

STATUTORY RESOLUTION SEEKING
APPROVAL OF THE CONTINUANCE IN
FORCE OF THE PROCLAMATION
UNDER ARTICLE 356 IN RELATION TO
THE STATE OF JAMMU AND KASHMIR

THE PRIME MINISTER (SHRI H.D.
DEVE GOWDA): Sir, with your permission
I beg to move the following Resolution:

"That this House approves the con-
tinuance in force of the Proclamation
issued by the President on the 18th
July, 1990 under article 356 of the
Constitution in relation to the State of
Jammu and Kashmir, for a further
period of six months with effect from
the 18th July, 1996".

Sir, the very same Resolution which I moved
in the Lok Sabha has already been passed and
it has come up before this august House for its
consideration. Sir, at this stage, I do not want
to make any lengthy speech. After the debate,
the hon. Home Minister will reply on my
behalf. He is going to reply because I have to
go to the other House to reply to the
discussion on the petroleum price hike. That is
why I seek your kind permission and the
permission of this august House. I have to go
there and I have requested the hon. Home
Minister to reply to the debate. Sir, at the
initial stage, I would like to make only very
brief points for the consideration of the
House. For the first time I visited Jammu and
Kashmir. The purpose of my visit was to see
the damage caused by the natural calamity in
the Valley. At that time, I was able to meet
almost all the j political party leaders,
including that of the BJP and NC. There was
no question of meeting them separately and
getting their views. All of them were
unanimous and they were very anxious to see
that the Assembly elections are held as early
as possible. That is the only one point they
stressed collectively, that the Assembly
elections should not be unnecessarily delayed.

That is the view expressed by almost all
the political parties.

Sir, at this juncture, I would like to
mention only one or two issues. Their
primary concern is about certain defects in the
electoral roll. The names of some voters were
not enrolled in the electoral roll, in the voters'
list. They wanted that this should be rectified.
This is one of the arguments they had
advanced.

The other thing was about holding free and
fair elections. Almost all the political parties
tried to impress this point on me. In this
connection, I asked the local administration.
They had already distributed about two lakh
forms for registration of those voters whose
names were not found in the voters' list. They
distributed nearly two lakh forms. Now, this
is only a summary revision. We cannot have
an in-depth revision. It will take about six-
eight months. If we go in for a total revision
of the voters' list, elections cannot be held
before December or January next.

Sir, almost all the political parties agreed
to this summary revision of the electoral roll.
Nearly 12,000 forms have been filled and
returned by those people whose names were
not found in the voters' list. This is one aspect
I would like to bring to the notice of the
House.

The other thing is about free and fair
elections. During the Parliament elections,
some people—I do not want to say 'all'—tried
to talk about some omissions and
commissions. This was the type of
propaganda that some people tried to carry
on. I found that this was a baseless allegation
and these were baseless views expressed by
some of the political parties.

Here, I must compliment the previous
Government. They had taken a bold decision
to hold elections to Parliament. A propaganda
is going on outside the country that it was
only a farce, that people did not turn out in
large numbers, that a massive turnout was not
there and that it was only for the purpose of
convincing the international community

that these elections were conducted. This is the type of propaganda which is going on outside the country. In this connection, I would like to make this point very clear, categorically clear.

In regard to the voters' turnout in the Parliament elections, I can say, compared to the other States, it was really remarkable. I can give the figures. I can give the figures in respect of the different Parliamentary constituencies. In Baramulla, it was about 63 per cent. In Srinagar, it was about 41 per cent. In Jammu, 48.1 per cent. Ladakh — 83.26 per cent. Anantnag — 50.14 per cent. Udhampur — 63.3 per cent. This kind of a turnout is a clear indication to the entire world that people want elections; they want peace in the Valley. They want normalcy in Jammu and Kashmir. They are fed up with insurgency, with the activities of the infiltrators and the damage that has been caused by them.

Today, Sir, the people of Jammu and Kashmir want peace. They want the elections to be held. All political parties want elections. I would like to say to those people who still want to harp on the theme that only this things is not going to bring peace to the Valley, that it is a baseless remark. It is a baseless remark being made by some political forces, by some external forces, which are trying to express their views on these lines.

We have taken a decision to hold the Assembly elections as early as possible. We do not want to delay it. Today, the Home Secretary is contacting the Election Commission to fix the date. The date for the Assembly elections would be decided. The idea is to complete the elections by September end.

We will also assure that all necessary protection will be given to those candidates who are going to contest. Conducting elections in a free and fair manner is left to the Election Commission. Whatever arrangements they require, we are prepared to provide. There is no question of failure on the part of the

Central Government: all machinery will be provided.

I can only say that some of the issues which they raised during the discussion were about developmental works. They mentioned about the power projects and the railway project and that for some of the developmental works the Government of India should provide funds and see that their progress is accelerated. This is the demand made by all the political parties. Sir, as far as possible, the Government of India is going to take this seriously. It is not that we want the people just to participate to elect a new Government, but the Government of India is prepared to cooperate with the new Government.

So far as the autonomy issue is concerned, some people said that the autonomy issue should be resolved first and then the election should be held. The quantum of autonomy, etc., all these things can be discussed with the elected representatives and the new Government. That is what I told the delegates of all the political parties during my brief stay in Kashmir, and almost all the political parties agreed, barring one or two leaders who expressed that it is better that the autonomy issue is cleared before holding the election. Ultimately, I tried to convince them that it is better if the autonomy issue is discussed with the Central Government after the mandate of the people is given, and which are the areas that the Government can consider. We are free and I have no hesitation to give the promise that with the elected Government I am prepared to discuss all these issues.

Sir, after I came back from Kashmir, I called all the senior leaders of the political parties of both the Houses and discussed this point, and almost all the political parties were unanimous about holding the election in the month of September itself. I think, in a day or two the Election Commission may announce the dates. Again I would like to assure this House that no scope will be given for unfair

methods of election. We will give all the required machinery to the candidates as well as to the voters who will be going to the polling stations, to exercise their franchise without any fear or favour and without any hesitation. This is all that I would like to say.

Even though I have asked for six months, it will be only for a short span of one, one and a half or two months, when the election will be over. The House may kindly approve this Resolution.

The question was proposed

SHRI TRILOKI NATH CHATURVEDI (UTTAR PRADESH): Mr. Vice-Chairman, Sir, I am aware of the constitutional obligations and the circumstances that have compelled the Prime Minister to move this Resolution. But there are certain matters which need our attention about Kashmir.

So far the Government of India's policy about Kashmir is concerned it has been a tale and tragedy of errors and heedless of national interests. My party also, when it was in the Government for a short period, did reiterate that the Government will adhere to the schedule as was announced earlier and that the elections would be free and fair.

I am glad that the Prime Minister has also given the same assurance because that is one of the main reasons why there is a feeling in the people of Kashmir or at least there is this propaganda and publicity outside that free and fair election has not been possible and that the people have been deprived of free expression of their choice.

Having said that, Sir, I would like to mention that we will be lulling ourselves into complacency if we feel that the conditions there are normal. I am saying this because still it seems that there is a lot of confusion. Earlier we were critical of the previous Government that the Governor would say one thing, that there would be frequent visits by a particular Minister of State and then the Home Minister would make some other state-

ment. Both would work at cross purposes. It is no use going into that. But this was the situation, and my friends opposite also made very often comments on that. I am not sure whether in the present Government also, though I know that the hon. Home Minister is a very seasoned politician, that kind of unity of purpose and approach has been achieved so far as the Government is concerned. We had one particular Minister for some time. He had a magic wand for solution of the problem at Ayodhya.

I am saying about Ayodhya because this was mentioned even when the CTBT was discussed, but do not want to go into it.

I certainly want to bring to his notice two things: In the yesterday's paper there is a statement by the new Minister of State. This is "THE PIONEER". The headline is:

"Maqbool Dar blasts 'absconder' Farooq".

I quote:

"Mr. Dar even accused Dr Abdullah of fomenting militancy in the Valley. Why did the Congress back the deposition of Dr Abdullah in 1986 only because the Centre had documentary proof of his ties with the militants? I was in the Congress then and Rajiv Gandhi summoned Congress MLAs and showed a photograph...."

and so on and so forth. I do not know what the truth is. I really wonder whether the Home Minister also subscribes to this particular viewpoint. There are a number of other things that he has said, but there is no time to go into these things.

The second thing is what he has told in an interview to "THE INDIAN EXPRESS" yesterday, and this is rather a bit more worry some. I quote:

"Dar, who is currently on a visit to the Valley, told THE INDIAN EXPRESS here that he would have the former militants working as

counter-insurgents disarmed. Their role has ended and they need to be disarmed and rehabilitated."

Then, he goes on to accuse the Special Operations Group of the J. & K. Police and so on.

Mr. Vice-Chairman, Sir, the Home Minister might have seen this statement. Therefore, I don't want to go further into these questions. But it is rather surprising that this kind of a statement should have been made by the Minister during his first visit to Srinagar after becoming the Minister, saying things which might create differences with the local administration, further demoralising the State administration, the local Government, for whatever worth it is there at the moment. Naturally, the country is entitled to know who these counter-insurgents are who have now become criminals because he says that they are criminals. I think that this needs clarification. Similarly, we have to keep in mind that Dr. Farook Abdullah, in an interview to the Indian Express, has said a number of things. I do not want to go into all of them. But I would quote one sentence. He has said, "The parliamentary poll was a concocted and rigged exercise. I am happy we did not take part, and if this is the way they will hold elections, the NC will never participate." I, personally, do not believe that the parliamentary elections were rigged. The Election Commission did its best to ensure that there were free and fair elections. But the National Conference is one of the big and important parties. There have been, a lot of times, confabulations going on with this particular group or party. And therefore, I think that their feelings have to be taken into account, whatever they are worth. But I do feel that what the Prime Minister has just said should assure the persons who have misgivings because if there is anything we want in this country, it is that free and fair elections be held in every part of the country and under all circumstances. But there is another point which I would like to touch.

The Prime Minister has said that during his visit so far as autonomy is concerned, he has assured, he has been able to assure the people or convince them that it is worthwhile being talked about after the elections, the mandate, and so on. There is ample rationality in what he has said. But, again, Sir, I think that what the hon. Home Minister, who himself is a very mature politician and statesman, in a Press interview said, coming from the Home Minister, smacks of despair, even panic and I would say, desperation. I do think so when he says that autonomy is necessary if we want to retain Kashmir. I think this statement, coming from the Home Minister, does or might create wrong kind of impressions and feelings amongst the people. The hon. Home Minister himself attended a seminar organised by Prof. Souza. I have got the proceedings with me. There, he has said himself, "Please define, specify, spell out the specifics, the contents, the character of autonomy". And he does not believe in many impractical things, etc. Of course, he did say that some kind of an assurance, probably from all political parties, was necessary about autonomy. Did the Government and the Prime Minister try to work that kind of consensus about autonomy? If he himself was asking about the quantum and character of the autonomy, the nature of the autonomy, then I think it is fair, it is only fair, that the hon. Home Minister himself also spells out as to what is his mind is. How much? This becomes all the more urgent and necessary because of this there are misgivings.

The former Prime Minister, Mr. Narasimha Rao, from Burkino Faso, a foreign soil, did say a good deal about the 'autonomy' that he was prepared to give. Of course, later on, in this House also, he said that short of *azadi*, sky was the limit. He said so in this House. It is in fairness to the former Prime Minister and the former ruling party which is supporting his Government that he tells us where he deviates from at least that particular stand of that particular party;

in what way he differs and what he wants to delete and what he wants to add to that, what is maximum position in the bargaining is. It is all right to say that this may be done only when the new legislative assembly comes into existence. But I think this is also very important because 'autonomy short of *azad*' can mean anything. There are people who have also been saying that India should not talk about Kashmir being an inalienable part of the country and so on. This is also an expression used. The hon. Home Minister attended a seminar on autonomy recently. He must know it very well. You know Mr. Bhim Singh of the Panthers' Party. He said, "Let us go back to 1947-48". Of course, going back to the 1952-53 position has been the recurring theme of many of the people, including the National Conference and many other sympathisers of that particular cause. That is why it has become necessary that he spells out the stand of the present Government.

Another confusion has also been created because the Defence Minister went to Jammu and Kashmir and said that his forces—rather, our forces—were defending the borders of this country. He felt compelled to say that a resolution or a bill would be passed. You have to contradict it. It is very unfortunate that everybody is being misquoted on some ground or the other or on some account or the other. I think this is also very strange. Has this matter been discussed in the Cabinet meeting? We do not want to understand the views expressed by individual ministers. But what was exactly discussed?

Sir, I would like to mention that administration is still in disarray. The militants choose their victims daily. The police and the local authorities are, more often than not, either in collusion with them or are not in a position to assert themselves. That position still continues. Despite all the assurances given to this House from time to time, the revamping of the administration has not been done. One of

the glaring examples of this was, just after the parliamentary elections, innocent people were killed in Doda and they were asked to stand and shot. Again, only very recently, there were killings in village Batakote, as reported in the "Asian Age", and "the killings, which police officials say were carried by Kashmiri militants, came only a few hours after Prime Minister Deve Gowda returned to Delhi following a one-day tour at the end of which he said dates to hold early assembly elections in Kashmir would be discussed...". I wish the Home Minister also made a statement about these people. This tragedy is a shame because it followed almost immediately after the earlier incident. I wish he made a statement. At this stage, I would also like to make a request to the hon. Home Minister. These victims, these innocent people, these labourers who cause he has championed over the last 50 years or so, should also get compensation. The poor people from Bihar, U.P. and Orissa should also get Rs. 3 lakhs as compensation. At least their families should get it so that they can have a decent life.

Sir, I need not go into the earlier elections and so on. However, they had been rigged. I take on face value what has just been said. I still have to mention the role of the ISI, the funding which takes place, the growth of militancy, the assassination of various kinds of Government officers, whether it was Laza Koul of the Radio or TV.... or Professor Musrrul Hague, the Vice-Chancellor of the university. But we have to draw some lessons from it. Whatever we may say, the U.S. task force, which was headed by one Bladeneski had given a fair description of this thing. It says that more and more pressure is going to be put in Kashmir by the militants. That is why we have to keep that report in view.

I would also like to mention that these people are not only getting money from the ISI but there are fundamentalist forces in many other countries which are also supporting them. I have a list of the

various militant organisations which have come up from time to time, their character and the changes that have taken place. It is unfortunate to say that so far as the Government is concerned, during the last thirty years and particularly after 1989, when the situation look an ugly turn, no White Paper giving a correct, complete and comprehensive picture of the situation has been produced. We need not go into the reasons that the people got encouraged because a daughter of the ex-Home Minister. Dr. Rubaiya, was released or when the daughter of Prof. Soz, Nahida Imtiaz, was released. The then Prime Minister of India almost begged the Prime Minister, Nawaz Sharief for her release. Where is our strength? What are our forces doing? What are our intelligence sources? Not only this, Sir, the very disturbing feature is not that the militants are getting funds from the ISI or from the militant fundamentalist sources from many other countries including some of the IOC countries which have already played a dual role at times. The militancy itself has gone now much more into the hands of the foreign mercenaries. It is no longer a local militant phenomenon which is existing there. It might have been there because there is a question of the training also and that the people are being sent abraod to Pakistan for training by the former Chief Minister etc. I am not going into all that. The basic thing is that the Government has yet to take note of that fact. I am afraid this aspect of militancy is what is being completely ignored.

I would also like to mention about the plight of the pandits. Since April 1989 they had been receiving threats. The mass exodus took place next year in April and they are in a pitiable condition. Their plight is really miserable. But nothing substantial is being done for them by the Government. Of course, I know that some people used to blame Mr. Jagmohan, who was earlier a Member of this House, because he was the Governor. He was called communal and what not. But he was the first person who tried

to put a stop to the kind of permissiveness that had been allowed to flourish in the State of Jammu and Kashmir for long.

[The Vice-Chairman (Shrimati Kamla Sinha) *in the Chair*]

He had the guts to get hold of the *Madarasas* run by Jamaiyat and during his tenure house searches were in-4.00P.M. tensified. And that is why now

there is such a cry that Jagmo han is such a pernicious and vicious person, but anyway, he can take care of himself so far as the allegations against him are concerned. I am concerned with the facts. Madam, probably Mr. Jena will take care of what I am saying. The job of the hon. Home Minister is multifarious. I have worked in that Ministry; I know how busy a Home Minister is. *...(Interruptions)...* I have the highest respect for him. *...(Interruptions)...* I am not complaining about him. But I was only drawing the Parliamentary Affairs Minister's attention because he is a man for all seasons.

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): Kindly continue and finish your statement.

SHRI TRILOKI NATH CHATURVEDI: How much time have I got?

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): Your Party has got 33 minutes. So you have consumed all your time.

SHRI TRILOKI NATH CHATURVEDI: How? For only ten minutes I have spoken.

THE VICE-CHAIRMAN (SHRIMATI KAMLA, SINHA): Okay. Continue and finish it. You have eleven minutes left.

SHRI TRILOKI NATH CHATURVEDI: Madam Vice-Chairperson, the Prime Minister mentioned about development. There is delay not only in new projects but even in the case of old projects. For example, in Leh it took 47 years for a degree college to be set up

Forty-seven years for a degree college to be set up. Similarly, the power projects got delayed. The basic thing that now remains to be seen is: Where does the money go? What is being done? Because it is under duress that unfortunately the developmental funds get diverted and it is New Delhi, the Government and the people of India who are blamed, that they are privy to be corruption that goes on. It is this corruption, this maladministration, this misgovernance that has really created the so-called feeling of alienation.

I would like to mention that so far as the Kashmir accession is concerned, it is complete, both in fact law. I only draw the attention of the House to the statement made by Pandit Nehru in Parliament on 7th August, 1952. I am not going into the history of this. The validity of accession is being questioned in different ways, madam Vice-Chairperson, I do not want to go into the question of plebiscite and the question of self-determination because the first Prime Minister said a number of things and when there is an occasion, we will speak. I would just like to mention a few things about Article 370. The background of the Article was that there was a complex international situation at that time; that was why Pandit Nehru agreed to it. There was not only a furore in the Congress Parliamentary Party but Gopalswamy Ayyanagar had to go to Sardar Patel to persuade the people and hence it was transitional and transitory. But this, in any case, does not take away the spirit of it when the Constitution itself says: "The State of Jammu and Kashmir is and shall always be an integral part of the Union of India." These are the words referred to from the Constitution. A similar position had occurred in 1964 when Shri Prakash Vir Shastri had moved the Resolution and thereafter Article 356 and a few other Articles also were introduced after a debate in the Congress Parliamentary Party and I need not go into the details.

I would like to mention, Madam Vice-chairperson, that this is a matter which we have to keep in view because this

article does not give any ground for accession. One of the points which has very often been made is that their distinct personality and cultural identity have to be preserved. I think everybody wants to preserve his identity. Bihar's cultural identity has to be preserved, Karnataka's cultural identity has to be preserved. Tamil Nadu's cultural identity has to be preserved. It is not necessary that article 370 should be there because this was only a matter of political expediency at that time and the Constitution calls it so. But then there are some people who are just trying to perpetuate it saying that it should be there for all time to come. It was rather disturbing to hear a former Prime Minister saying that the relation was governed only by this article 370.

I would also like to bring to your notice and, through you, to the notice of this House the question of human rights. I am saying this because they may again use this. Amnesty International is here. They are not going at the moment, as I see in the Press, to J & K. But there may be a demand. They could as well go there. There may be demands that observers from other countries should be sent there during State elections. I think that it will be against the dignity of the country. If we want to build a fair democracy, all the doubts or misgivings which are there on that count should be erased.

Madam Vice-Chairperson, I would like to say that there are reports about foreign funds. The Home Minister is not here. He must take note of it. Probably, the Home Ministry would have served notices on many institutions and individuals who are getting foreign funds. I hope that the matter would be pursued properly and it is not left just as it is. *THE ASIAN-AGE* reported a few days back that the Government was thinking of giving amnesty to all the militants. Now here the people in the administration are already demoralised. The victims want the perpetrators of crime to be punished. Nothing of that kind happens in the application of amnesty. Where are we going to stop?

I would also like to draw, through you, madam Vice-Chairperson, the attention of the Home Minister and the Government to the shades of geo-politics. The lengthening shades of geo-politics and the strategic considerations are more and more coming to the fore and that is why we found in the very beginning in the U.N. that this aggression, this pure aggression, was turned into a territorial dispute and we are just suffering from that. A number of statements have been made from time to time not only by Robin Raphael but also by the U.N. Secretary-General and so on, despite the fact that in the Shimla Agreement it has been accepted that this is a bilateral issue. This kind of a situation is developed. There is no time to refer to the Shimla Agreement. Mr. Karan Singh has said that it has to be recognised that it is a disputed matter and if it is a disputed matter, then not only the two countries but a number of people also have to be there. As far as the U.S.A. is concerned, I don't want to mention about the role of the Ambassador who had been meeting all kinds of people. Every third or fourth day we get a report about the statements of Stephan Cohen, who is one of its military experts on the kind of pressures that might be put in the name of Asian Regional Initiative, particularly about Kashmir. This was referred to at one stage even by the present Foreign Minister.

Madam Vice-Chairperson, I want to draw the attention of the House to narco-terrorism. I have the names of the people, the amount of money and the drugs involved. The names of the people in the political and military establishments of Pakistan are there. Some of the people from Afghanistan are there. Names of persons like Maqbool Bhat are there. We are familiar with these names. They were all connected with this. I am afraid, this is another aspect which is being completely ignored by Govt.

Madam, I would like to say that a few immediate steps are called for. I think apart from a white paper immediate steps

should De taken to apprehend terrorists and perpetrators of crimes and no laxity, as has been shown in the past, should be shown. Then conditions should be created for the return of migrants from Doda and the Valley which include both Hindus and Muslims, particularly the three lakhs pundits also.

I would also like to mention that a cantonment which was promised a long time back at Bhadarwah in the district of Doda in order to give a sense of security has not been built. This is how things are happening. There is immediate need for

the constitution of a village defence force. There should be liberal grant of licences to the people. There is also need for thorough revamping/ of the services. There are a number of things to be said about the services. But for want of time I don't want to go into the details. There is also need for effective supervision of the development funds and accountability.

The Prime Minister has talked about electoral rolls. I am happy that something is being done in this regard. But delimitation of constituencies is another important matter because it is related to Jam-mu and Ladakh. When we talk of Jammu & Kashmir, we only think of the Valley and we forget about other parts. That is why it is very important. Then there is need to counter anti-India propaganda launched by Pakistan to which the Prime Minister has also referred. Then our publicity campaign must project the correct picture, which we are very much lacking, before the world community. There is also a need to set up regional councils for Jammu, Ladakh and the valley. There are complaints of regional imbalance. All these funds should be directed through these councils. This is very important.

Madam, I would like to mention one or two points more and then I have done. The entire case, whether it is plebiscite or self-determination has been built up because of our initial mistakes. The first blunder that was committed was when an offer of plebiscite was made by Mount-batten and others. He had categorically

stated, after he left the Viceregal office, that he wanted Kashmir to go to Pakistan which was then viable, not East Pakistan. He had stated this in an interview. Pandit Jawaharlal Nehru himself said that the Instrument of Accession was similar for all these States and there was nothing special so far as Jammu & Kashmir was concerned. This request was made jointly by Sheikh Abudllah and the then Maharaja of Kashmir. This was borne out because all this happened not only in writing but also in the house of the then Prime Minister, Pandit Jawaharlal Nehru. There is a record of this in Mahajan's Memoirs.

Madam, our second blunder was to ask our forces to leave. Gen. Thimayya and many others have written about it. Our third blunder was to rush to the U.N. before the raiders had been driven out. That is why we are suffering.

Now let us not commit a further blunder by retaining article 370. I know I will be called communal. Mr. Som Pal is here. I will narrate my personal experience about it. He was good enough to call a meeting at his house. Earlier it was supposed to be a private meeting but later on it was reported in the Press. It was not a private meeting. He himself said that it was reported in the Press. He did his best. We met on the 30th March, 1995. As a good friend he asked me to come there and I reached there. I had gone along with Mr. Kaushal, the then Law Minister to meet Sheikh Saheb about the Resettlement Bill. Even at that point of time, during our discussion nothing was mentioned either about article 370 or the provisions contained in the Baig - Parthasarathy award. Madam Chairperson, it has been recorded that P.N. Dhar and T.N. Kaul had asked the Sheikh to sit for discussion tell them the changes he wanted them to do. But since he found it difficult, he asked Baig to do so. But unfortunately, nothing could be found out. This point was never raised. Why was this point never raised? There are a number of things which the former

Prime Minister, Shri Narasimha Rao, had promised them, like the change in the titles of the Chief Minister and the Governor. He unfortunately agreed to things which Mrs. Gandhi had not agreed to. This is part of the agreement. I asked Farook Saheb — "you were the interim Chief Minister, second time you were the Chief Minister after 1983 and third time, you were with the Congre* Party, with Rajiv Gandhi, but on none of these occasions you asked for any change in article 370 or for greater autonomy." This was never mentioned at that point of time. I think by doing this, we are perpetuating a wrong which was meant to be temporary and transient. How is it that we want to legitimise it now? We want to perpetuate this separatist psyche for all time to come. I know it will be said that this is the voice of a party which is communal and so on. But if that is so, let the quantum and the character of autonomy be spelt out. It is a pity that what was meant to be' apology at one time has now become a matter of faith. It has become a matter of allegiance to the Constitution and those who oppose article 370 are the communalists .and those who favour it to be retained stand by the Constitution. Those who want it are the serularists and those who want it to be removed in accordance with the Constitution as it was meant to be temporary and transient are the communalists and reactionaries. What was a matter of political expediency at that point of time has now become a political necessity. This is the unfortunate position in the country. It is the guilt, if I might say so and I repeat it, it is the guilt of the many people about article 370 which has now turned itself into loyalty to article 370 in the name of secularism. If there has to be greater autonomy and so on let it be in accordance with the recommendations of the Sarkaria Commission. Let it be given to all the States in this country. We have been advocating it....
(Interruptions)...

SHRI VAYALAR RAVI (Kerala):
Why do you want the Sarkaria

Commission.' It the barkana Commission can suggest amendments to the Constitution, why not accept that. ... (Interruptions)...

So,
my

complaint, Madam Vice-Chairperson, is that Article 370 has become, if I may say, a document of surrender to communalism, of surrender to separatism and is being used for appeasement without achieving the objectives in view. Smt. Indira Gandhi used to say, these are her own words—"the clock cannot be put back to 1953 or earlier or to the changes envisaged". The fact of the matter is that Article 370 protects the vested interests in Jammu and Kashmir, both politically and economically. Every time there is a pressure that all the States should be on an equal footing, returning the identity and protecting the identity of all the States. Equally, there is always this clamour for greater autonomy and so on.

Madam Vice-Chairperson, with these words, I would once again say that I have no objection to this particular Resolution because it is constitutionally necessary and more so when all the parties have agreed to it. But I am sure that the hon. Minister, through the Parliamentary Affairs Minister, will take note of all the points which I have submitted through you.

श्री मोहम्मद सलीम (पश्चिमी बंगाल): उपसभाध्यक्ष महोदय, सबसे पहले तो मैं स्वागत करूंगा जब हमारे प्रधान मंत्री जी ने यह संकल्प प्रस्तुत करते हुए कहा कि फिलहाल हम आखिरी बार राष्ट्रपति शासन को वहां एक्सटेंड कर रहे हैं और हम लोगों का यह पहले से ही कहना था कि जब भी हम प्रेजिडेंट रूल को लगाते हैं या एक्सटेंड करते हैं वह सबसे दुखद् और दर्दनाक मामला होता है, हमारा जो फेडरल स्ट्रक्चर है और हुकूमत इस बात में कमेटेड है फेडरल स्ट्रक्चर को सही तरीके से देखा जाए और सेंटर के साथ-साथ स्टेट भी स्ट्रॉंग हो। जब प्रेजिडेंट रूल लागू करने के लिए या आगे बढ़ाने के लिए संकल्प प्रस्तुत करना पड़ता है तो वह ज्यदा दुखद् होता है। लेकिन उसके बावजूद भी हमें खुशी है कि प्रधान मंत्री जी ने यह कहा कि अभी बातचीत चल रही है। तारीख मुकर्र होगी और असेंबली का जो चुनाव है वह सितम्बर के अंदर हो ताकि इलेक्शन का जो प्रोसेस है वह कम्प्लीट किया जाए। हम उसका स्वागत करते

हैं। हमारी पार्टी की यह मांग थी कि स्पेसिफिक तारीख तय की जाए जब कि राष्ट्रपति शासन को एक्सटेंड कर रहे हैं कि कब तक हम चुनाव करा पाएंगे। जब यह बात आई कि सितम्बर तक करेंगे तो हम इसका खैर मकदम करते हैं।

इसके साथ-साथ जो कामन मिनिमम प्रोग्राम है उसमें जो बात कही गई है मैक्सिमम डिग्री आफ आटोनोमी के बारे में, उसका भी हम लोगों ने स्वागत किया और पूरे देश ने किया। जो लोग इसके खराब महसूस करते थे उनका जो रवैया था, वह थोड़ा सुधरने लगा ऐसा महसूस दे रहा है, क्योंकि इसके अलावा दूसरा कोई चारा नहीं है। पहली बार हमने देखा कि जब संयुक्त मोर्चा की सरकार आई, इस मोर्चा सरकार से पहले जो दो सरकारें थीं वह हमेशा यह कहते थे— "Jammu and Kashmir is an inalienable part of India". लेकिन संयुक्त मोर्चा के कामन मिनिमम प्रोग्राम में पहली बार यह कहा कि राज्य के साथ लोगों को भी जोड़ दिया जाए और कहा कि— "The State of Jammu and Kashmir and its people are an inalienable part of India." और यह भी कहा गया कि जो आटोनोमी दी जाएगी सर्वोच्च स्तर की, उसमें वहां के लोगों को कॉन्फिडेंस में लिया जाएगा, उनसे बातचीत की जाएगी। उनकी जो खाहिश है, उनका जो डेमोक्रेटिक आसप्रेस है, उसको भी ध्यान में रखा जाएगा और इसलिए यह इलेक्शन जरूरी है, जैसा कि प्रधान मंत्री जी ने कहा। लेकिन हमारा यह कहना है कि जब हम असेंबली के चुनाव में जाएंगे, क्योंकि आईनरों कुछ अच्छे-अच्छे जेस्चर्स दिखाए गए हैं दोनों तरफ से, एक तरफ तो लोक सभा का चुनाव, उसमें लोगों का पार्टिसिपेशन और दूसरी तरफ प्रधान मंत्री का वहां जाना.... सब पार्टियों से मिलना, हम तो यही चाह रहे थे और सात साल में पहली बार प्रधान मंत्री उस राज्य में पहुंचे और वहां बातचीत हुई, सब पार्टियों से हुई और उन्होंने यह भी कहा कि सब की यह खाहिश है, सब पार्टियों की यह खाहिश है कि चुनाव हों, लेकिन मैं एक बात में उनसे मर्त्तफिक नहीं हो पाता। उन्होंने कहा कि वहां जो लोग थे, उन को मैंने कांवेन्स किया कि मैक्सिमम आटोनोमी की जो बात है, वह चुने हुए प्रतिनिधि जो आएंगे, चुनी हुई असेंबली आएगी, उनसे बातचीत करके ही दी जा सकती है लेकिन मेरा यह मानना है कि और मेरी पार्टी का यह मानना है कि जो आटोनोमी का सवाल है, हम क्या कर सकते हैं, किस तरह की आटोनोमी देना चाहते हैं, थोड़ा अगर हम बर्क खोल देते हैं किताब का तो चुनाव का जो कैम्पेन है,

उसमें थोड़ा ऐन्थ्रॉपोज्याम भी बढ़ेगा, पाटिसिपेशन भी बढ़ेगा और जो नेशनल पोलिटिकल पार्टियां हैं, नेशनलिस्ट फोर्स वहां है, जो प्रो-इंडिया फोर्स है, वे सब लोग और जो जम्मुरी ताकत है, उस सब को कुछ बल मिलेगा और वहां जा कर लोगों से बातचीत करके उस तरह का वातावरण बनेगा राजनीति का और वहां यह बहस का मुद्दा बन सकता है चाहे आप फाइनलाइजेशन बाद में करें असेंबली इलेक्शन हो जाने के बाद लेकिन अपनी किताब को थोड़ा खोल देना चाहिए और अभी भी मैं यह समझता हूँ कि चुनाव की जब प्रक्रिया शुरू हो तो उस समय सरकार की तरफ से यह कहा जाए कि हम मैक्सिमम आटोनामी के बारे में कहां तक क्या कर सकते हैं?

दूसरी बात जो जेस्चर्स दिखाने की मैंने कही, एक तो प्रधान मंत्री जी का वहां पर दौरा और दूसरी बात वहां सैलाब हुआ, फलइस आए, काफी लोगों को नुकसान उठाना पड़ा। जब लोग वहां परेशान थे, इतने साल से जो मिलिटेंसी है, जो कुछ वहां हुआ, सरहद के उस पर से जो मदद मिली और उसके बाद लोगों की जिंदगी में जहर घोला गया। उसके बाद लोग उससे निपट ही रहे थे, लोक सभा चुनाव में उन्होंने हिस्सा लिया था, वहां से चुने हुए प्रतिनिधि आए, हमारे मिनिस्टर आफ स्टेट श्री मकबूल दार साहब बने, इतने दिनों के बाद जम्मु-कश्मीर की ज़मीन से चुन कर जम्मु-कश्मीर के प्रतिनिधि सरकार में पहुंचे और उसके बाद सैलाब आ गया तो सरकार ने जो कदम उठाया, उसकी भी मैं सराहना करता हूँ कि फूलड रिलीफ के नाम पर लोगों के पास पहुंचना, वहां के लोगों की जो मजबूरी है उसको मदद-नज़र रखा गया। जो माइग्रेंट्स हैं, जो वहां से चले आए हैं, चुनाव में उसकी भी हिस्सेदारी हो, उसका पूरा प्रबंध किया गया था लेकिन आज भी उन के सामने जो परेशानी है, उसको देखना चाहिए और जिन्होंने इस प्रोसेस में हिस्सा लिया, वे वापस वहां पहुंच सकें, उसकी ओर भी सरकार को कुछ ध्यान देना चाहिए।

साथ-साथ वहां के लोगों के अंदर भी कुछ थोड़ा बहुत होरा अब जड़ रहा है। कुछ लोग तो परेशान हैं। जो लोग पहले हो सकता है थोड़ा बहुत मिलिटेंसी के साथ हम्पदरी दिखा सकते थे लेकिन आज जब उनके डेवलपमेंट का सवाल है, इकॉनमी का सवाल है, टूरिज्म का सवाल है जिससे उन लोगों को आमदनी होती है, वह सब जब रुक रहा है और वहां के मिलिटेंट्स अब अक्स्टोलेटेड हैं तो यही सही वक्त है जब डेवलपमेंट के बारे में कुछ स्कीम्स ले कर जो प्रक्रिया है हमारे विकास की, उसको थोड़ा तेजी से लागू करने का काम हम करें

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ताकि वहां की जो गरीबी है, जो बेरोजगारी है, जो तंगी हालत है, सिर्फ यह बयान देने से दूर नहीं होगी कि जम्मु-कश्मीर और जम्मु-कश्मीर के लोग हमारा एक अविच्छेद हिस्सा है। हमें यह बताना भी पड़ेगा कि उनका यह जो दुख दर्द है, मुसीबत है, वह हम हिंदुस्तानी चाहे दिल्ली में हों, चाहे हिंदुस्तान के किसी भी कोने में हों, उसको हम फील करते हैं, अनुभव करते हैं। इसके दिखाने के लिए अभी समय बहुत कम है। इसके बाद इलेक्शन कम्प्लेन का कोड लागू हो जाएगा तो वह कोड लागू होने से पहले, डिक्लेयरेशन होने से पहले सरकार पेंडिंग स्कीम को सैक्शन करे लेकिन सिर्फ उनको वहां से सैक्शन करने से नहीं होगा। जम्मु-कश्मीर की सबसे बड़ी परेशानी सिर्फ जम्मु-कश्मीर में ही नहीं, और जो छोटे-छोटे राज्य हैं दूर-दराज के, उन सबकी वह शिकायत है कि दिल्ली में तो सैक्शन हो जाता है लेकिन वह जमीन तक पहुंचता नहीं है, वहां के लोगों तक स्कीम पहुंचती नहीं है।

अभी यह मामला तो सिर्फ ऐक्स्टेंशन का था लेकिन टूरिज्म मिनिस्टर यहां मौजूद हैं, वे पार्लियामेंटरी अफेयर्स के भी मिनिस्टर हैं तो मैं उनका ध्यान दिलाता हूँ। बाकी सब डिपार्टमेंट्स से भी यही सवाल है लेकिन टूरिज्म के बारे में ऐक्जम्पल मैं दे सकता हूँ। गुलमर्ग में ऐडवेंचर टूरिज्म का एक इंस्टीट्यूट है जहां स्कींग होती है हर समर में, इस समर में नहीं हुई। पिछली सरकार के जमाने में भी टूरिज्म मिनिस्टर से बार-बार हमने कहा कि वहां ट्रॉली है, रोप-वे है लेकिन डीजल सही समय पर सैक्शन नहीं होता है। स्कींग होती है लेकिन लकड़ी समय पर सैक्शन नहीं होती है। हमें हमदर्दी है माइग्रेंट्स के लिए जो वहां काम नहीं कर सकते और यहां आ गए हैं लेकिन उनके अंदर भी कुछ गलत लोग हैं जो ... (व्यवधान)...

उपसभाध्यक्ष (श्रीमती कमला सिन्हा): सलीम साहब, एक सेकेंड। गृह मंत्री का बयान होने वाला है साढ़े चार बजे और आप का समय कुल तीन मिनट बच गया।

श्री मोहम्मद सलीम: तो मैं खत्म कर दूँ, बाद में मंत्री जी बोल दें।

उपसभाध्यक्ष (श्रीमती कमला सिन्हा): मंत्री जी अगर राजी हो जाएं तो आप तीन मिनट में समाप्त कर दें।

श्री एस.एस. अहलुवालिया (बिहार): महोदय, बयान होगा तो उसके बाद क्लेरिफिकेशन होगा तो क्या जम्मु-कश्मीर पर चर्चा कल चलेगी?

Art. 356 in relation of J&K

उपसभाध्यक्ष (श्रीमती कमला सिन्हा): हां कल चलेगी।

श्री सतीश अग्रवाल (राजस्थान): जम्मू-कश्मीर की चर्चा कल भी जारी रहेगी। यह आज समाप्त नहीं हो सकती। इसलिए ज्यादा अच्छा है कि सड़े चार बजे जो लिस्टिड बिजिनस है, दो स्टेटमेंट्स हैं, क्लेफिकेशंस हैं, उनको समाप्त कर लिया जाए। सिर्फ तीन मिनट में सलीम साहब को क्यों खत करने के लिए कह रहे हैं?

श्री मोहम्मद सलीम: आपका मशवरा सर आंखों पर।

उपसभाध्यक्ष (श्रीमती कमला सिन्हा): मोहम्मद सलीम साहब का तीन मिनट का समय कल तक के लिए रहा।

STATEMENT BY MINISTER

Incident of massacre of several people in Bhojpur District of Bihar on July 11, 1996

THE MINISTER OF HOME AFFAIRS (SHRI INDRAJIT GUPTA): Madam, I am making a statement on the heinous crime which has resulted in the massacre of several people on the 11th of July, 1996 in the Bhojpur District of Bihar.

Madam, the Hon'ble Members are aware that 19 persons were killed in village Bathani Tola, Barki Kharan under Sahar Police Station of Bhojpur district of Bihar on 11th July 1996. The facts of the incident as ascertained from the Government of Bihar are as follows. Around 60 armed activists of the Ranbir Kisan Mahasangh (Ranbir Sena) raided the village of Bathani Tola Barki Kharan on the afternoon of July 11, 1996. Eighteen persons were shot dead by them. Six persons were injured, of whom one also died subsequently. 12 houses were set ablaze destroying wheat, rice, clothes, etc. kept in these houses. The provocation for the attack seems to have been to settle scores with one Naimuddin Ahmad who was suspected of having killed two supporters of Ranbir Sena.

The Government of Bihar have also reported that 30 persons have been named in the report filed in the Sahar Police Station, along with others un-

known. As on date, 22 persons had been arrested. Some firearms and ammunition have been recovered. One Sub Inspector and eight Other Ranks have been suspended for dereliction of duty. The Director-General of Police, Bihar and other senior police officials rushed to the site. The District Magistrate and Superintendent of Police have been camping there since the incident.

The dependents of those killed and the surviving victims have been provided immediate relief of Rs. 10,000/- each in cash. The families of the deceased have also been provided with 30 kgs. of rice and other essential commodities. The Chief Minister of Bihar visited the area on July 13, 1996 and announced relief @ Rupees one lakh to the next of kin and kin of the family of those killed. The Chief Minister also announced a relief of Rs. 2 lakhs to the family of Naimuddin Ahmad apart from the offer of a job in cases where the bread-winner has been killed. The Union Home Secretary has further ascertained that combing operations have been launched by Bihar Military Police and State Police in the area of four Police Stations, namely, Sahar, San-desh, Piro and Udvant Nagar which are supposed to be strongholds of Ranbir Sena. People have been asked to surrender their arms and efforts are being made to disarm the Ranbir Sena activists.

While there is little doubt that adequate follow up action including rehabilitation of victims will be taken up by the State Government, much more is required to be done by the State. I would firstly not only need to enquire into the alleged inaction on the part of the policemen posted at the site of the incident but also go deeper to check out on the mind set of the law and order enforcement machinery. Then there is the question of empowerment of the weaker sections which always have to bear the brunt of the 'mighty'. A more effective strategy to implement various schemes relating to upliftment of these sections is obviously called for. The Central Government proposes to interact with the Bihar and