have been supplied rice and wheat at the rate of 5 annas a kilo. The Government has spent Rs. 70 thousand crore during the last 44 years. When this Kashmir issue was referred to the U.N.O. it was a great mistake. Today it is being demanded that Kashmir should be restored to its status quo in 1951. No State should be given the right to talk of secession from the country. No doubt culture, language and all other things of a State should be preserved. Its identity should be preserved. But it should not be given a special status and treated a separate part from the country. Otherwise, other States will also raise the similar demand so. This is the ideology of the B.J.P. Here the discussion is going on Kashmir Valley only. But Kashmir is divided into three parts. Kammu and Ladakh are its two other parts. But these two parts are never discussed here in the House. Excesses are being committed in Ladakh and Jammu but those are not discussed here. It was a mistake on your part to try to appease a particular community and that too living in the valley of Kashmir. The Chief Ministers of Kashmir were changed too frequently at the behest of your party in the Centre. This is not the outcome of the Article 370. The condition of Kashmir started

deteriorating when Dr. Farooq Abdullah was dismissed and Gulam Mohammad was appointed as Chief Minister and elections were again held and Dr. Abdullah was reinstalled there and today the situation has come to such a pass.

Mr. Deputy Speaker, Sir I would like say something about the *Eka Yatra*. I would not like to comment whether the *Yatra* should have gone by road or how many people should have gone there. But I would like to submit to the House that even I did not know about the situation in Kashmir before reaching there on 25th January. On reaching there, I came to know about the seriousness of the situation. Perhaps people from Kan-yakumari to Jammu do not know the seriousness of Kashmir issue. When we reached there the Airport had been sealed. We boarded three buses of B.S.F. which were escorted by two B.S.F. buses left on both sides. We were instructed that we were passing through B.S.F. camp and we should do nothing except lay down flat if there is firing on the way. This was the situation when we were not going to hoist Indian tricolour in our own country. We were not going hoist the tricolour in Lahore or going to fight on Sino-Indian border. We were going to hoist tricolour at Lal Chowk, Srinagar and these were the instructions that were given to us. Later on bullets were fired at our aircraft when we returned. We have seen it ourselves. You should take it seriously because those who can fire at an Indian aircraft cannot be ordinary terrorists. They seem to belong to the regular Force of Pakistan. I would like to submit to the hon. Minister of Home Affairs that they should not be considered ordinary terrorists, they are regular trained men of Pakistani Army. They have infiltrated into Kashmir valley and are manoeuvring all these things.

Mr. Deputy Speaker, Sir I would like to submit one thing more to the hon. Minister of Home Affairs that cases against 900 B.S.F. Jawans are pending in the Civil Courts under I.P.C. 302. Perhaps you also know that there is a provision under the B.S.F. Act that if any soldier commits a crime he will be tried in

Military Court and not in the Civil Court. For example, if a terrorist falls victim to the bullet of a soldier by mistake the trial should be held by a military court and not by the civil court because neither witness nor lawyers are available to him in the civil court. How are the judges hearing these cases. He will be certainly punished. (*Interruptions*) Mr. Deputy Speaker, Sir, I would like to submit that the hon. Minister of Home Affairs has to decide many such cases which are pending. A soldier is posted there to defend the country and remains there continuously in danger of the bullet of terrorists. He should be punished if he commits a crime deliberately. But otherwise their morale should be boosted and they should be encouraged. The Government is in dilemma whether to prosecute them in the B.S.F. court or in the Civil Court. You should decide it and build their confidence only then they can defend the country. There is resentment and agitation among them that they are fighting with the terrorists and facing their bullets away from their homes and even then they are prosecuted if any terrorist is killed by mistake. Their morale is at the lowest ebb.

Mr. Deputy Speaker, Sir I would like to submit about the migrants who have come here. Recently they demonstrated in Delhi and gave a Memorandum to the Prime Minister. This time through their demonstration at the Embassy of Pakistan they have given a new dimension to their agitation and through a memorandum they have warned the Prime Minister of Pakistan to stop interfering in the affairs of Kashmir. Two and a half lakhs to three lakh Kashmiris have fled from the valley. Some people raise the issue of human rights. The Government should raise the issue of human rights in the U.N.O. and should explain to the world how human rights are being violated by the Pakistanis who are aiding and abetting the terrorists. This picture should have been presented before the people but the Government has failed to do so. Therefore, I would like to say that attention must be paid to it. They should be rehabilitated properly.

Mr. Deputy Speaker, Sir, Kashmir prob-

lem is a serious problem. It is not like a minor headache which would be cured by taking oral medicine like Aspro. Terrorists are daring to attack even aircraft there. It has become a disease like cancer, which needs surgery. The problem of Kashmir will not be solved if Shri Vajpayee says that the Article 370 should be abrogated. This problem is not so simple. It has become serious, therefore, I would like to say that we should categorically warn Pakistan that enough is enough and we will not tolerate its interference any more and we will retaliate to liberate 1/3 part of Kashmir occupied by Pakistan if it does not stop interfering in our internal affairs.

Secondly, I would like to say that the problem of Kashmir should not be viewed as only the problem of Kashmir valley. There are other regions i.e. Jammu and Ladakh also but as the time at my disposal is short, I would have dwelt on it in detail. Regional councils should be formed to remove imbalances and develop these three regions equally.

I have no hesitation in repeating what I have said several times about the condition of the migrants. I repeatedly drew the attention of the hon. Home Minister, when I was a Member of the Ninth Lok Sabha but no attention was paid to the problems of these poor migrants. Today, they get Rs. 750-800 per month as relief. Even those living below poverty line earn more than this. How can a family subsist in Rs. 800 in Delhi? Therefore, I would urge the hon. Home Minister to visit the camps and see for himself their problems. I have mentioned earlier also that neither the Hon. Prime Minister nor the hon. Home Minister has paid a visit to their camps. They should visit them and rehabilitate them semi-permanently. (*Interruptions*)

Shri Pilot, the Minister of Communications is sitting here. I would like him to do something for the Government employees of his department, who have fled from the valley and migrated to other places. There are several such employees. Merely paying lip service or sermonising will not serve the

[Sh. Madan Lal Khurana]

purpose. It matters little what you have done there or you have not done but the poor people, have migrated from there. I would like to say again.... (Interruptions) I would like to submit to the hon. Minister of Home Affairs that the Government of India should raise the issue of human rights in international forum to help the 2-1/2-3 lakh migrants. It will strengthen your case. That is all I would like to say.

Though, I have many suggestions but due to lack of time I would like to say that Kashmir issue should not be considered as a problem of the valley alone, rather it should be considered a problem of whole of Jammu and Kashmir. It should be solved considering it a national issue and you should take firm stand on it. It is my request to you to stop actions which are sending wrong signals and the people of the country should also feel that our military and para-military forces are fighting there. You should take steps so that no wrong signals are sent to them.

[English]

17.16 hrs.

631-3 }  
(SHRI P.M. SAYEED in the Chair)

DR. S.P. YADAV (Sambhal): Mr. Chairman, Sir, the House is discussing the resolution for extending President's Rule in Jammu and Kashmir for another six months. In this context I would like to submit that this is not an easy task. One of the hon. Ministers has just expressed his views in a very light manner; but the problem is not that simple because the formation of Bangladesh and its aftermath has put Pakistan in a situation which reminds us of Shurpnakha of Ramayana whose nose was cut. The poet describes that situation in these words:-

*"Jab-Jab Mahalon Me Jawoge, Tab-Tab Wah Yad Dilayegi,  
Shri Shurpnakha Ki Kati Nak, Kis Prakar Jodi Jayegi".*

Therefore, the formation of Bangladesh has become the nose of Shurpnakha for Pakistan. It is an open secret now that Pakistan is providing assistance to the terrorists and the militants under a deliberate plan to divide India by disintegrating Kashmir from India. Even a small child living there is aware of the situation. The prevailing situation in Kashmir is not so conducive that the natives may be ready to join us easily.

I understand that if the members of all the parties, after making a considerate assessment of the real situation, discuss the matter, only then we can find a solution of this problem. If we go on overlooking the facts, we cannot achieve any success.

Besides Pakistan, China is also involved in it. I would like to submit that 1225 persons were put to death there in 1990. 1800 persons were slain in 1991. We should be grateful to our security forces that they are supporting us to some extent and have uncovered 2100 rifles, 250 rockets and 1 rocket launchers and other ammunitions from the terrorists. It is obvious that only they are keeping an eye on Kashmir in the real sense.

Today two types of situations have emerged in Kashmir. On one hand it has become our internal matter and on the other hand it has become the external matter also. At present, black shadows are hovering over India from both the sides, internal as well as external.

Everybody has expressed his views in connection with B.J.P.'s Ekta Yatra and the members of B.J.P. have also described the Ekta Yatra and stated as to what had happened there. But I was shocked a little to know that on the one hand the hon. President of the B.J.P. was seeking support to unfurl the National Flag at Lal Chowk in Srinagar and on the other hand the vice-president of the B.J.P., Shri Malkaniji was busy with the militants in Islamabad at lunch. The problem will not be solved by such a dual policy of any party or of any individual. The problem can never be solved if we say one thing and do some thing else.

China is not lagging behind in encouraging Pakistan. Recently talks were going on to have a check on atomic weapons. There was a time when India was ahead of Pakistan in the field of atomic weapons but today the situation has almost reversed. In the field of atomic weapons, China and Pakistan are working continuously and as far as I know, I can comment that today China has doubled the capacity to attack India with atomic weapons and Pakistan is also working in that direction clandestinely and is also preparing chemical weapons. If the Indian Government does not take any step in this direction, it can create a terrible situation for us in the long run. I think if India goes for manufacture of atomic weapons, then it will have to incur an expenditure of Rs. 42 crores. Hon. Home Minister, if we do not remain active, the war can be imposed on us. If the war is imposed on us, the our fate will be no better than that of Iraq. We have witnessed the progress made in manufacture of modern weapons in Iraq war theatre. If India does not brings up itself upto that standard, the recurrence of 1962 incident can not be avoided. Therefore, we are giving a warning to the Government to prepare itself to meet the situation. If Pakistan attacks this time, I urge upon the hon. Minister that there would be no pact like Shimla Pact. This time the war must be a decisive one. With these words I support this Government Bill on behalf of myself and my party.

**SHRI SUBRATA MUKHERJEE (Rai-ganj):** Mr. Chairman, Sir, the debate on this Bill started with the speech of Kumari Uma Bharti and Shri Mani Shankar Aiyar and I am surprised to note that humour was prevailing over the Parliament during the discussion on such a serious matter. In my opinion, there should be no humour when we are discussing such vital issue because this issue is far from humour.

Sir, if we put the map of India before us then we will see that Jammu and Kashmir is at the top, which is considered our head and today it has reached to such a terrible situation as the eyes of the whole world are on

it. Today the situation has reached to such a point where a question has naturally come up whether Kashmir will remain with India or not. The *Ekta Yatra* has made this situation more horrible and Pakistan has also given it a serious turn in its own way. Any how we have managed to control this horrible situation at present but it can not be improved by going on extending President's Rule after every six months. What has happened there, is of historical importance and I would not like to repeat those incidents. Shri Rajesh Pilot has just now very clearly stated the real situation of Kashmir during the period of Farooq Abdullah and the National Conference. It may be his personal views but if it happens to be the statement of the cabinet then we welcome it.

Pakistan Government is providing assistance to the terrorists openly. The talks were held between our Prime Minister and the Prime Minister of Pakistan on the 2nd February. There were news in the press regarding the talks that the talks were friendly and it will help in finding a peaceful solution to the Kashmir problem. But on the 5th February the Prime Minister of Pakistan organised a strike in Pakistan. He repeated to what the chief of Jamayte-Islam of Pakistan had stated and the speech given by him was alike to the statements made by the chief of Jamayte-Islam.

Now the people of Kashmir have started feeling that their problems will not be solved by merging with Pakistan. On the one hand the terrorists of Pakistan are torturing them and on the other hand the Indian military and para-military are also committing atrocities on them.

Today, there is a need to create an atmosphere of faith in Kashmir. For it, we shall have to take into account the economic, social and cultural aspects and all the possible arrangements should be made to provide help to the people in the valley.

With these words I support this resolution.



**SHRI PIUS TIRKEY (Alipurduar):** Mr. Chairman, Sir; I rise to support this Resolution. I am sorry to say that this resolution should not have been brought at all; but under the circumstances we will have no option but to support it. It should not be so that the elections should not be held even after six months.

We support all this steps which have been taken by the Government to meet the Pakistani challenge to occupy Kashmir.

The biggest problem there at present is of unemployment and of refugees. The other big problem is that no step has been taken to bring back the Pakistan occupied Kashmir to India. This is the reason that they consider us weak and make interference and encroachment in our areas. Our Government should take steps to protect that area and even an inch of land of Pakistan.

The hon. Members have already said all these things. The Government should take firm steps for the unity of the country, with these words, I conclude.

[*English*]

**THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN):** Mr. Chairman, Sir, I must express my gratitude to all the hon. Members who have participated in the discussion and given unanimous support for this Proclamation issued by the President. In fact, it is not a very pleasant duty I have to perform that I have come before the House, asking for extension of President's Rule by another six months, so that we may be able to normalise the situation there and see that an atmosphere is created, which will help us in holding the elections. But, still I am not that sure. I will have to go to Kashmir, discuss matters with a number of people and after consultation it will be my endeavour to see that a feeling of confidence is created and in the interregnum period, the kind of distrust which has unfortunately been generated due to different reasons should be removed. I would not like to go into all the reasons, but I cannot help mentioning a few of them.

There is no denying the fact that the situation in Jammu & Kashmir is not good. I think Mr. Khurana is not there. He always speaks and goes out, like a freelance journalist who writes an article, throws and gets away.

If you raise a point, you must be there in the House. When I am prepared to reply to your point, you must be present in the House so that if I make any statement which according to you is not correct, you will be in a position to correct me. I do not consider it to be a matter of prestige, if I make a slightly wrong statement, then correcting it later. That kind of attitude will never be there. But, if you are not present, that only shows your attitude towards the debate.

That is why, I have to refer to the process which was started by us. Before this, *Ekta Yatra* was started, I think almost all the hon. Members spoke on this point that this should be treated as a national issue. Very few of the hon. Members might be aware of the fact that I discussed this matter with almost all the leaders of all the political parties and the offer that I gave was, "All right, if you are so insisting about having the *Yatra*, why are you confining it only to the BJP? We are also prepared to join. All the political parties will join; and let us take this *Yatra* throughout India and create the necessary atmosphere so that there will be no feeling of animosity; there will be no feeling that this *Yatra* is meant for that purpose".

Fortunately or unfortunately, the position is that there are people who, in fact, had their own apprehensions about the motives behind the *Yatra*. I must say this also. What I was told was - I am not divulging any secret; without mentioning anyone's name, I will mention this - they have their own brand of secularism.

I am quite sure that everybody is aware as to what kind of secularism they have been preaching right from Kanyakumari to Srinagar. The kind of secularism that they have been preaching is a totally different brand of secularism.

This was one issue which they have been propagating throughout. Another issue is about the abrogation of article 370.

Now the *Yatra* is over, the crossing of Amanullah Khan is also over. This is the time when we should have some kind of introspection done. Are we really and sincerely believing that by having this kind of *Yatra*, we can bring about unity in the county? Is that really your objective? And second, have you studied article 370 and the objective behind the whole thing? Are you convinced that if you are to abrogate article 370, you will be able to bring about a kind of unity that you have in mind. On both counts, I will request the hon. Members - both who have taken part in the *Yatra*, and those who did not - to have some kind of introspection done and come to your own conclusion as to whether any corrective action needs to be taken or not. Is it or is it not a fact that in the area of Jammu and Kashmir, there has been a total change in the climate that I had seen four months before? I must admit this thing that when I went there, the kind of situation which was presented to me was: everybody was looking at each other as a person who is not to be trusted at all, including the officers. Slowly we can generate a feeling of confidence, a sense of participation amongst the Government servants. If I have to give you the figures, the figures are always very good. Ultimately it is a question of implementation. There is nothing wrong about the Jammu and Kashmir cadre officers being posted - IAS officers of Jammu and Kashmir cadre. Hundred of them are there out of whom only one is outside the cadre. Rest of 99 people are of Jammu and Kashmir cadre. In spite of that, they have the feeling that "we are not trusted; we are not believed; we are treated as totally alien people, not to be believed." That was the kind of feeling. I must say before this House that in the meeting of the officers, I had to tell them very bluntly: I cannot understand this thing that the entire staff is not to be believed.

I am quite sure that there might be some people who are having some kind of links. There are two kinds of problems. You have

to appreciate the fact also. This happened in the case of Punjab. This also is the situation prevailing in Jammu and Kashmir. Some people are by conviction with them and some people are forced to be with them. If the terrorist comes to his house, he has hardly any choice. He has to allow him to stay in his house. And tomorrow because he allowed him to stay in his house, we are to arrest the person saying that you harboured this fellow and that is why you have committed a crime. So, you are arrested. This is the kind of situation. I am in full agreement with what one or two hon. Members stated that it is not merely the question of implementation of the Act. It is the human value which has to be added to it. You have to consider. If you are satisfied that in fact if by conviction he is with them, I do not think that you can spare a person. You have to arrest the person and take necessary action against him. But if by any chance, he had been under coercion, he was supposed to stay, allowed him to stay at night there. I know the instances which have been quoted where all kinds of molestation to the women have also been done.

The people were considering that this was a kind of *jehad*, a kind of religious fight that they were fighting. That was a slogan in the beginning. But now they have come to realise that this has nothing to do with *jehad*. These misguided young people are perpetrating all kinds of atrocities. That is why now they are totally disillusioned, frustrated. They would like to come back to the mainstream and actually the whole process has started, but for these interim things which happened due to which unfortunately the entire process was reversed. I am not apportioning any blame on anyone. I am asking merely for self-introspection if you feel that you owe a duty to this country. Political parties have their own politics. After all, we are human beings. We are not *sanyasis*. Though you may be talking of saffron colour, still I cannot believe that you are a *sanyasi*. You cannot be *sanyasis*. A political party cannot be a party of *sanyasis*. Definitely, they have the political attitude and the political objective and in order to achieve that political objective, they are bound to agitate for certain

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things. So, simply if you say that it was your political motivation, the question ends. But then you have no right to say that you are treating this issue as a national issue and above party consideration. This issue has not been treated above party consideration. And that is why, in order to prove that point, I have stated this. Otherwise, I have no intention of blaming anyone or apportioning any blame on any person.

Another point - lest I forget - was stated by Mr. Khurana. I must request him to keep politics away from paramilitary and armed forces. Do not try to play politics so far as armed forces are concerned. He has pleaded his case and gave an impression to the House as if in matters of murder, discretion has been exercised by the Government, that is, whether the 302 cases have to be tried by a regular criminal court or by the BSF court. That is how it was presented. I have just made queries. According to my information, there is no case pending. Not even a single case which was brought to my notice which, in fact, was about a rape and not a murder. There was some kind of a confusion. I must admit very clearly that I was also concussed. If it is a case of rape, whether it would be advisable on my part to address it to the BBF court or a regular court should try this case. This was my confusion. Then, ultimately, I came to the conclusion that when there is a regular act, there is no reason for me to suspect that there will not be justice. Certainly this is a case in which I have to be very watchful. I will have to find out and ensure that, according to the Act, barring heinous cases, all other cases should be tried by the respective paramilitary forces court. In this case also, as it was a discretion which the Government had to use, I was thinking for some time and that is why for almost a fortnight and not more, this case was pending with me because I wanted to have my views cleared. I discussed with the Law Ministry and thereafter, came to a conclusion that the regular BSF court should try this case. So, that case has been disposed of. There has not been one case which has been pending.

But Mr. Khurana gave a feeling as if great atrocity is being committed on the BSF people. I am really surprised that without understanding the problem, just taking one case as an example, the matter has been generalised. I can understand one case if facts are given. This is not the forum where this issue is to be raised at all. I will be the last person to encourage any such activity either by BSF officers or any other paramilitary forces officers to approach any political party and ask them to raise this issue in the House. This is the attitude that I have. My request to all the hon. Members will be not to encourage such activities. After all, paramilitary and armed forces belong to the nation. Our politics should be confined to our political parties. Do not try to involve these forces in your party politics. This is my request. You may or may not follow this request which entirely up to you. But it is my duty to request all the political parties not to encourage the officers who try to approach you for some reason or the other.

We have discussed only the political aspect of the Jammu and Kashmir problem. We have totally forgotten the involvement of Pakistan in a very big way. Who was responsible for removing Sheikh Farooq Abdullah? Who was responsible for removing Sheikh Farooq Abdullah? When the other example was given, he said that he referred to the first example and not the second example. He replied as it suited him. There is no doubt that Farooq Abdullah was removed and in his place, Mr. G.M. Shah was appointed. In fact, this are matters of history. We cannot deny them. But there is another case. When Dr. Farooq Abdullah was the Chief Minister, he persistently pleaded with the Central Government not to, for God's sake, appoint a particular Governor who according to him was against him. In spite of his repeated request, it was seen to it that very Governor was appointed. And on that very day or the next, he had hardly any option but to submit his resignation. So, these are the instances which clearly show that everybody would like to play politics and thereafter say, 'No, no. This issue should be treated above party

considerations. These are the two glaring examples.

Now, these are national issues. If you do not treat them as national problems, then of course, we are going to be in deep trouble. I must tell this very frankly. Pakistan is trying to internationalise the issue and we know that Pakistan is interested in encouraging trouble. But on the 5th of February, our Prime Minister and the Prime Minister of Pakistan met and both of them came to the conclusion that they had to see that the situation be normalised, and tension reduced. But the very next day or so, the Pakistani Prime Minister had to announce that they should observe an entire *bundh* in Pakistan in order to show their solidarity with the people of Kashmir! Why this kind of hypocrisy? Why not discuss honestly what you have in your mind? There is no point in unnecessarily creating an impression as if you are trying to discuss when you have a totally different thing in your mind. He observed the *bundh*. He adopted a Resolution in the National Council and assured the JKLF people that the people of Pakistan were one with them. Thereafter when they tried to cross the line of control, he changed his stand. Just two days before that, he gave a long speech to show complete identification with JKLF. Thereafter, we not know what happened. He turned round and said, "No, no, we will not allow you to cross the line of control." They had to take this type of attitude because it has its sinister and most dangerous consequences.

Hon. Member Shri Khurana said, "What is the idea in just saying things and taking the matter at diplomatic level? You know where the training camps are. At least try to occupy the Pakistan-occupied Kashmir." I do not think I am competent enough to give a reply to that kind of remarks. My effort will be to see that at the diplomatic level we make known our resentment on this issue. When the Pakistani Prime Minister spoke in this belligerent language, their Ambassador had to be called by the Foreign Secretary and he had to be told that any interference in the internal affairs of India would not be toler-

ated. When this was done in very unequivocal terms, it had its own impact. We cannot think of indulging in this kind of adventurism which the other side is advocating, and they are asking us to send the army, to attack them and to demolish their training camps. He also mentioned that some aircraft was shot down. I do not know and I have to find it out. I do not think it was done. At the same time, I would not deny it and I would not say that the Pakistani military personnel is not at all involved. I cannot give this kind of a certificate and say that Pakistan is very straightforward and they have not allowed their armed force to come in civil dressed, to cross over and give their military assistance to the JKLF people. Maybe, in few cases, they might have been involved. I cannot say it very categorically, but I do not rule out the possibility. Efforts are being made by Pakistan to internationalise this issue. According to the Simla Agreement, both the parties were supposed to discuss the matter in a peaceful atmosphere and they were expected to create a situation free of tension. Somehow or the other they could not do it. That is why efforts are now being made through these very dubious methods to create an international situation if something totally wrong is done by India. Pakistan is making a pretence that they have shot down so many people and that they did not allow people to cross the line of control. This is being carried out by Pakistan. We have to guard ourselves against internationalising this issue.

A large number of people come to India in the name of Human Rights Organisation. We have a local outfit of it. These people do not come here; we supply them the entire information. I am quite sure that one of the hon. members who spoke about it had nothing of that sort in his mind. We are not opposed to the idea, in fact India is a country where human rights are being observed in totality. I do not think that any country can claim that it is protecting the human rights. Is it the killers only who have the human rights and not the victims? Innocent people travelling by train, by bus, going from one village to other village, are being shot dead. But they do not mention anything about these people.

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I must tell the august House that this was the very point which we discussed with the British Home Secretary and Foreign Secretary when they came here. This was a point blank question which I put to them. I asked them whether they recognise that these victims also have a human right; that they are subjected to all kinds of injustices but still you are not prepared to treat this as a human rights case. On the other hand you are very much interested whether the killers are being treated properly or not. I will give just one or two examples and they will finish.

Some charges are levelled against the army. When such an explosive situation is prevailing I can understand that some innocent people also get killed. I cannot deny that but the fact about which we have to convince ourselves is whether these people are being tried for evidence or not. We wanted to have one thing clear and that is why the matter was referred to the Press Council of India. A three member delegation from amongst journalists went to Jammu and Kashmir. They came back and informed that cases have been registered against large number of army officers and paramilitary officers who committed crimes and they have been tried in courts. They said that 23 women were raped by the army people. The report says that it is absolutely false and this is a regular maligning campaign which is being perpetuated against them. It is not our officers' Report, but it is the printed Report of the Press Council of India. It was totally an independent body. They have given this Report that this is totally false. In spite of that, if some hon. Members say anything, I do not deny that. It will be too much on my part to give this kind of certificate that the paramilitary forces did not commit any mistake or crime. But, after committing a crime, whether we are registering a case against them or not is a test. We can convince anybody who is prepared to get himself convinced that in fact a regular case has been filed and people have been tried for imprisonment of ten years. Some of the army officers have been dismissed from the service. There may be a

chance where something has happened in a very remote area and which was not brought to our notice. That is a different thing. As far as I am aware, at least, nobody can possibly say that human rights have been totally violated in India and no notice of it is being taken. It is not a fact.

**SHRI RAM KAPSE(Thane):** Taking into consideration the effort to malign our army or para-military forces, what have you decided about the case for which you wait for fifteen days thought over it and finally you came to know that it was a rape case? I would like to know what decision has been taken by the Home Ministry in this regard.

**SHRI S. B. CHAVAN:** I have told you that I have cleared the case to go to the BSF Court. That case has already been field there.

Now, I will come to Article 370. You must see how this matter was propagated. We must be absolutely clear in our mind—at the time of accession to India, the kind of pledge that we have given to them that Article 370 will be treated as a temporary measure—this thing. For what purpose, you have given this pledge? So long as you do not succeed in converting the minds of the local men by creating a confidence and asking them to take initiative in the matter and say that we do not want Article 370, it is difficult. So, we have to create the situation. If we do not create that situation and merely say that we would like to delete Article 370, I think it will be a great injustice that we will be doing. At least a feeling of distrust which was already there at the time of Punjab elections when Amanullah Khan and others who were, day in and day out, propagated a kind of vicious propaganda that all kinds of injustice is being perpetrated on the Kashmiri people and in that atmosphere, you wanted to go there and delete Article 370 is nothing but adding insult to the injury. I do not think that this means anything. What was the idea of doing this thing? Whom are you preaching? You are preaching your own followers whom, you have taken in your aircraft. Only one hundred people were there. They were only

your followers who did not want Article 370. Is there any local Kashmiri involved in that? None.

SHRI INDRAJIT GUPTA (Midnapure):  
Why did you provide the aircraft?

SHRI S.B. CHAVAN: Yes, that is the point. I am coming to that point. A very reasonable question is being asked by the hon. Member as to why the Government thought it necessary to provide an aircraft for airlifting them? It is a matter of judgement and after every event, everybody can be very wise. I had three options before me. When I say 'I', I mean local officers and the Governor. There is no question about it. But the decision had to be taken whether it was worthwhile to allow the 8,000 or 9,000 people to go to Baniha Pass or not. He himself said this.

18.00hrs.

And he himself said that fire was shot even on his bus. Even if they had gone in the bus - we knew very well - though they said that your statement - that these were very soft targets and they could be killed - had provoked them to fire. This is a very ingenious interpretation that I have seen. It was my duty to bring to your notice that this is hapaazard. You are taking a risk of your life. With that, if you want to go, I have no objection. Thereafter, at the instance of Dr. Murl Manohar Joshi, a helicopter was provided; it was, at his instance, that the aircraft was provided. Now the only point is whether they have been charged for the same. If they had been charged, then anybody can use the aircraft; then anybody can use the helicopter so long as he is able to pay for that. Bills had been sent to them and the bills had been paid by them. I have the receipts.

SHRI INDRAJIT GUPTA: Are they paid?

SHRI S.B. CHAVAN: Yes, They are paid; they had paid the bills. Therefore, we have to see properly whether allowing this kind of an adventure is proper or not. God forbids, if four-five people died, You know

how issues are being raised in the House. In that case, that would have been the first-class issue and the Government had to take four-five days to reply that issue. We did not provide them a helicopter; they asked for it. We provided them one helicopter and charged them for the same. They had paid the bills. I know what is their position. I do not want to say anything about it. But that clearly shows, that clearly establishes the *bonafides* of the Government. In fact, we were interested in saving lives of the people, whichever party they might belong to. But they feel, they are not still prepared to accept that that was a very genuine reason for which we had to give them some kind of a warning.

Some suggestion was made about the Advisory Committee. I will have to apply my mind as to whether a Standing Committee of the National Integration Council can be a better forum or any other committee needs to be set up; it is a matter to which mind will have to be applied. Certainly we will discuss it; there is no difficulty.

SHRI E. AHAMED: I am told by a former Member from Jammu & Kashmir - he was not a Member of this House - that for the last three years not even a single Parliamentary Committee has ever visited the area. When we say that Jammu & Kashmir is an integral part of the country, a Parliamentary Committee should visit that area. That is why I suggested that the Members of Parliament should be included in that Committee.

SHRI S.B. CHAVAN: I have seen that Members of Jammu & Kashmir are must reluctant to come even for the Advisory Committee meeting there. But it is a matter on which there is no difference of opinion. We can properly discuss it. And if we feel that here is a case in which there is no harm in doing it, we will decide about it. In fact, we will be very happy to have the advice of the hon. Members of the House. But I would not like to commit myself at this juncture. Let me get the matter examined.

Whether the migrants will ever be in a



[Sh. S.B. Chavan]

[English]

position to return to the Valley is a point about which I am really very keen; and that is why, at this stage, I can clearly say that the possibility of holding local bodies elections in the near future is a point which I have in view, which in a very definite time frame I would like to decide; and thereafter, we can think in terms of security for the general elections to the Assembly. But the experts of the Government will have to concentrate on this issue and see that we solve this issue once for all.

[Translation]

PROF. PREM DHUMAL: Mr. Chariman, Sir, I had said that letters were sent to the Administration and the Governor regarding the problems of the people but no reply was received from them.

SHRI S.E. CHAVAN: I have noted it.

MR. CHAIRMAN: The question is:

"That this House approves the continuance in force of the Proclamation dated the 18th July, 1990 in respect of Jammu and Kashmir, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 3rd March, 1992."

*The motion was adopted*

18.05hrs.

MR. CHAIRMAN: The House now Stand adjourned to meet again tomorrow.

*The Lok Sabha then adjourned till Eleven  
of the Clock on Friday, February 28, 1992/  
Phalgun 9, 1913 (Saka)*